



An
Bord
Pleanála

Inspector's Report ABP-313034-22

Development	23 units, creation of new access points to the land, ESB substation and associated site works.
Location	Edenamo, Inniskeen, Co Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	21378
Applicant(s)	PJ and EJ Doherty Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	16 th May 2022.
Inspector	Barry O'Donnell

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	8
5.0 Policy Context.....	8
6.0 The Appeal	13
7.0 Assessment.....	17
7.2. Principle of Development	18
7.3. Layout and Residential Amenity.....	22
7.4. Access	23
7.5. Drainage	24
7.6. Appropriate Assessment	25
8.0 Recommendation.....	28
9.0 Reasons and Considerations.....	28
10.0 Conditions	28

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.07ha and is located in the village of Inniskeen, in east County Monaghan. The village has developed primarily along the L4620 and contains a limited range of services and amenities, including St. Daigh's National School, a local store/post office, Church, GAA grounds, playground and The Patrick Kavanagh Centre.
- 1.2. The site is situated at the west end of the village and is of a previously developed/brownfield character, having undergone initial construction work pursuant to a previous planning permission. Site clearance and engineering works took place on the site, including installation of a road base, plot formation and installation of foul and storm water drainage infrastructure. Available aerial photograph records indicate that this initial work took place over ten years ago and that the site has been abandoned for a number of years, at this point.
- 1.3. The site is enclosed by mature hedgerow and vegetation of varying height along all boundaries and there is a detached bungalow at the north site boundary, adjacent to the proposed site access.
- 1.4. The site is currently accessed via the entrance to the former GAA grounds, to the east, which is functionally connected to the site and which is also in the applicant's ownership. The former GAA grounds was also evidently used as part of initial construction work on the subject site and now itself contains large areas of gravel hardstanding, spoil mounds and leftover construction materials.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the construction of 23 No. houses in the following mix: -
 - 4 No. 2-bed semi-detached units
 - 4 No. 2-bed bungalows
 - 6 No. 3-bed semi-detached units
 - 9 No. terraced units
 - 6 No. 2-bed

- 3 No. 3-bed

2.2. The development also includes a new access from the public road, garden areas, boundary treatments, parking, communal open space, hard and soft landscaping, foul and surface water drainage connections and associated site works including the provision of an ESB substation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused permission on 21st February 2022, for 2 No. reasons as follows: -

1. The site of the proposed development partially lies within the settlement envelope of Inniskeen. Policy VIL 1 of the Monaghan County Development Plan 2019-2025 seeks *“to require applications for residential development within these settlements to demonstrate that the proposal contributes to the sequential development of the settlement of land from the centre outwards and/or represents an infilling of the existing settlement envelope”*. The site of the proposed development is located on the periphery of the Tier 4 settlement of Inniskeen and the development of same would result in the retention of a large portion of undeveloped land located within the ownership of the applicant which is sequentially closer to the village core than the submitted site area. Consequently, the proposed development, if permitted, would be contrary to the provisions of Policy VIL1 of the Monaghan County Development Plan 2019-2025, would not represent a co-ordinated and consolidated pattern of growth and would be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development partially lies outside the settlement envelop of Inniskeen. Policy VIL 2 of the Monaghan County Development Plan 2019-2025 states *“Notwithstanding the provisions of Policy VIL1 and Section 15.7 ‘Multi Unit Residential Developments’, and taking into account the objectives of the ‘Rebuilding Ireland’ Strategy to address the shortage of housing, the planning authority may favourably consider proposals for social housing developments which are outside the defined settlement limit where a clear demonstrable need*

can be proven, and where the lands are contiguous to the settlement limit and can be adequately serviced". The proposed development affords for the provision of 12 number dwellings on lands which are outside of the development limit of Inniskeen. The dwellings will comprise a combination of social and retirement housing. Notably policy VIL 2 does not afford for the provision of retirement housing on lands outside defined settlement limits. Additionally, the proposal to provide a mixture of social and retirement housing on lands outside the settlement limit does not address the demonstrable need for social housing in the village. Consequently, the proposed development, if permitted, would be contrary to the provisions of Policy VIL2 of the Monaghan County Development Plan 2019-2025, would not represent a co-ordinated and consolidated pattern of growth and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 13th August 2021 and 21st February 2022 have been provided. The first report states that the site lies partly within the development limit of Inniskeen, which is a Tier 4 settlement under the development plan, and partly outside of its limit. The report states that in the Tier 4 settlements, permission will normally be granted for appropriate development proposals that are in keeping with the size and character of the settlement. An assessment of the development in the context of development plan policies VIL 1 and VIL 2 is provided, following which concerns are identified regarding the need for housing development in the area and the peripheral location of the site. The report states that the development description should be amended, to outline the number of units proposed within the development limit and the number of social units proposed outside the limit, in accordance with policy VIL 2. Concerns are also expressed regarding the proposed site layout and additional information is identified as being required, in addition to the requests of internal departments. The report recommends that additional information be sought as follows: -

