



An  
Bord  
Pleanála

## Inspector's Report ABP-313669-22

---

<b>Development</b>	Construction of 22 dwelling houses comprising detached & semi-detached units plus landscaped open space, access roads, drainage, streetlighting and site works.
<b>Location</b>	Lands Adjacent To Sean Mhuileann, Ballinode, Monaghan, Co Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	22105
<b>Applicant(s)</b>	RPK Construction Ltd
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Niall Leech.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	5 <sup>th</sup> October 2022
<b>Inspector</b>	Deirdre MacGabhann

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
3.3. Third Party Observations .....	7
4.0 Planning History.....	10
5.0 Policy Context.....	10
5.1. National Planning Guidelines .....	10
5.2. Monaghan County Development Plan 2019 to 2025 (MCDP) .....	10
5.3. Natural Heritage Designations .....	11
5.4. EIA Screening .....	11
6.0 The Appeal .....	12
6.1. Grounds of Appeal .....	12
6.2. Applicant Response .....	13
6.3. Planning Authority Response/Observations/Further Responses.....	15
7.0 Assessment.....	15
7.2. Precedent.....	16
7.3. Policy, settlement limits and social housing .....	16
7.4. Urban design, including impact on privacy, light and residential amenity....	17
7.5. Traffic and road safety issues. ....	19
7.6. Open space.....	23
7.7. Biodiversity.....	24

7.8. Site drainage.....	24
7.9. Capacity of Sewerage System .....	24
7.10. Flood Risk.....	25
7.11. EIA.....	25
7.12. Site notices. ....	25
7.13. Boundary treatment. ....	25
7.14. Construction Effects.....	26
8.0 Recommendation.....	26
9.0 Reasons and Considerations.....	26
10.0 Conditions .....	26

## 1.0 Site Location and Description

- 1.1. The appeal site is situated in the village of Ballinode which lies c.4km to the north west of Monaghan Town. Ballinode is an attractive small village with development centred around the bridge over the River Blackwater and along the third class roads that run through the village.
- 1.2. The c.1.8ha site lies to the north of the village centre, west of the Blackwater. It is immediately north of Sean Mhuileann a small residential estate of c.20 detached and semi-detached properties. To the east of the site is a former Corn Mill (now residential property) and farm yard. Access to the appeal site is from Main Street (LP-1610) via the county road serving Sean Mhuileann (LT-16103).
- 1.3. The appeal site comprises an agricultural field and part of a second field to the north of it. The fields rise away from the river (largely east to west) and are bound by hedgerows and mature hedgerow trees.

## 2.0 Proposed Development

- 2.1. The proposed development comprises 22 no. social and affordable houses (two no. detached and 20 semi-detached), landscaped open space, new access road, drainage, street lighting and site works. Dwellings are a mix of single storey (5 no.) and two storey (17 no.). Water supply is from the public mains and foul water will be disposed of into the public sewer.
- 2.2. The dwellings are arranged alongside the internal access road from Sean Mhuileann (LT-16103). Public open space is provided on the eastern side of the development. A mini roundabout junction with the existing access to Sean Mhuileann development is provided at the entrance to the site. Footpaths from this junction provide pedestrian access to the development.
- 2.3. The western side of the development is cut into the rising topography, with fill used to raise the eastern side of the site (Drawing no. 3455-P-11, Rev B). Retaining structures are provided along western and part of the eastern site boundaries ('Retaining Wall Sections', Drawing no. 157-03, Rev 15). Single storey dwellings are proposed immediately north of Sean Mhuileann (except for unit no. 1).

2.4. Attenuation areas for surface water drainage (with bypass petrol interceptor) are provided on the eastern side of the site in the areas of public open space.

2.5. The planning application includes:

- Design Statement.
- Acoustics Report.
- Drainage Design Statement.
- Stage 1/2 Road Safety Audit Report.
- Photomontages.
- Storm Network Hydraulic Calculations.
- Public Lighting Design Report.
- Ecological Check Survey.
- Ecological Survey and Appropriate Assessment Screening Report.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. On the 4<sup>th</sup> May 2022, the PA decided to grant permission for the development subject to 20 conditions. Most of these are standard. Site specific conditions include:

- C1 – Development to be used for social housing only.
- C2 – Requires written legal agreement in respect of social and affordable housing (Section 96, P&DA 2000).
- C4 and C5 – Requires cash deposit to ensure satisfactory completion of development and details for private management of development in relation to ongoing maintenance of roads, services and open space.
- C6 – Requires a site specific Project Management Plan to manage the construction phase of development.

