



An
Bord
Pleanála

Inspector's Report ABP-319051-24

Development	Construction of 26 houses and all associated site works.
Location	Railway Road, Connabury, Castleblayney, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	2360102
Applicant(s)	Newvend Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Mr. and Mrs. Tavey.
Observer(s)	Seamus and Jacinta McKiernan.
Date of Site Inspection	22 nd of October 2024.
Inspector	Stephanie Farrington

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	9
5.0 Policy Context.....	10
5.1. Development Plan.....	10
5.2. Natural Heritage Designations	19
5.3. EIA Screening	19
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.2. Applicant Response	23
6.3. Planning Authority Response	27
6.4. Observations	27
6.5. Further Responses.....	29
7.0 Assessment	30
8.0 AA Screening.....	44
9.0 Recommendation.....	45
10.0 Reasons and Considerations	45
11.0 Conditions	46
Appendix 1 – Form 1: EIA Pre-Screening	

Appendix 2: Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.91ha, is located along Railway Road, south of the main street of Castleblayney town centre. The site is partially hard surfaced and is enclosed by metal hoarding to the north and east. A large portion of the site was previously in use as a car park. The topography of the site increases from east to west with site levels varying from 115mOD to the southwest to 105mOD to the east.
- 1.2. The site boundary extends to include the existing public footpath in the vicinity of the site and part of Railway Road. Access to the site is provided via a gated entrance from Railway Road. The site is bounded to the east by Railway Road and Conabury Close, to the north by an eircom exchange site, to the west by the Convent junior school and to the south by a residential unit and greenfield. A side entrance to a derelict shopping centre is located at the opposite side of Railway Road to the east of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 26 no. 2/3 bedroom semi-detached and terraced dwellings at 2 storey and new vehicular entrance off Railway Road, inclusive of all associated site development works including alterations to ground levels, internal road(s) & infrastructure, car parking, footpaths, open space, public lighting, landscaping, retaining walls and boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

Monaghan County Council issued a notification of decision to grant permission for the development subject to 18 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report

The initial planner's report recommended a request for further information. The following provides a summary of the key points raised:

- In terms of the principle of the development, the report outlines that having regard to the location of the site, its town centre zoning objective and the relevant objectives and policies of the development plan, there are no objections to the use of the site for residential development. A residential development at this location will help to increase the population of Castleblayney in a compact and sustainable manner as well as assisting in the enhancement of the vibrancy and vitality of the Town Centre.
- The report outlines that public open space provision is well located and adequately overlooked.
- The report outlines that insufficient detail is provided in relation to the size of rear gardens serving the proposed residential units. Further cross-sectional details are also recommended to assess the proposed retaining walls.
- The report cross refers to Section 15.13.7 and Policy RDP24 of the MCDP which relate to Residential Amenity. The report outlines that having regard to the separation distance (20m) and proposed boundary treatment it is not considered that the development will unduly impact on the amenity of existing residents to the south of the site.
- Under the heading of Appropriate Assessment, the report outlines the following: *The site is not located within or within 15km of a Natura 2000 site. In addition, there are no significant watercourses along the site boundaries and no pathway connectors to the Natura 2000 network. It is the opinion of the planning authority therefore, that given the cumulative effects of the proposed development and any other plan or project, the development is not of a nature or scale to have any significant effects on the qualifying features of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.*
- The report outlines the following under the heading of Environmental Impact Assessment - *Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the*

environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

The report recommended a request for further information as summarised below:

- Item 1: Revised Plan illustrating provision of private open space in accordance with Policy RDP9 of the Monaghan County Development Plan.
- Item 2: Revised Plans which include dual aspect elevational treatment on proposed dwellings 3 and 17, reorientation of house type B to front onto Railway Road, inclusion of a more varied house design, cross sectional details and details of maximum heights of proposed boundary treatments.
- Item 3: Submission of revised site layout plan which illustrates details of finished floor levels and ridge levels and contextual elevations illustrating properties at Connabury Close in the vicinity of the site.
- Item 4: Lighting proposals and landscaping plan.
- Item 5: Details of road markings and signage layout and submission of a Quality Audit in compliance with Section 5.4.2 of DMURS.
- Item 6: Revised surface water network calculations.
- Item 7: Response to objections.

Further Information Planner's Report (17/01/2024)

The planner's report prepared in respect of the applicant's further information response provides a summary and assessment of the FI response. The report outlines that the FI response addresses the issues raised by the planning authority within the FI request.