- Applicant to submit justification for the scale of development proposed and the location of the site, noting Planning Authority concerns regarding both issues,

- Applicant to submit further evidence of compliance with development plan policy VIL 2, in respect of proposed social housing, and to submit a revised development description which reflects the extent of private housing and social housing proposed (a description of development is outlined within the AI request).
- Applicant to submit details of the date of purchase of the site and revised maps that identify the extent of land ownership,
- Applicant to submit revised plans and associated documentation demonstrating compliance with Section 15.29 of the development plan,
- Applicant to submit evidence to demonstrate the development will not unduly affect the residential amenity of an adjoining property, including a section drawing that depicts the relationship of proposed development to this existing house,
- Applicant to submit revised plans detailing final elevation and floorplan proposals for the proposed houses,
- Applicant to provide additional details regarding proposed private open spaces, in accordance with development plan minimum requirements,
- Applicant to submit section drawings from the public road, through the proposed open space area, which should demonstrate that it is usable and accessible, in accordance with the requirements of the development plan,
- Applicant to submit section drawings, in north-south and east-west directions through the site,
- Applicant to submit a water protection plan checklist and design specifications for the proposed petrol interceptor,
- Applicant to submit speed management proposals, a revised traffic calming methodology, a signed declaration that recommendations of the Road Safety Audit have been incorporated into the proposed design and associated drawing, a quality audit report, revised drainage and pavement construction detail and surface water drainage proposals which comply with the requirements of the development plan.

3.2.2. The second report followed the additional information response and followed a period of further public consultation, following the submission of significant further

information. It summarises and responds to the AI submission and expresses ongoing concern regarding the sequential position of the site and compliance with policy VIL 2. The report recommends that permission be refused for 2 No. reasons, which are consistent with the Planning Authority's decision to refuse permission.

3.2.3. Other Technical Reports

A **Public Lighting** Report dated 15th July 2021 has been provided, which recommends conditions.

A **Fire and Civil Protection** report dated 20th July 2021 has been provided, which expresses no objection subject to conditions.

A **Housing Report** dated 29th July 2021 has been provided, which indicates that Part V proposals are acceptable.

A **Roads Design** report dated 27th July 2021 has been provided, which requests additional information in relation to the following: (i) applicant to confirm that all recommendations of the RSA have been incorporated into the proposed design, (ii) applicant to provide a quality audit report in accordance with Section 5.2.4 of DMURS, (iii) applicant to provide a revised drainage and pavement construction detail in line with taking-in-charge policy, (iv) applicant to provide a revised traffic calming methodology, with ramps considered to be a last resort.

An **Environmental Report** dated 26th July 2021 has been provided, which expresses no objection subject to recommended conditions.

A **Water Services** Report dated 6th August 2021 has been provided, which expresses no objection subject to recommended conditions.

Municipal District Engineer report dated 6th August 2021 and 14th February 2022 have been provided. The first report requests additional information in relation to (i) speed management proposals, (ii) applicant to confirm that all recommendations of the RSA have been incorporated into the proposed design and (iii) applicant to submit surface water drainage proposals. The second report expresses no objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1. Inland Fisheries Ireland made a submission on 29th July 2021, which expresses no objection, subject to confirmation of capacity to treat wastewater and on-site surface water being treated in a manner that minimises impact on water quality.

3.3.2. Irish Water was consulted on the application but did not make a submission.

3.4. **Third Party Observations**

3.4.1. The Planning Report indicates no third-party submissions were received on the application.

4.0 **Planning History**

04/1438 - Permission granted on 29th April 2005 for the construction of 35 houses and associated site works. The approved development was subsequently amended under Reg. Ref. 09/478 and an extension of duration of permission was granted under Reg. Ref. 10/9002, which extended its lifetime to 3rd February 2012.

Relevant nearby planning history

06/2060 - *Former GAA grounds to the east*: Permission granted on 16th April 2007 for demolition of club rooms and construction of 58 houses and associated site works.