- C7 and C8 – Require a site specific Construction and Demolition Waste Management Plan and Traffic Management Plan respectively.
- C10 – Sets out requirements in respect of traffic and transport including, upon completion of works, a Stage 3 Road Safety Audit.
- C11 – Refers to measures to minimise the risk of water pollution during construction and operation, disposal of construction and demolition waste and excess soil, use of infilling material, eradication of invasive species and implementation of ecological recommendations.
- C12 – Requires implementation of lighting plan.
- C14 to C17 – Govern landscaping and completion of public amenity/open space areas.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- 3<sup>rd</sup> May 2022 – Refers to the planning history of the site, reports and submissions made. It screens the development for appropriate assessment and considers that Appropriate Assessment is not required. The report examines the merits of the development under a number of headings including principle, site design/layout, architectural design of dwellings, access and traffic, water services and drainage, environmental protection and reasons for refusal under PA ref. 20/144. The report recommends granting permission for the development subject to conditions.

### 3.2.2. Other Technical Reports

- Road Condition Report (12<sup>th</sup> April 2022) – No objection subject to conditions.
- Roads (13<sup>th</sup> April 2022) – No objection subject to conditions.
- Monaghan Fire & Civil Protection (19<sup>th</sup> April 2022) – No objection subject to conditions.
- Housing Section (19<sup>th</sup> April 2022) – Refers to intended development of social housing and recommends a planning condition if permission is granted, for

applicant to comply with section 96(2) of the Planning and Development Act 2000 as amended in respect of social housing.

- Water Services (22<sup>nd</sup> March 2022) – No objection subject to conditions.
- Environment (12<sup>th</sup> April 2022) – Recommends conditions.

### 3.2.3. Prescribed Bodies

- IFI (8<sup>th</sup> April 2022) – No objections subject to sufficient capacity in Ballinode WTP and on-site treatment of surface water in a sustainable manner to prevent impact on watercourses.

## 3.3. Third Party Observations

3.3.1. There are 8 no. third party observations on file. They raise the following concerns:

- Precedent set by PA 20/144 (on the subject site). Reason for refusal under PA ref. 20/144 inadequately addressed. Under PA ref 08/479 and PL130389 (Sean Mhuileann estate), Board's inspector having regard to topography, considered the site inappropriate for two storey housing. Sets a precedent in respect of construction of two storey dwellings in the immediate vicinity of Sean Mhuileann.
- Street layout inconsistent with existing and at odds with incremental development and layout of the village. Development conflicts with objective no. 9 and section 15.2.2. of CMDP which require compact urban centres, strong definition of towns and villages and unnecessary development on urban fringe. Development of 48 houses (with Sean Mhuileann development) is not consistent with size and character of settlement. Inappropriate stone finish to high wall on western side of development (no use of similar stone in the area). Topping of embankments with steel railings not in keeping with village. Dwellings have no front garden and undefended parking to front of property. No similar design in the village. Properties 9 & 10, 20 and 21 are not in conformity with developments in village (dual aspect). No enhancement of streetscape. Impact on setting of village in Drumlin landscape. Contrary to development plan as development impacts on skyline (Ballinode to Scotstown

Road), requires substantial cut and fill and will impact on vistas of River Blackwater.

- Site falls outside of land zoned for development in CMDP.
- No demonstration of need for social housing. Inadequate mix. Alternative social housing developments in nearby villages to cater for demand. Conflict with policies of the CDP which require balanced communities (HSP 3, section 9.8 and UDO 4).
- Increase in intensity of use of existing road junctions (including with Main Street). Traffic hazard posed by mini roundabout junction (risk of misuse by children and drivers). Inadequate size of roundabout to cater for refuse truck, larger agricultural vehicles and the school bus. Hazard posed by location of proposed ramp/pedestrian crossing in proximity to no. 1 Sean Mhuileann and the proximity of the mini roundabout to driveways of nos. 22 and 23 Sean Mhuileann, Mill House and agricultural entrance (proximity to roundabout/available sightlines). Inadequate junction of Mhuileann estate road and Main Street (sightlines, risk of rear shunt, conflict with pedestrian movements), compounded by disorderly parking of vehicles on Main Street and entrances to Jamiesons yard and Sherrys back garden. Revision of placement of stop sign at exit will endanger pedestrians approaching from obscured locations. No provision of footpath on the northern aspect of the access route into the development or provision for cyclists.
- Impact on privacy and residential amenity, by virtue of two storey dwelling no. 1, at entrance to development and in proximity to existing housing (nos. 1 to 4 Sean Mhuileann). Location on elevated lands will impact on village skyline, tower over Sean Mhuileann estate and overlook private amenity space. Lack of landscape plan to protect privacy of existing residents. Overlooking of Mill House private amenity area and loss of light.
- No Construction and Environmental Management Plan (as required by section 15.3, MCDP) and risk of effects and hazards to residents.
- Unsustainable location for development. No school or childcare facilities in the village. Residents will have to travel to facilities, services and amenities.



No public transport in village. Conflict with DoE's Quality Housing for Sustainable Communities, section 3.1.