The report recommends a grant of permission subject to conditions in accordance with the planning authority's decision.

The following provides a summary of the key points raised:

- In terms of Appropriate Assessment, the report outlines the following: An Appropriate Assessment screening exercise was carried out for this proposed development, and it was concluded that the proposal would not have the

potential to impact adversely the qualifying features of the Natura 2000 network. The Planning Authority notes the significantly different additional information submitted on the 15th of December 2023. The Planning Authority remains of the opinion that the development for which permission is sought is not of a nature or scale to have any significant effects on the qualifying features of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.

3.2.2. Other Technical Reports

Housing Report (07/07/2023)

- Part V proposals are deemed adequate. In the instance of a grant of permission a condition in relation to compliance with Part V is recommended.

Environment Report (20/06/2023)

- No objection subject to conditions.

Public Lighting (25/07/2023)

- Recommended a request for further information relating to submission of a Lighting Design Report and a planting layout outlining planting exclusion zones where lighting columns can be provided.

Municipal District – Road Condition Report (25/07/2023)

- No objection subject to conditions.

Water Services (12.06.2023)

- No objection subject to conditions.

Fire Officer (27/06/2024)

- No objection subject to conditions.

Public Lighting (20/12/2023)

- No objection subject to conditions.

Road Report (17/01/2024)

- No objection subject to condition detailing that a Stage 3 Road Safety Audit should be undertaken on completion of development and recommendations implemented.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

Initial Observations

3.4.1. 2 no. observations were submitted in respect of the proposal during the initial public consultation period. The following provides a summary of the key issues raised:

- Insufficient justification for a residential development on the site. Insufficient mix of uses on town centre zoned lands. The development is contrary to Policy Objectives TCO1, TCO2 and CBSO1 of the MCDP in this regard.
- The submissions question the reference to the site as a brownfield site within the application documentation.
- The submissions raise concern in relation to the insufficient capacity of Railway Road to cater for the proposed development. The submissions outline that insufficient information has been provided in relation to existing traffic levels on the road and outline that the development will generate a substantial volume of traffic on the existing constrained road network. The submissions furthermore raise concern in relation to loss of existing parking provision on Railway Road.
- The submissions question the provision of required sightlines at the proposed site entrance.
- The submissions outline that the low density of the development (30.4 units per ha on the basis of the application of the net site area) results in an inefficient use of zoned serviced lands and there is an insufficient diversity of house types and tenure within the development.

- The submissions outline that no information has been provided in relation to daylight and sunlight impacts associated with the proposed development.
- Impact on residential amenity of existing properties by reason of overbearing and overshadowing.
- Insufficient details in relation to site levels, levels of cut associated with the development and interface of the development with adjoining properties.

Observations on Further Information

3.4.2. Revised plans and documentation were submitted to the Planning Authority on the 15th of December 2023. The information was deemed by MCC to constitute significant additional information and as such was re-advertised in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).

2 no. submissions were received in respect of the applicant's FI response.

- The submissions raise concern in relation to insufficient ambulance and emergency vehicle access to Railway Road given the constraints of the road i.e limited width, cul de sac nature and lack of turning facilities together with the existing level of on street parking. The submissions furthermore refer to the loss of existing parking along site boundary.
- The submissions raise concern in relation to traffic impact associated with the development. The submissions outline that there is no capacity on the adjoining road network to accommodate the proposed development and outline that there is a requirement for a traffic survey to inform the application.
- Excessive quantity of soil excavation to accommodate the development.
- The submissions restate the requirement for a mixed-use development on the site.

4.0 Planning History

The following planning history relates to the appeal site

PA Ref: 18/223, ABP Ref: 303096-18: Permission refused by An Bord Pleanala in April 2019 for the construction of 26 no. dwellings on site. The reasons for refusal

related to (1) substandard quality residential development (2) insufficient detail in relation to surface water management.