5.0 **Policy Context**

5.1. **Monaghan County Development Plan 2019-2025**

5.1.1. The Core Strategy is contained at Chapter 2 of the development plan and the 'village network', which includes villages such as Inniskeen, are included as Tier 4 settlements. Section 2.3.9 states that the inclusion of the village network within the settlement hierarchy is an acknowledgement of their importance to the rural area of the county and that they provide services to these communities, including housing, neighbourhood level retail and social activities.

5.1.2. The development plan contains maps for each of the villages, which identifies a proposed development limit. Section 9.19 states that these are based on the existing

established footprint, with the aim to consolidate existing development and promote the regeneration of existing derelict and/or vacant sites. The section goes on to state that '*Residential development within the village envelope will be considered on its merits in terms of quantum, location and in accordance with the relevant policies set out in this Plan including the Core Strategy.*' The subject site lies partly within the village development limit.

5.1.3. The following policies and objectives are relevant to the appeal: -

CSP 4: To promote and facilitate limited development within the Tier 4 village network that is commensurate with the nature of the settlement and to support their role as local service centres.

CSP 6: To consolidate the settlements, retain their visual identity distinct from the surrounding countryside and to reserve land for future planned expansion of settlements. This includes the provision of major infrastructure, as well as protecting the heritage, water quality and recreational amenity of the settlements and their surrounding rural hinterlands.

CSP 7: Proposals for residential development in the designated settlements will be determined in accordance with the provisions of the core strategy with regard to population growth, the ability of the proposal to enhance the character of the settlement, the demand for the proposed quantum and type of residential development within the settlement and compliance with relevant development management criteria as set out in this development plan

SHO 4: To promote and facilitate development that is commensurate with the nature and extent of the existing villages and support their role as local service centres.

HSP 10: To consider proposals for urban residential development that seek to resolve existing unfinished residential development on fully serviced lands including through appropriate reconfiguration of developments. Such proposals shall be considered outside the population targets set by the Core Strategy.

VO 1: To support the villages in their role as local rural service centres for their population and its rural hinterland where the principles of environmental, economic and social sustainability including protection of the village's heritage and the natural and built environment.

VO 2: To promote and facilitate limited residential development commensurate with the nature and scale of the village, utilising brownfield and infill opportunities in order to regenerate and consolidate the village in compliance with the Core Strategy, except where there is an otherwise demonstrable need.

VO 3: To facilitate additional community facilities and services within the village envelope, where possible and on the fringes of the village envelope where no other suitable sites are available.

VPSP 1: To promote and facilitate development that is commensurate with the nature and extent of the existing settlement to support their role as local service centres.

VIL 1: To require applications for residential development within these settlements to demonstrate the following: a) The developer has provided evidence to the satisfaction of the planning authority that there is demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement. b) The proposal contributes to the sequential development of the settlement of land from the centre outwards and/or represents an infilling of the existing settlement envelope. c) The scale and density of the development accords with the character of the village. d) The quantum and location of the proposal must be in accordance with the provisions of the Core Strategy set out in Chapter 2.

VIL 2: Notwithstanding the provisions of Policy VIL1 and Section 15.7 'Multi Unit Residential Developments', and taking into account the objectives of the 'Rebuilding Ireland' Strategy to address the shortage of housing, the planning authority may favourably consider proposals for social housing developments which are outside the defined settlement limit where a clear demonstrable need can be proven, and where the lands are contiguous to the settlement limit and can be adequately serviced.

5.1.4. Chapter 15 also contains development management standards to control residential development.

5.2. National Planning Framework

- 5.2.1. The National Planning Framework provides an overarching policy and planning framework for the social, economic and cultural development of the country. The NPF sets out 75 no. National Policy Objectives including the following:

NPO3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Ministerial Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

- 5.3.1. The Guidelines define a smaller town or village as having a population ranging from 400 to 5,000 persons. In these locations, Section 6.3(a) and (b) state that development should be plan-led and that new development should contribute to a compact urban form.
- 5.3.2. Section 6.3(e) advises that the scale of new residential schemes in small towns and villages '*should be in proportion to the pattern and grain of existing development*' and suggests that the development of these settlements may be controlled, for example that no single proposal should increase the housing stock by more than 10-15% or

that, for villages under 400 in population, individual housing schemes should exceed 10-12 units.

Quality Housing for Sustainable Communities (2007)

- 5.3.3. The Guidelines identify principles and criteria that are important in the design of housing and highlight specific design features, requirements and standards.

5.4. Natural Heritage Designations

- 5.4.1. The subject site is not located within or adjacent to any designated European Site. The closest such site is Dundalk Bay SPA (Site Code 004026), which is approx. 11.5km east.