- Location of open space on sloping land would make it of limited use and bring pedestrian and vehicle movements into conflict (need to cross road to access open space). Conflict with Government's guidelines, section 4.2, Quality Housing for Sustainable Communities.
- Loss of central hedgerow and no compensatory planting.
- No water protection plan for development within 100m of River Blackwater. No details on surface water runoff and risk of pollution of River.
- Drainage works carried out in Sean Mhuileann to address run off from appeal site and fields to the east. Proposed retaining walls will undermine drainage works.
- History of blockages in public sewer in Main Street at entrance to development. Blockages caused by overloading of main sewer and deterioration in sewer network in village, caused by sewerage from Sean Mhuileann development. Further overloading of sewer will compound the issue. No permission to connect to existing sewerage works. Permission would be required from Sean Mhuileann management company.
- Entrance to development from Main Street at risk of flooding (MCDP). Risk of flooding and impact on water quality (white clawed crayfish in Blackwater).
- Development should be subject to EIA due to its proximity to Blackwater River.
- Site notices erected on fence that has since fallen down. Do not indicate if housing is for private, social housing or mix. Only visible to those who need to access Sean Mhuileann development, the adjacent farm or Mill House.
- Inadequate wooden fences as boundaries (likely to rot from weather exposure).

## 4.0 Planning History

- PA 20/144 – Permission refused for the development of 20 dwelling houses on the appeal site on the grounds that traffic issues raised in the Road Safety Audit regarding the entrance to the site had not been adequately addressed, inadequate visibility at development entrance, lack of information on the status of an agricultural building within 100m of the development, substandard open space provision and inadequate geotechnical information to support proposed retaining structures.
- PA ref 08/479 (PL233441) – Permission granted by the Board for 65 no. residential units on the appeal site and land to the north of it (not implemented).
- PA ref. 00/1188 (PL130389) – Permission granted by the Board for 28 no. two storey semi-detached houses at Mullaghmore West, Ballinode (site of Sean Mhuileann development).

## 5.0 Policy Context

### 5.1. National Planning Guidelines

- Quality Housing for Sustainable Communities, DHLGH 2007.
- Urban Design Manual A Best Practice Guide, DEHLG 2009.

### 5.2. Monaghan County Development Plan 2019 to 2025 (MCDP)

5.2.1. Chapter 2 of the MCD Plan sets out the Core Strategy for the County. It identifies the total housing requirement for the County over the Plan period and directs new urban housing to Monaghan Town and the identified Tier 2, 3 and 4 settlements.

Ballinode is designated as a Tier 4 village with a projected population increase of 96 in 2025 (Table 2.3).

5.2.2. In section 2.3.9, Tier 4 – Village Network', settlement hierarchy objective, Policy SHO 4 applies, it seeks 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*'. Similarly, in section 2.5, core strategic policy CSP 4 aims to *'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.'*

- 5.2.3. Section 3.5 of the Plan sets out policies in respect of urban housing. Again policies direct multiple residential development to the settlements identified in the Core Strategy and to require that the scale of such developments to be in accordance with the growth projected for that settlement, except where there is otherwise demonstrable need (HSP 4).
- 5.2.4. Section 9 of the Plan sets out strategic objectives for Settlements. These include in section 9.8, Housing, to encourage new residential development on zoned housing land (UDO 1). However, in section 9.18, Tier 4 Village Plans, Policy VIL 2 states that the PA *'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'*.
- 5.2.5. Chapter 15 of the Plan sets out guidelines in respect of Development Management and in section 15.7 and 15.8, respectively, urban design requirements in respect of multi-unit residential development and requirements for recreation facilities and open space (see attachments).

### **5.3. Natural Heritage Designations**

- 5.3.1. The appeal site is substantially removed from any site of natural heritage interest. The nearest national site is Drumreask Lough proposed Natural Heritage Area (site code 001602) which is c.2.25km to the south east of the appeal site. The appeal site drains to the River Blackwater and is not connected to this pNHA. The nearest European site, Slieve Beagh Special Protection Area (site code 004167), is over 6km away to the north west of the site (see attachments).

### **5.4. EIA Screening**

- 5.4.1. Part 2 of Schedule 5 of the P&D Regulations 2001, as amended, requires EIA for the construction of dwelling units in excess of 500 units. The proposed development is

significantly below this threshold. Further the site is residential in nature and is situated alongside an existing urban environment, removed from sites of natural heritage interest or features of the built environment which are afforded protection.

5.4.2. Having regard, therefore, to the nature and modest scale of the proposed development and its distance from any sensitive site, it would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The third party appeal, which is submitted on behalf of those who made submissions during the planning application, sets out the following grounds of appeal. It also refers the Board to the submissions made during the course of the planning application, which outline all of the concerns in respect of the development (summarised above):

- History: Lands were previously zoned for development but are no longer zoned under the MCDP 2019-2025. Permission refused for residential development under PA ref. 20/144. Reasons included contrary to development plan and inadequate visibility splays at entrance from Main Street. The application for the current development is very similar, if not identical to initial application, with slight increase in number of units (two).
- Decision by PA: PA decision did not address concerns submitted in numerous submissions and rational for refusing permission under PA ref. 20/144.
  - Traffic safety report fails to address concerns on entering and exiting new development from Main Street and risk of rear end shunt collisions at the location.
  - Road safety issues associated with proposed mini roundabout at entrance to development.