5.0 Policy Context

5.1. Development Plan

Monaghan County Development Plan 2019 -2025 (as varied)

Chapter 2 – Core Strategy

- 5.1.1. The Settlement Hierarchy is set out within Section 2.3 of the Monaghan County Development Plan. Castleblayney and Carrickmacross are designated as Key Towns within the County Settlement Hierarchy set within Table 2.2 of the Plan.
- 5.1.2. Section 2.3 of the Plan outlines the following in respect of Tier 2 Strategic Towns - *The strategic towns are identified due to their existing population base and their infrastructural capacity to accommodate reasonable levels of new residential and commercial development. Both towns are sufficiently well serviced by educational and community facilities as well as public transport linkages in comparison to other areas of the County. The priority for these towns is for them to play a critical role in driving growth and economic development in the County.*
- 5.1.3. Strategic Towns Objective – SHO 2 is of relevance as follows: *“To promote the Strategic Towns as prosperous and thriving local development and service towns where the principles of environmental, economic and social sustainability including protection of the town’s heritage and natural and built environment are enshrined”.*
- 5.1.4. Table 2.3 of the Plan sets out population projects for settlements within the County. Castleblayney is envisaged to grow from an existing population of 3,607 in 2016 to 4,236 in 2025. Table 2.5 of the Plan “Core Strategy Table 2” sets out a Housing Land Requirement of 16 ha for Castleblayney. (As detailed below this is amended to 14.9ha in Variation no. 5).
- 5.1.5. Section 2.5 of the Plan sets out Core Strategy Policy. The following Policies are of relevance:

- CSP 2: To promote urban growth and the further development of the strategic towns to ensure their functions are supported by appropriate development that will direct development within the locality.
- 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.
- CSP 9: To ensure that the amount of lands zoned for residential uses in the County is consistent with the requirements of the Core Strategy as set out in Table 2.4 and 2.5. Any land considered appropriate for zoning in excess of these requirements shall be included as Strategic Reserve for potential development beyond this plan period.

Chapter 3 – Housing

- 5.1.6. Housing Objective HSO 1 seeks: *To plan positively for future housing in the County within existing defined settlements to realise the economics of providing infrastructure and services in towns and villages, enabling their plan led expansion whilst facilitating sustainable rural housing where it supports and promotes the prosperity of existing rural communities.*
- 5.1.7. Section 3.2.1 of the Plan relates to Urban Housing and outlines that the Core Strategy provides for future supply of multiple residential developments in Monaghan town and the Tier 2, 3 and 4 settlements. The Plan promotes good quality design within development in accordance with relevant guidelines including - Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustaining Communities, DEHLG 2007.
- 5.1.8. Section 3.2.2 relates to residential density and outlines that national policy seeks to encourage more sustainable development through the avoidance of excessive suburbanisation and the promotion of higher densities. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DOHELG 2009, encourages densities of 30 – 40 units per hectare within existing settlement centre. The Plan outlines that in County Monaghan topography can be a significant issue in

the suitable yield of sites. In this regard the Plan outlines that a pragmatic approach is recommended whereby the Planning Authority may determine the appropriate density in any location by considering the following:

- Local pattern of development and densities of adjoining residential developments,
- Existing landscape and other features on the site
- Design quality, whereby higher densities can be accepted where it exhibits high quality design.
- Levels of privacy and amenity.
- Proximity to main transport routes.
- The capacity of the infrastructure to serve the demands of the proposed development.
- The availability of serviced sites in Urban Areas

5.1.9. Section 3.5 of the Plan sets out Urban Housing Policies. The following are of relevance:

- HSP 4: To direct multiple residential developments to those settlements identified in the Core Strategy and to require that the scale of such development is in accordance with the growth projected within that specific settlement, except where there is otherwise demonstrable need.
- HSP 5: To guide urban residential development in a sequential manner outward from the core area of settlements to maximise the utility of existing and future infrastructure provision, to promote sustainability, to make more efficient use of underutilised lands, and to avoid the extension of services and utilities to more remote areas.
- HSP 6: To ensure the provision of a suitable range of house types and sizes to facilitate the changing demographic and in particular the increasing trend towards smaller household sizes. In private housing schemes a minimum of 10% of housing units shall be 2-bedroom units.
- HSP 7: To require that development proposals for new residential developments in settlements demonstrate a high-quality design process

including layout, specification and external finishes and to have regard to the guidelines set out in key government publications listed in Section 3.2.1.

- HSP 8: To require residential development to demonstrate that a housing density appropriate to its context is achieved, providing for a sustainable pattern of development whilst ensuring a high-quality living environment.