5.5. EIA Screening

- 5.5.1. No Environmental Impact Assessment Screening report was submitted with the application.

- 5.5.2. The proposed development falls within the category of '*Infrastructural Projects*', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b) (i) Construction of more than 500 dwelling units.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 5.5.3. The subject development a development of 23 houses, on a site with a stated area of 1.07ha. The proposed development falls well below the development threshold and mandatory EIA is therefore not required.

- 5.5.4. I have considered whether sub-threshold EIA is required. The introduction of a smallscale, low-density residential development on serviced lands, which are proximate to the village centre, will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the development will not have a significant effect on any designated European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the

neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water supply and would connect to the public foul and surface water drainage networks, upon which its effect would be marginal.

5.5.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on serviced lands that are proximate to the village centre,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development” issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been submitted on behalf of the applicant, by Genesis Planning Consultants. The grounds of appeal can be summarised as follows: -

- Refusal reason No. 1
 - Sequential development
 - Concerns regarding sequential development are addressed by the wider policy context, with reference to the National Planning Framework,

Regional Spatial and Economic Strategy and County Development Plan, which are supportive of brownfield sites being prioritised for development. Supporting elements of each of the above are referenced.

- The policy context at all levels permits a relaxation of the sequential requirement in this instance, particularly given socio-economic benefits accruing to Inniskeen.
- The Planning Authority has failed to give due regard to the brownfield status of the lands and incorrectly gives weight to other lands that are not brownfield.
- Reference is made to permission Reg. Refs. 19/210 (Emyvale) and 20/473 (ABP-309786-21, Tydavnet), where the Planning Authority relaxed the sequential approach. This permission is directly comparable to the proposal.
- Brownfield status
 - Substantial engineering works were carried out on the site, pursuant to Reg. Ref. 04/1438, which included site clearance, road base installed, site formation works, foul and storm water drainage connections completed, a 250m long sewer line was installed (this is now adopted and in use by Monaghan Co. Co.), site services commenced and capital investment.
 - The proposal seeks to develop out the site, using existing infrastructure and a layout that suits same.
- Pattern of development at Inniskeen
 - The village has developed in a linear manner along the roads within the 50km/h speed limit. Constraints such as flood zones, heritage features, graveyards, GAA grounds etc. have affected the pattern of development and mean that there are undevelopable/inappropriate/unavailable lands within the village. A map is provided, which comments on constraints/issues that affect the development of other sites in the. A balanced approach needs to be taken to development proposals in the village, in this context.

- The proposal represents infill development and will achieve consolidation, consistent with the existing settlement pattern.
- Benefits accruing to local area
 - The development includes a mix of social housing and social retirement housing, which is supported by national and local planning policies.
 - The Planning Authority incorrectly interpreted the proposal for retirement housing as being a larger care village. For clarity, all units outside the settlement limit are social units, which also incorporates social retirement units.
 - The Health Service 'Service Action Plan 2021' also identifies a requirement for expansion of homecare and community support for older people, underpinned by a home first approach.
 - Permission Reg. Ref. 20/129 (Rockcurry, Co. Monaghan) provides a precedent where the Planning Authority allowed retirement housing to be provided beyond the settlement limit of the village.
- Non-compliance with policy VIL 1
 - Points (a), (c) and (d) of the policy were addressed to the Planning Authority's satisfaction, which leaves only point (b).
 - Regarding point (b), the Planning Authority's assessment was incorrect as the thrust of national and local planning policy is that priority should be given to brownfield development. It is also submitted that the policy does not require solely sequential development.
 - The Planning Authority did not give adequate weight to the support and demand for social housing, as per the Housing section report on the application, and also did not adequately consider the lack of multi-housing unit developments in the county, under the Core Strategy, since the development plan was adopted.
 - Since the plan was adopted in 2019, 285 scheme units have been constructed, representing a shortfall of 1,219 units on those required by the Core Strategy.