- Inadequately sized key vehicles in turn survey.
- Inappropriate location for two storey development, as stated in Inspector's report for PL130389 (PA ref. 001188).
- Development falls outside of current lands designated for development in MCDP 2019-25.
- Development is 100% social housing and conflicts with section 3.2 and policy HSP 3 of MCDP (provision of balance of development in housing).
- Development (48 housing units with Sean Mhuileann) does not correspond to size or degree in proportion to village and contrary to VPSP 1
- Development contrary to section 3.1 of Quality Housing for Sustainable Communities, 2007. Will necessitate travel due to absence of services/facilities/employment in village.
- No consultation with the community.

## 6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- General – Design for the development has been informed by reasons for refusal and objections and observations in respect of PA re. 20144, MCDP, pre-planning consultations, site investigations/surveys, government guidelines in respect of Urban Design, Quality Housing for Sustainable Communities and Design Manual for Urban Roads and Streets. Development provides much needed social housing and fully complies with all relevant planning, design and environmental standards. The development does not diminish the quality of the surrounding residential properties and enhances safety of all road users. With the remodelled topography, the proposed design sites comfortably within and integrates with the surrounding environmental context without causing overlooking or over shadowing. All dwellings exceed minimum floor areas/room dimensions. Private and public open space are fully provided and enhance the local environment.

- Consistency with MCDP – Development fully complies with policies of MCDP.
- Zoning/Need - Proposed development lies outside settlement limit but is consistent with all of the requirements of policy VIL 2. Councils Housing Department provided evidence of need for social housing.
- Traffic – Road design elements have been designed in accordance with DMURS and MCC. Full consultations held with Road Design Engineers.
  - Junction with Main Street – Lies outside of application site. Proposed road works will improve existing arrangements (mini-roundabout, reconfiguration of road lines at junction with Main Street). Vehicles approaching the Main Street junction from Cappog are in a 50kph speed limit zone, speed control is enforced by speed ramps on approach to bridge, yield sign and associated road markings at junction, good sight distance in both directions and 35m from estate entrance.
  - Mini-roundabout – No controls at existing T junction to Sean Mhuileann. Vehicles emerging from estate have restricted sightline to south east towards village. Proposed roundabout introduces new controls. Traffic to and from Mill House and farm road will be subject to new traffic control regime improving safety for all, a Road Safety audit was prepared and recommendations fully adopted. Inclusion of colour/texture coded footpaths and crossing points provides a safer environment than existing. With an internal radius of 7m the roundabout will accommodate the largest anticipated vehicles without impedance. A dome topped mini roundabout also the largest of vehicles to drive over the central island in any incident where this is justified.
  - Topography – The proposed design minimises interventions. FFL take account of existing topography and regulations and standards. Single storey dwellings positioned to avoid overlooking, overshadowing or being over bearing on Sean Mhuileann. Mix of stone gabions and intermediate planting creates a softer and visually appropriate

boundary treatment to lowered ground area. Development successfully integrates with existing.

- Suitability for Ballinode – 22 units provide a range of dwelling types and mix which reflect the need in the area. MCC have confirmed that the current Housing Need List includes 65 applicants (approved) who have expressed 1<sup>st</sup> preference for social housing in Ballinode. Development will go some way to meeting this need. Proposed development has suitable connections to services. Surface runoff is limited to greenfield rates. Class 1 Bypass fuel interceptor provided. Cappog WWTW and interconnecting infrastructure have sufficient reserve capacity to accommodate the development.
- Resistance – Single detailed appeal represents view of residents.

### **6.3. Planning Authority Response/Observations/Further Responses**

6.3.1. None.

## **7.0 Assessment**

7.1. Having examined the policy context of the development, application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal relate to:

- Precedent.
- Policy, settlement limits and social housing.
- Urban design, including impact on privacy, light and residential amenity.
- Traffic and road safety issues.
- Open space.
- Biodiversity.
- Site drainage.
- Impact on water quality.
- Flood risk.
- EIA.
- Site notices.

- Boundary treatment.
- Construction effects.

## 7.2. Precedent

- 7.2.1. Under PA ref. 20144 the PA refused permission on the subject site for 20 no. dwelling houses on the grounds road safety (issues at site entrance inadequately addressed, inadequate sightlines at entrance), inadequate account of agricultural building within 100m of the development, substandard provision of public open space and inadequate geotechnical report in respect of substantial retaining structures.
- 7.2.2. The current application seeks to address these matters and includes revisions to the arrangements for access to the site and the provision of public open space. It also clarifies the status of the agricultural building to the north of the site (since demolished). I consider therefore that whilst a precedent exists for the residential development of the subject site, the proposed development is materially different to that refused under PA ref. 20144 and should be assessed on its own merits.