Chapter 8 – Environment, Energy and Climate Change

- 5.1.10. Section 8.35 relates to Surface Water Drainage. Surface Water Drainage Policy SDP 2 is of relevance as follows: *To ensure that new development is adequately serviced with surface water drainage infrastructure and promote the use of Sustainable Drainage Systems as appropriate to minimise the effect of a development on flooding and pollution of existing waterways*

Chapter 9 – Strategic Objectives for Settlement Plans

- 5.1.11. The Development Plan includes settlement plans for designated Tier 1, 2 and 3 settlements within the Core Strategy. Chapter 9 of the Plan sets out Strategic Objectives for these settlements. The following is of relevance:

- SHO 2 – Carrickmacross and Castleblayney: *To promote the Strategic Towns as prosperous and thriving local development and service towns where the principles of environmental, economic and social sustainability including protection of the town's heritage and natural and built environment are enshrined.*
- SSO 5: *Promote the towns as residential, employment, retail and service centres as well as industrial and commercial centres.*
- SSO 11: *Promote sustainable compact development forms, including more comprehensive backland development where appropriate and promote the efficient use of available public infrastructure and services.*
- SSO 17: *Promote and encourage the delivery of the refurbishment and regeneration of the back lands of the towns as well as appropriate development on infill sites, derelict sites, vacant plots and brownfield sites.*

- 5.1.12. Section 9.2 relates to Land Use Zoning. The appeal site is zoned for town centre purposes within the Castleblayney Zoning Map (Map CYDP1). This zoning objective

seeks: *“To provide, protect and enhance town centre facilities and promote town centre strengthening”*. Table 9.1 of the Plan relates to Land Use Categories and Objectives and outlines that *“Principal permitted land use will be town centre related uses including retail, residential, commercial, social uses, cultural uses, medical/health uses, hotels, pubs, restaurants and other similar type uses”*. Table 9.3 sets out the Development Zoning Matrix. Residential is listed as a “permitted use” on lands zoned for town core purposes. The Plan outlines that *“A ‘permitted use’ is one which is in compliance with the primary zoning objective for the area”*.

5.1.13. Section 9.8 relates to Housing. The following Objectives for Urban Residential Development are of relevance:

- UD01: To promote the towns as residential centres and encourage the development of new residential accommodation on zoned housing lands.
- UDO 8: To promote compact forms of residential development such as infill and back land development and ensure through the development management process that access points to back land areas are reserved or that adequate frontage is reserved to provide future road access, to enable comprehensive back land development.
- UDO 10: To encourage and support proposals for new residential development that will result in the regeneration/renewal of town centre areas and/or a reduction in vacancy/dereliction in the context of the proposed planning and sustainable development of the area.

5.1.14. Section 9.9 of the Plan relates to town centres. The Plan outlines that the town centres consist of a mixture of land uses, many of which are interdependent.

- TCO 1: Promote and develop the town centres as the principal location for retail, office, leisure, entertainment, cultural and service uses and to encourage the refurbishment, renewal and re-use of existing buildings and derelict sites within it.
- TCO 2: Protect the vitality and viability of the town centres by promoting a diversity of uses, with a presumption in favour of development that would make a positive contribution to ensuring that the town centres continue to provide a focus for shopping.

- TCO 9: Continue to encourage and accommodate the regeneration of back lands in the towns where appropriate, including the construction of new urban streets to provide access to inaccessible lands.

Chapter 12- Castleblayney Settlement Plan

5.1.15. The Castleblayney Settlement Plan is set out within Chapter 12 of the Development Plan. Strategic Objective CBSO 1 seeks: *To promote Castleblayney as a prosperous and thriving local development and service town where the principles of environmental, economic and social sustainability including protection of the town's heritage, natural and built environment are enshrined.*

5.1.16. Section 12.4 relates to the town centre and outlines that *Castleblayney town is considered a service town where retailing underpins the function of the town core. It is also an employment and service centre for a wider rural hinterland.*

Chapter 15 – Development Management Standards

5.1.17. Section 15.2 relates to Urban Design in Towns and Villages. The Plan seeks to promote compact urban centres (Section 15.2.2) and supports the development of brownfield sites (Section 15.2.4).

5.1.18. Section 15.7 relates to Multi-unit Residential Developments (2 or more units). The following policies are of relevance:

- Policy RDP 1: *To ensure all developments for multi-unit residential developments are consistent with the guidelines and best practice manuals issued by the DECLG in the planning for and provision of sustainable communities within new residential areas and are appropriate to the settlement within which they are proposed.*
- Policy RDP 2: To ensure that all applications for residential development comply with the guidelines outlined in Section 15.7 of Chapter 15 of the Monaghan County Development Plan 2019-2025.

5.1.19. Section 15.7.4 relates to dwelling mix and seeks to make provision for different types, sizes and tenures of housing. Section 15.7.6 refers to housing density and refers to the guidance in the sustainable residential density guidelines and the need to promote compact forms.