- 13 scheme units have been delivered in the Tier 4 settlements, against the Core Strategy allocation of 263 scheme units.
- The lands to the east that are also in the applicant's ownership do not have services in-situ and are not brownfield. No commencement notice was submitted, following the grant of permission for Reg. Ref. 06/2060.
- The pattern of development at Inniskeen and constraints to development mean that no other brownfield sites can deliver the development in a wholistic and economically viable manner.
- For social housing units to be economically viable, then utilisation of existing infrastructure with capital investment of €450,000 in site works is required.
- The remainder of the applicant's landholding will be developed in due course.
- Refusal reason No. 2
 - The refusal reason relates solely to units 12-23, which are outside the development limit and which are proposed as social and social retirement housing.
 - The need for social housing is established and the Planning Authority's Housing department have identified the demand in the area. This has directly informed the proposed unit mix, in particular units 12-23.
 - Reference is made to an email from the Housing department, which states that there will continue to be a shortfall in social housing in the area, following this development, if it is provided.
 - It is repeated that the site is within and contiguous to the settlement limit and the site is serviced.
 - The scheme will assist in meeting national policy objectives aimed at addressing the acute housing shortage.
 - The Planning Authority incorrectly interpreted the proposal for retirement housing as being a larger sheltered care village. It is repeated that the proposal is for all units outside the settlement limit to be social housing units, which includes retirement social housing. Policy VIL 2 permits social housing outside of settlement limits and does not differentiate between unit type.

- House Nos. 12-15 are proposed as single storey units, following discussions with the Housing Department, and they are intended to facilitate older persons on the social housing list that require single storey housing.
- It is submitted that the Planning Authority's statement that the development does not address the need for social housing in the village is based on the incorrect interpretation that retirement housing is a larger sheltered care village.
- The proposed development is also presented, summarised and justified, in the context of relevant national, regional and local planning policies.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None received.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Layout and residential amenity;
- Access;
- Drainage; and
- Appropriate Assessment.

7.2. Principle of Development

- 7.2.1. Inniskeen is identified by the Monaghan County Development Plan 2019-2025 as a Tier 4 settlement. The Core Strategy provides an allocation of planned housing to the Tier 4 settlements, including a dedicated allocation of 20% of planned housing to be delivered as infill or brownfield development, so the provision of housing in village locations such as this forms part of the planned delivery of housing for the county.
- 7.2.2. Section 9.19 and policy CSP 4 of the development plan state that proposals for residential development within village development limits are to be considered on their individual merits, having regard to factors such as location and quantum. Policies VIL1 and VIL2 are also of particular relevance to housing proposals in villages locations.
- 7.2.3. Policy VIL1 requires that housing proposals in village locations should demonstrate that: -
- (a) There is demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement.
 - (b) The proposal contributes to the sequential development of the settlement of land from the centre outwards and/or represents an infilling of the existing settlement envelope.
 - (c) The scale and density of the development accords with the character of the village.
 - (d) The quantum and location of the proposal must be in accordance with the provisions of the Core Strategy set out in Chapter 2.
- 7.2.4. Policy VIL2 states that consideration may be given to social housing proposals on land outside the development limit, if a demonstrable need can be proven, and where the lands are contiguous to the settlement limit and can be adequately serviced.
- 7.2.5. In its refusal, the Planning Authority states that the development fails to comply with policy VIL1, as it does not allow for sequential and consolidated development of the village, and it also fails to comply with policy VIL2, as it incorporates a mix of social

and retirement housing on the part of the site that lies beyond the village development limit.

7.2.6. In appealing the decision, the applicant submits that the Planning Authority has incorrectly interpreted the proposal and clarifies that the part of the development that lies beyond the development limit comprises social housing and social retirement housing only and is, therefore, in compliance with policy VIL2. The applicant further argues that the site is brownfield and that it is contiguous to the village development limit.

7.2.7. I deal with policies VIL1 and VIL2 separately, below.

Policy VIL1

7.2.8. As part of the application the applicant provided an analysis of population growth in the area and submits that the pattern of housing development since 2011, which consists of the development of single houses and does include any multi-unit housing developments, is not sustainable and fails to comply with National Planning Objective (NPO) 3a of the NPF.

7.2.9. The Planning Authority accepts that the applicant has demonstrated a demand for housing in the area and did not question the scale of the development and I thus see no reason to question these aspects of the application. Items (a), (c) and (d) of the policy are therefore deemed to be satisfied.

7.2.10. The Planning Authority's concerns in respect of policy VIL1 relates to item (b) of the policy. In essence, the Planning Authority is of the view that the east-adjointing site, which is also in the applicant's ownership, should be developed first, in order to maintain a sequential approach to the development of the village.

7.2.11. Regarding these east-adjointing lands, the Planning Authority is of the view that they themselves are brownfield given they were previously used as a sports facility. I would question whether a sports facility use renders a site brownfield but I noted on my site visit that while the dressing rooms/clubhouse building remains on the site, the site was evidently used as part of initial construction work on the subject site, providing vehicular access, and it now contains large areas of gravel hardstanding and spoil mounds and leftover construction materials. The sports facility use ceased

a number of years ago (the GAA club has a new ground to the south-west of the site) and the site is of a similar developed character to the subject site.