## 7.3. Policy, settlement limits and social housing

- 7.3.1. Policies of the MCDP direct urban housing into towns and villages in line with the Core Strategy, i.e. Monaghan Town and Tier 2, 3 and 4 settlements. Ballinode is a Tier 4 town and policies of the Plan promote and facilitate development that is commensurate with the nature and extent of the existing village and support its role as a local service centre.
- 7.3.2. The proposed development comprises a development of 22 no. houses. This compares to a population of 470 in the village or c.170 dwellings based on a household size of 2.75 in 2016 (page 35, MCDP). This would represent an increase in the number of dwellings of 12% and would be in accordance with the projected growth of the village set out in the MCDP i.e. 96 additional persons by 2025 (Table 2.3 MCDP) = c.35 houses based on 2.75 persons per household. I do not consider therefore that the proposed development is excessive in terms of the scale of the village or projected growth targets. I do not consider it appropriate to assess the quantum of development in conjunction with Sean Mhuileann as this estate is an



established part of the village and was constructed outside the timescale of the current CDP.

- 7.3.3. The proposed development comprises a relatively small residential development. It will be situated in a village where there is a mixture of tenure. I do not consider, therefore, that the development is inconsistent with policies of MCDP which seek to counteract social segregation (Policy HSP 3).
- 7.3.4. The appeal site lies outside the settlement boundary of Ballinode. However, policy VIL 2 clearly provides for the favourable consideration of social housing development outside the defined settlement limit where there is a clear demonstration of need, and where lands are contiguous to the settlement limit and can be adequately serviced. I note that MCCs Housing Section makes no objection to the application and in response to the appeal, the applicant states that the CC has a need for social housing in the village. Having regard to these factors and the pressing need for social housing in the country, the location of the appeal site alongside the settlement limit and on a site that can be serviced (see below), I consider that in principle the development is acceptable on the site.
- 7.3.5. With regard to facilities, Ballinode is a small village with a small number of facilities and services. These include a village shop, post box, Church, hairdressers, takeaway and Astro turf football pitch. There are also a small number of businesses in the village, including an international transport/logistics company and a regular bus service to Monaghan Town. It is also likely that a bus service is provided to nearby national and secondary schools (as indicated in the appeal documentation).
- 7.3.6. Having regard to the foregoing, I am satisfied that the proposed development which would be situated in a settlement equipped with local services and public transport options to Monaghan Town, within walking distance of the site, would not be unsustainable.

#### **7.4. Urban design, including impact on privacy, light and residential amenity.**

- 7.4.1. Under PL130389 (Sean Mhuileann development), the Board's Inspector noted the rising topography of the appeal site, stated that there was some validity in the suggestions of the appellant that the house types and lay out paid insufficient regard to the topography, setting of the village and presence of trees. However, he

considered that subject to a number of recommendations, including reducing the height and FFL of houses, the development was acceptable and recommended a grant of permission for the development. The Board agreed with the recommendations of the Inspector and granted permission for the development.

- 7.4.2. The appeal site is cut into the rising topography with fill used elsewhere in the site such that the western side of the site is lowered and the eastern side is raised. Substantial earthworks are therefore required to accommodate the development. As per PA ref. 20144 the applicant does not provide a geotechnical report in respect of the retaining structures. However, detailed designs of retaining walls are included and the PA have not raised any concerns in this regard. If the Board are minded to grant permission, I would recommend a condition requiring a geotechnical report to support the adequacy and efficacy of the proposed structures in advance of commencement.
- 7.4.3. The negative consequences of the proposed earthworks are steep gradients and changes in level at boundaries, to the west and to a lesser extent the east. These are not ideal and I would accept that the gabion stone wall with railing above is not a feature of the area. However, the applicant has detailed the boundary walls such that they are stepped and/or removed from the outlook of any of the dwellings along the most affected boundaries (to the west). Further, it is proposed that the embankments are heavily planted. Subject to the full implementation of these measures, I am satisfied that the proposed development, with time, will provide an appropriate context for the development and not detract from residential amenity or public realm.
- 7.4.4. The appeal site currently is situated on the lower slopes of a drumlin to the north west of Ballinode. The site is not visible from the village or from the county road to the north of the site. With the proposed development, there is a risk that it becomes visible from the north, extending the built environment of the village. However, with the proposed cut and fill, a positive consequence is the reduced elevation of the development and its visibility from within and outside of the village. From my inspection of the site I do not consider, therefore, that the development would be overly visible from the public road to the north or significantly impact on the skyline or vista from the Blackwater. However, if the Board are minded to grant permission for the development I would recommend additional planting along northern and eastern

boundaries to provide a strong definition of the urban edge and to reduce the potential for any visual impact of the development from the north.

- 7.4.5. The layout of the development is broadly consistent with the government's guidelines on Urban Design. It is an incremental development that adjoins existing residential land, is connected to the existing urban structure, provides a density which is consistent with existing and the location and elevation of the site and respects significant landscape features (mature trees, hedgerow boundaries). Dwellings have no front garden, but this is not an unusual feature of contemporary urban residential development. Dual aspect dwellings, whilst not typical in the area, are an important feature of the development providing passive supervision of open spaces and appropriate street frontage. Dwellings are removed from the residential dwelling to the east of the site and will not give rise to overlooking or overshadowing of it.
- 7.4.6. With proposed site works, finished floor levels of the single storey houses proposed to the rear of Sean Mhuileann are similar. As a consequence, I do not consider that the development would give rise to overlooking of the existing residential development. Unit No. 1 in the proposed development is two storey. Again its FFL is similar to No. 1 Sean Mhuileann with no overlooking of private amenity space from the ground floor of the proposed dwelling. At first floor a bedroom looks towards the rear gardens of Sean Mhuileann. Rear garden depth of the proposed unit is c.10m and an overall separation distance between existing and proposed properties ranges from 17 to 24.5m, given the relative orientation of the properties. Having regard to the similar FFLs, distance between the properties and their relative orientation (oblique views), I do not consider that proposed unit no. 1 would give rise to serious overlooking of no. 1 Sean Mhuileann.

## 7.5. **Traffic and road safety issues.**

- 7.5.1. Under PA ref. 20/144, reasons for refusing permission included that (a) the traffic issues raised in the Road Safety Audit regarding the entrance to the site had not been adequately addressed and (b) the applicant had failed to demonstrate minimum visibility requires at the development entrance.

- 7.5.2. The proposed development addresses these matters in the revised site layout, internal treatment of roads, mini roundabout at access to development and works at junction of Sean Mhuileann and Main Street.
- 7.5.3. A revised Road Safety Audit has been submitted in relation to the revised scheme. It reports one minor road collision in 2016 c.30m east of Main Street/Sean Mhuileann junction at the Main Street and Cappog Road junction. The RSA identifies 4 no. problems within the development, one at the proposed mini roundabout and two at the junction of Sean Mhuileann (LT-16103) with Main Street. Recommendations are:
- Within the development:
    - Crossing points are shown but no tactile paving indicated on drawings – Provide tactile paving.
    - Street lighting design contours for lux levels not provided – Ensure the public road and proposed development areas are illuminated to at least the same lux levels as the adjacent areas (includes recommendations for adequate lighting of mini roundabout).
    - Speed control ramps, height and gradient not indicated – Provide suitable ramp height and gradients.
    - Turning head between units 4 and 5 and junction of road 1 and 2 (see section 2.3.11) no crossing provision for non-motorised traffic – Provide suitable crossing points.
  - Sean Mhuileann junction/Main Street:
    - Restricted visibility at junction (existing stop line is set back from junction and remote to the existing edge of the carriage way, boundary walls restricting visibility in both directions, visibility to crossing pedestrians on Main Street is restricted and conflicts may occur) – Relocate stop line to edge of existing carriageway on Main Street and provide suitable footway and pedestrian facilities (e.g. dropped kerbs). Ensure existing parking on either side of junction does not restrict junction visibility.
    - Traveling west on Main Street towards Sean Mhuileann junction, sharp left hand bend immediately before junction may result in rear end shunt

collision with car waiting to turn into Sean Mhuileann - Undertake stopping sight analysis on Main Street (travelling west) to ensure sufficient visibility is achieved to the junction. Within existing carriageway, there may be scope to ease left hand bend and provide greater visibility to right turning vehicles. Provision of formal footway around junction (recommendation above), will assist in highlighting junction.

- Approaches to mini roundabout:
  - No advance warning of mini roundabout, which could result in driver confusion and failure to give way type or rear end shunt type collisions – Provide suitable advance warning signage on all approaches to mini roundabout.
  - Lack of clarity regarding how much visibility to right is available for drivers when approaching the roundabout (see drawing in section 2.3.4 of RSA) – Provide suitable visibility for all mini roundabout approaches. *'This may require the inscribed circle of the junction to be relocated'*.
  - Downhill approach to mini-roundabout lacks entry deflection (could result in direct path through roundabout and higher entry speeds/loss of control type collisions) – Provide suitable entry deflection e.g. by increasing central road marking diameter (movement of inscribed circle may achieve suitable deflection).
  - Ramps and crossing points proposed on northern and western mini roundabout arms are too close to yield line (yield line may not be seen by approaching drivers on ramp) – Provide raised junction arrangement and relocate ramps.
  - Carriageway width and turning provision at mini roundabout, may result in HGVs having difficulty negotiating the roundabout and reversing movements by HGVs in carriageway – Carry out swept path analysis for HGV types.

7.5.4. Of the recommendations set out above, I am satisfied that those within the development can be remedied with design changes e.g. with provision of non-

motorised crossing points, appropriate lighting etc. as per Drawing no. 157-01 Proposed Road and Floor Levels.