7.2.12. The appellant argues that concerns regarding sequential development are addressed by the wider national, regional and local planning context that, in particular, prioritises the development of brownfield sites within existing settlements. It is also argued that the east-adjointing site is not brownfield in nature, as no commencement notice was submitted in respect of its development.

7.2.13. I acknowledge the Planning Authority's concerns regarding the sequential development of the village and I don't accept the applicant's argument that the site's brownfield status is the determinative factor in the consideration of this appeal, but, having said this, I consider there is a balance to be struck between enhancing the character of the village and strict adherence to sequential planning.

7.2.14. As the applicant states, there is support within the NPF for the development of brownfield sites within existing settlements, with reference to National Planning Objectives 3a, 6 and 11, and as I have set out above, the development plan Core Strategy provides a dedicated allocation of 20% of planned housing for the Tier 4 settlements to brownfield/infill sites.

7.2.15. There is also Government support under *Housing For All – a New Housing Plan for Ireland* (2021) for the completion of unfinished housing estates. And whilst the site has not been developed to the point of having foundations or house shells in place, I note the applicant's submission that engineering work has taken place on the site, including construction of a road base, plot formation works and the provision of foul and storm water drainage infrastructure including a 250m long sewer line that is now adopted and in use by the County Council.

7.2.16. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) outlines that '*development of small towns and villages must avoid significant so called "leap-frogging" where development of new residential areas takes place at some remove from the existing contiguous town/village and leading to discontinuities in terms of footpaths lighting or other services which militates against proper planning and development.*' The development does not result in significant leap-frogging and the site is not removed from the contiguous village. It is within close walking distance of the village centre, for example the local

playground, village centre and St. Daigh's National School are all within 500m and are accessible from the pedestrian footpath on the opposite side of the L4620.

7.2.17. Taking a balanced view, whilst I accept that the site is not sequentially closest to the village centre, it is within close walking distance of the village centre and its development contributes to delivery of the development plan core strategy. In view of its brownfield status and support by the development plan and NPF in particular, together with Government support for the completion of unfinished housing estates, I conclude that the proposal is acceptable.

7.2.18. The Board will note that the issue of a material contravention of a zoning objective does not arise, as the development plan does not zone lands within the village development limit, and I also do not consider the issue of contravention of policy VIL1 arises as the policy does not explicitly require sequential development in village locations. I am therefore of the view that the provisions of Section 37(2) of the Act are not applicable in this instance. The Board will also note that the Planning Authority did not identify any material contravention in its refusal reasons.

Policy VIL2

7.2.19. The policy requires demonstration of a need for social housing in the area. I note that in this instance, the Planning Authority did not dispute the need for social housing in the area and I see no reason to question this aspect of the application.

7.2.20. It is common ground between the parties that the site falls partly inside and partly outside the Inniskeen village development limit, with units 12-23 being located outside the limit.

7.2.21. The issue of compliance with VIL2 was raised by the Planning Authority at the AI stage, where the applicant was requested to demonstrate full compliance with the policy, including the provision of a revised development description that identifies units 1-11 as private housing and units 12-23 as social housing. As part of the AI response, the applicant provided revised public notices and a revised development description, which identified '*units 1-11 inclusive as private housing and units 12-23 as a combination of social and retirement housing...*' The Planning Authority evidently did not consider this revised description to be adequate and thus refused permission.

- 7.2.22. Having considered the application and appeal documents I note that there are clear references within both the AI submission and grounds of appeal to units 12-23 being provided as social and social retirement housing.
- 7.2.23. I am satisfied that occupation of these units can be controlled to such usage by condition, in the event of a grant of permission by the Board. Such a condition meets the criteria outlined by the Development Management Standards, in that it is necessary, relevant to planning, relevant to the proposed development, enforceable, precise and reasonable.
- 7.2.24. In conclusion, I consider the applicant has demonstrated compliance with the requirements of policy VIL2.