- 7.5.5. For the junction of Sean Mhuileann and Main Street, this is an existing junction that lies outside of the application site. Whilst the location of the junction and the alignment of Main Street create a risk of rear end shunt type collisions, it is evident from accident data that no collisions have taken place at this junction since 2005. Further, inspection of the site indicated low speeds on Main Street due to the bend in the road and implementation of the proposed recommendations regarding movement of the stop line and provision of formal footway at the junction will improve the existing situation, reduce collision risk and raise driver awareness of pedestrians on Main Street. As stated these works (and control of parking along Main Street) are outside of the scope of the planning application. If the Board are minded to grant permission for the development I would recommend a special contribution condition towards provision of these improvement works.
- 7.5.6. The RSA makes recommendations in respect of the proposed mini roundabout. Some of these recommendations can be readily implemented e.g. advance warning and repositioning of ramps, as per the arrangements set out in Drawing no. 157-01 Proposed Road and Floor Levels. The applicant has also provided swept path analysis for a standard design vehicle and a bin lorry (8.9m), with the bin lorry crossing the mini roundabout to make Turn 4. Whilst there is no information on the tracked path of an agricultural vehicle, such a vehicle would already be using the existing junction for such manoeuvres and the proposed roundabout junction would not reduce this area.
- 7.5.7. With regard to the downhill approach to the roundabout, there is some deflection in the setting of the roundabout and ramps on the northern arm will slow traffic speeds entering the roundabout.
- 7.5.8. The proposed roundabout junction is also reasonably removed from the entrances to property at Sean Mhuileann and the presence of the roundabout and ramps on the western arm will all slow traffic speeds entering the development. From inspection of the site and plans of the proposed roundabout, I would consider that drivers waiting to enter the roundabout would have visibility of traffic on it and of traffic approaching it.

7.5.9. Having regard to the foregoing, and having regard to the absence of objections to the proposed development on traffic grounds by the Roads Section, I am satisfied that the proposed development, subject to satisfactory implementation of all recommendations of the Stage 1/2 RSA and of a Stage 3 RSA upon completion, would not give rise to significant risk of traffic hazard.

## 7.6. **Open space.**

7.6.1. Under PA ref. 20/144, one of the reasons that planning permission was refused was substandard open space provision. Open space, at the time, was located in two areas, one to the north east of the site (920sqm) and one to the south east (498sqm). The larger area to the north east was not overlooked. The revised plans propose a more central area of open space (1210sqm) to the east of the site adjoining an existing mature treeline/hedgerow that forms the eastern boundary of the site and two areas to the south east (550sqm and 185sqm).

7.6.2. In total the applicant proposes 1945sqm of public open space. This comprises c.11% of site area (1.8ha) and is consistent in total with the requirements of the County Development Plan. However, the actual area of usable open space is reduced by the pockets of provision and the slope along the eastern side of the larger area (otherwise the larger open space area is flat). Notwithstanding this, the appeal site is relatively low in density (which is appropriate for its location) and I consider that the provision and form of public open space is adequate to serve the development and if completed as detailed, has the potential to provide a high level of amenity. I also note that speed ramps are provided in the vicinity of each open space area, this will slow traffic speeds and facilitate safe pedestrian access to the areas.

7.6.3. In order to ensure the survival of mature trees on the site, if the Board are minded to grant permission for the development, I would recommend that in advance of the commencement of works the applicant submit and agree in writing with the planning authority details of how existing vegetation will be protected during construction. This will include detailed design of attenuation areas and footpath construction in proximity to/under the canopy of mature trees.

## **7.7. Biodiversity.**

- 7.7.1. The proposed development will result in the loss of the mature hedgerow and hedgerow trees that divide the appeal site, with consequential effects on the biodiversity of habitats on the site. The applicant's landscape plan provides supplementary planting along eastern and western boundaries and planting within the site. If the Board are minded to grant permission, I would recommend additional planting along the northern and north eastern boundaries. This would provide compensatory hedgerow habitat and provide a clear edge to the urban environment.

## **7.8. Site drainage.**

- 7.8.1. Surface water from the site will be collected and directed towards the surface water attenuation tanks to be provided in the open space areas. Flows will be managed to green field levels and will be discharged to the town's surface water drainage system via a petrol interceptor. No issues have been raised by the PA with regard to these arrangements. Having regard to the foregoing, I do not consider that there is a real risk of adverse effects on water quality as a consequence of the development or impacts on existing drainage arrangements for Sean Mhuileann.

## **7.9. Capacity of Sewerage System**

- 7.9.1. The appellant refers to blockages in the sewer system in Main Street, arising from overloading of the main sewer by the Sean Mhuileann development and deterioration in the sewer network. I note that the PA have not raised concerns regarding the condition of the public sewer and that the applicant will be required to obtain approval for a new wastewater connection to the public trunk sewer from Irish Water prior to the commencement of development. I also note that Irish Water's 2021 Annual Environmental Report indicates that the Ballinode sewerage treatment works are working well within capacity, with no deleterious effects on water quality downstream of the plan (see attachments). The appellant also refers to the requirement for the applicant to seek permission from Sean Mhuileann management company to connect to the existing sewerage. This is a matter between the parties and lies outside the scope of this appeal.