7.3. Layout and Residential Amenity

- 7.3.1. The proposed layout sees housing located within the main part of the site, adjacent to the east and south site boundaries and with a single area of open space adjacent to the west site boundary. As I have set out previously, units 1-11 are proposed as private housing and consist of two-storey, semi-detached and terraced housing. Units 12-23 are proposed as social and social retirement housing and consist of detached bungalows and two-storey detached and terraced housing.
- 7.3.2. The layout is largely based on the layout approved under Reg. Ref. 04/1438, which the applicant states has been partly formulated on the site. I am concerned that the proposed houses turn their back on the rest of the landholding but, in saying this, the carriageway can be continued into the remaining part of it in the future, thus ensuring that there is connectivity and permeability through to the rest of the landholding. Taking a balanced view, the proposed layout is acceptable.
- 7.3.3. The proposed density of 21.5 units per hectare is at the lower end of the range of 20-35 units per hectare recommended by the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* but it is in-keeping with the character of the village, which has seen limited multi-unit development in the past and is on balance acceptable.
- 7.3.4. The open space has a stated area of 2,037sqm (18.9%), in excess of the minimum requirement for 10%, as required by the development plan. The northern part of the open space is narrow and is likely to provide little practical usability but the main part

is likely to provide a high degree of usability and I am satisfied that it is acceptable. Should the Board decide to grant permission, I recommend that a condition be attached requiring the applicant to submit and agree landscaping proposals with the Planning Authority, prior to the commencement of development.

Proposed housing

- 7.3.5. The development plan does not specify any minimum size requirement for proposed housing but I have nevertheless given consideration to the proposed internal layouts, in the context of *Quality Housing for Sustainable Communities* (2007), and I am satisfied that the houses are adequately sized internally. The proposed 2-bed semi-detached houses have a gross floor area of 80sqm, the 2-bed social retirement units have a gross floor area of 82sqm, the 3-bed semi-detached houses have a gross floor area of 110sqm and the terraced houses have gross floor area between 90sqm and 120sqm.

Adjacent housing

- 7.3.6. There is a detached house adjacent to the north/east site boundary, to the north of house No. 1. I noted on my visit to the site that this neighbouring house is elevated above the subject site and there is a fence along its south boundary. The house is itself located adjacent to shared site boundary and its garden area is to the front.
- 7.3.7. Proposed house Nos. 1 and 2 are provided with first floor windows which would have a view of the neighbouring property, but they are unlikely to overlook the neighbouring garden, given the angular nature of the relationship and the fact that the neighbouring garden is to the front of the property. The development will also not have any material overshadowing impact on the neighbouring property.
- 7.3.8. In view of these considerations, I am satisfied that the development will not impact on the residential amenity of the adjacent occupier.

7.4. Access

- 7.4.1. Access to the site is proposed at the north-west end, from the L4620. The access takes the form of a main carriageway through the site, from which most of the houses are directly accessed, and with a turning head opposite house No. 15. The carriageway is shown to terminate opposite house Nos. 14 and 23. The carriageway

layout was amended at the AI stage, to incorporate horizontal deflections in lieu of originally proposed vertical deflections.

- 7.4.2. The site is located within the 50km/h speed zone, where sightlines of 2.4m x 45m are required. Sightlines of 2.4m x 49m in both directions are identified on the site layout drawing, but in practice achievable sightlines exceed those identified as the road is relatively straight in this area. I am thus satisfied that adequate sightlines can be provided from the proposed access.
- 7.4.3. Regarding the internal carriageway layout, I note that a Stage 1/2 Road Safety Audit was submitted at the AI stage, which recommended minor amendments to the proposed layout. The RSA confirms that its recommendations have been incorporated into the development. I am satisfied that the internal carriageway is acceptable and incorporates Design Manual for Urban Roads and Streets principles.
- 7.4.4. Regarding connectivity to the village, there is a pedestrian footpath on the north side of the L4620 but the development does not propose any connection to it. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agree proposals with the Planning Authority for the provision of a pedestrian crossing in the area of the site access, which connects to the footpath.

7.5. Drainage

Foul Drainage

- 7.5.1. Foul water is proposed to drain to the public sewer, at the junction of the site access and the L4620.
- 7.5.2. Irish Water was consulted on the application but did not make a submission. The Planning Authority's Water Services department commented on the application and stated that the development can be served by the public wastewater infrastructure, but that an application for connection needs to be made to Irish Water.
- 7.5.3. There is nothing before me which would lead me to question the ability of the public network to accommodate foul water from the development and in these circumstances I consider it would be unjustified to refuse permission for the proposed development on this basis.