## 7.10. Flood Risk

- 7.10.1. The appellant states that the entrance to the development from Main Street is at risk of flooding, with the potential for water pollution and effects on White Clawed Crayfish.
- 7.10.2. It is evident that flooding occurs on Main Street at the junction of the access road to the development and Main Street (see attachments from MCDP, Map 1 Ballinode, Flood Risk Assessment). However, the appeal site is situated on lands that are not affected by flooding and as stated surface water will be managed on site and flows attenuated to discharge at greenfield levels. Having regard to the foregoing, I do not consider that the proposed development will increase the risk of flooding in the area or the pollution of water courses as a consequence of flooding.

## 7.11. EIA.

- 7.11.1. See above.

## 7.12. Site notices.

- 7.12.1. The appellant states that site notices were erected on a fence which had since fallen down. At inspection of the site, the site notices were in place and visible from the public road (photograph no. 7). Also the purpose of the public notices has been served with observations and the subject appeal made by members of the local community. There is no statutory requirement for the developer to carry out consultations with the community.

## 7.13. Boundary treatment.

- 7.13.1. Site and Boundary Details are shown on drawing no. 3455-P-71, read in conjunction the Site Layout Plan drawing no. 3455-P-10. These include a mix of bow top railings between front gardens, block walls in certain locations (for privacy) and single boarded timber fencing between rear gardens and along the eastern and northern boundaries of the site. The appellant argues that the timber fencing is inadequate and is likely to rot in the longer term. This is a valid point and the Board may wish to replace fencing separating gardens by a block wall. However, I would be concerned

that such provision, in particular on the elevated sections of the site, would result in a harder urban environment and is not appropriate in the village setting.

7.13.2. In addition to the foregoing, I would have concerns that the erection of the fence along the eastern boundary would adversely impact on the hedgerow along this boundary and that additional dense supplementary planting would be sufficient to form an impenetrable boundary to the site.

#### 7.14. **Construction Effects.**

7.14.1. Construction works have potential to give rise to nuisance, traffic hazard and the run off of suspended solids from the site. However, these are all short term issues and can be managed by detailed Construction Management Plan, to be agreed with the PA.

### 8.0 **Recommendation**

8.1. I recommend that the Board grant permission for the development subject to conditions.

### 9.0 **Reasons and Considerations**

Having regard to the location of the proposed development adjoining the village of Ballinode, its detailed layout and design and provision of social housing, it is considered that the proposed development would be in accordance with the policies of the current Meath County Development Plan and would not detract from the visual or residential amenities of the area and would be acceptable in terms of public health, flood risk and traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### 10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
----	--

	<p>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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The development shall be used for social housing purposes only.</p> <p>(b) Prior to commencement of development, the applicant 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, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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>
3.	<p>Prior to commencement of development, the developer submit a geotechnical report demonstrating the adequacy of the retaining structures to the written satisfaction of the planning authority.</p> <p><b>Reason:</b> In the interest of public safety.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>

5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>(b) Recommendations of the Stage 1/2 Road Safety Audit shall be carried out to the satisfaction of the planning authority.</p> <p>(c) Upon completion of works, a Stage 3 Road Safety Audit shall be completed and submitted to planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including site compound, car and truck parking, management of surface water during construction, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	<p>Prior to the commencement of development, a Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority for implementation during the construction phase of the development.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
9.	<p>Public lighting shall be provided in accordance with the Public Lighting Design Report, to the satisfaction of the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>

10.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the “Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November 1998, except where superseded by the planning authority’s “Taking in Charge Policy, technical guidance document (WSTGD 2008) and “Storm water Technical Guidance Document 2017” . Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
11.	<p>The landscaping scheme shown on Proposed Landscape Layout drg no. PRK/BHS/0921, as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works and shall be permanently retained thereafter.</p> <p>In addition, prior to the commencement of development, details of the following shall be submitted to the planning authority for written agreement.</p> <ul style="list-style-type: none"> <li>(a) Omission of fencing along the eastern side of the public open space and additional planting along this boundary to strengthen the existing hedgerow,</li> <li>(b) Additional planting along the northern and north eastern boundaries of the site, to include native hedgerow and hedgerow tree species.</li> <li>(c) Details arrangements for the protection of mature trees and hedgerow along/defining the eastern and western boundaries of the site during construction and permanently thereafter. This shall include details of construction methodology for works occurring within the canopy of all of these trees, to ensure that damage to trees does not occur.</li> </ul> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of</p>

	<p>the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
12.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
13.	<p>(a) The recommendations of the Ecological Survey and Appropriate Assessment Screening Report (November 2021), Table 4, shall be carried out in full.</p> <p>(b) Prior to the commencement of development, a detailed programme of works to address invasive species shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of biodiversity.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p>

	<b>Reason:</b> In the interests of visual and residential amenity.
16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
17.	<p>The management and maintenance of the proposed development following its completion and prior to taking in charge by the Monaghan County Council, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to junction of Sean Mhuileann and Main Street. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the</p>

	<p>Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p><b>Reason:</b> It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
--	--

---

Deirdre MacGabhann

Planning Inspector

24<sup>th</sup> October 2022