Surface Water Drainage

- 7.5.4. Surface water is proposed to drain to the public network, via attenuated discharge, with the greenfield run-off rate identified as being maintained. An attenuation system is proposed to be installed in the western part of the site, which consists of two interlinked underground chambers and flow control devices. One of the attenuation tanks is located within the open space area and the other is adjacent to the site access. Smallscale infiltration is also provided within the site, through redirection of surface waters from pavements onto grassed/permeable areas.
- 7.5.5. The Engineering Services Report submitted with the application calculates the greenfield run-off rate and the total impermeable area of the site and it further states that the attenuation system is adequately sized to accommodate storm water during a 1-in-100 rainfall event, plus 10% increase for climate change. Additional information regarding the system and specifications were provided, following requests for same from the Roads office and Municipal District Engineer and I note that following the AI submission, no further concerns were identified.
- 7.5.6. The Environment section also provided a report on the application, stating that the catchment area waterbody is classified as 'poor' and a water framework directive classification of 'restore'. In this context, the report requests that specification details for the proposed petrol interceptor should be provided prior to commencement of development.
- 7.5.7. I note that the Planning Authority did not object to the provision of attenuation tanks within public areas and, in this context, I consider the proposed surface water drainage system is acceptable. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to agree the detailed specification of the system with the Planning Authority.

7.6. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.6.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.6.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.6.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.6.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

The development is described at Section 2 of this Report. In summary, permission is sought for the construction of 23 No. houses, new access from the public road, garden areas, boundary treatments, parking, communal open space, hard and soft landscaping, foul and surface water drainage connections and associated site works including the provision of an ESB substation, on a site with a stated area of 1.07ha. Foul and surface water drainage are identified as draining to the public networks.

European Sites

- 7.6.5. The subject site is not located within or adjacent to any designated European Site. The closest such site is Dundalk Bay SPA (Site Code 004026), which is approx. 11.5km east, and there are no other such sites within a 15km search zone.
- 7.6.6. A summary of Dundalk Bay SPA is provided in Table 1 below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)
<u>SPA</u>		

Dundalk Bay SPA (Site Code 004026)	Great Crested Grebe, Greylag Goose, Light-bellied Brent Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red- breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black- tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black- headed Gull, Common Gull, Herring Gull, Wetland and Waterbirds	c.11.5km
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Potential impacts on European Sites

- 7.6.7. There are no open watercourses or drains within or adjacent to the site. The River Fane runs c. 100m north of the site access, to the north of housing on the opposite side of the L4620, and it flows into Dundalk Bay south of Blackrock, c.14.5km away (measured in a direct line).
- 7.6.8. The topography of the area sees land falling from both the north and south, to a local low point in the area of the river. While this may present a potential indirect route for surface water flows to enter the River Fane during construction, there are a number of houses and other elements of built form in the intervening space that provide strong barriers to any such surface flows from the site. The risk of surface water containing suspended solids entering the river is low and even in the unlikely event of such discharge to the river, it would still be a considerable distance from the SPA site and there is no real likelihood of suspended solids being transferred to it. I am therefore satisfied that there is no possibility of significant effects on the integrity of the SPA, in view of its conservation objectives.

Screening Determination

- 7.6.9. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.6.10. This determination is based on the following:

- The considerable separation distance between the subject site and any European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the proposed development, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the site's location in Inniskeen, where residential development is permissible within the village settlement limit and social housing development is permissible on lands that are outside but contiguous to the settlement limit, under the Monaghan County Development Plan 2019-2025, together with the site's previously developed/brownfield character, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate form of development which would not seriously injure the visual amenities or character of the village or the amenities of property in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the submission of further information on 28th January 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>House numbers 12-23 shall be provided and occupied as social housing and/or social retirement housing and shall not be sold, let or otherwise transferred or conveyed.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
4.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of proper site drainage.</p>
5.	<p>The access to the site shall comply with the Planning Authority's requirements for same and shall incorporate <i>Design Manual for Urban Roads and Streets</i> (2019) place-making principles.</p> <p>Reason: In the interest of road and pedestrian safety.</p>
6.	<p>Prior to the commencement of development the applicant shall submit and agree with the Planning Authority proposals for a pedestrian crossing on the L4620, which connects the subject site to the pedestrian footpath on the north side of the road. The agreed crossing shall be provided prior to occupation of any house.</p>

	Reason: In the interest of public safety and urban connectivity.
7.	<p>Details of the materials, colours and textures of all external finishes to the proposed houses shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of the visual amenities of the area.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details of the intended construction practice for the development, including hours of working, noise management measures and construction traffic management plan. The plan shall be updated at regular intervals.</p> <p>Reason: In the interest of public safety and residential amenity</p>
9.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
10.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of suitable transportation.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p>

	<p>hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual amenity.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
16.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate</p>

	<p>signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory completion of the development and reinstatement of the private laneway, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal.</p>

	<p>The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory reinstatement of the site.</p>
19.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended unless an exemption certificate shall have been applied for and been granted under section 97 of the Act.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area</p>

Barry O'Donnell
Planning Inspector

10th June 2022.