- 5.1.20. Policy RDP 3 relates to Housing Density/Mix and seeks: *To generally require a higher density of units as well as a mixture of housing types within multi-unit residential schemes, including single storey units to create sustainable balanced communities.*
- 5.1.21. Section 15.8 relates to Recreational Facilities and Open Space. Table 15.2 sets out Open Space Standards and sets out a requirement for a minimum of 10% public open space for brownfield sites. Section 15.8.1 relates to private open space standards and seeks to provide 50 sq.m. POS for houses within the town centre. Policy RDP 9 seeks: *To require that public and private amenity space provision is in accordance with the standards and requirements as set out in Section 15.8 of Chapter 15 of the Monaghan County Development Plan 2019-2025.*
- 5.1.22. Section 15.13.7 relates to Residential Amenity and outlines that all developments must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development. Policy RDP 24 outlines that: *“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”.*
- 5.1.23. Section 15.27 sets out Road Access Standards. Parking Standards are set out in Table 15.6. This sets out a minimum car parking standard out 2 spaces per dwelling.
- *Policy CP 1:* To require car parking to be provided in compliance with Table 15.9 Car Parking Standards of the Monaghan County Development Plan 2019-2025.
 - *Policy CP 5:* To provide for a reduction of up to 50% of the standards as required in Table 15.9 of the Monaghan County Development Plan 2019-2025 for developments or redevelopment of infill/brownfield/derelict sites located within the designated town centres, where appropriate.

Variation no. 5 of Monaghan County Development Plan 2019-2025

- 5.1.24. On the 6th of November 2023, Monaghan County Council made a variation (Variation No.5) to the Monaghan County Development Plan 2019-2025. The Variation provides for the change of zoning/dezoning of certain lands in the settlements of

Monaghan, Carrickmacross, Castleblayney, Clones, Scotstown and Ballinode. The zoning changes relate to 22 sites with subsequent changes to the settlement boundaries of the relevant settlements.

5.1.25. No amendments to the zoning of the appeal site were made in the variation. The Variation incorporates minor amendments to the text of the plan in respect of Table 2.5 Core Strategy Table 2 in Chapter 2 and Chapters 11, 12 and 13 to reflect the change in hectares of zoned land. 7.84 ha of land zoned of land (including 2 sites) were de-zoned within Castleblayney in the variation. Table 2.5 of the Plan (Core Strategy Table 2) was amended to reflect this change in zoning. The total Housing Land Requirement in Castleblayney is identified as 14.9ha.

5.1.26. Section 12.2 of the Castleblayney Settlement Plan (Strategy and Vision) was amended as follows:

*The population of Castleblayney declined from 3,634 to 3607 between 2011 and 2016, equating to a population decline of 0.7%. Notwithstanding this decline during a period of economic downturn it is projected that the town's population will grow during this Plan period to 4,236 by 2025. The Core Strategy set out in Chapter 2 of this Plan further indicates that a housing land requirement of **14.9** hectares should be provided within the settlement boundaries in order to accommodate this projected growth and support the function of Castleblayney as a Tier 2 Strategic Town within the County Monaghan Settlement Hierarchy. Recent development levels indicate that the town has recovered and is expanding its residential, retail, industrial and commercial base. It is the aim of this Plan to assist and direct development in the town over the plan period with an emphasis on developing the town's main assets, which include its strategic location, both nationally and in relation to Northern Ireland, and its potential for tourism based on recreation in and around Lough Muckno."*

Draft Monaghan County Development Plan 2025-2031

5.1.27. The Draft Monaghan County Development Plan 2024-2031 was on public display from the 5th of September 2024 to the 14th of November 2024.

5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 5.2.1. Section 3.3.4 of the Sustainable Residential Development and Compact Settlement Guidelines relates to Settlement, Area Types and Density Ranges for Small and Medium Sized Towns (1,500 – 5,000 population). According to the 2022 Census Castleblayney had a population of 3,926 in 2022. The town therefore falls within this category. Section 3.3.4 of the Guidelines describes the towns as follows:

Small to medium sized towns outside of metropolitan areas vary considerably in terms of population, employment and service functions and the level of public transport provision. Some small to medium sized towns have a district-wide service and employment function and are largely self-sustaining. Others, particularly those within commuting distance of cities, have experienced rapid residential expansion in recent decades based on population growth that is generated by economic drivers in larger urban centres. Many of these ‘commuter’ type towns have a high population but are reliant on other centres for employment and services and tend to be heavily car dependent.

The recommended approach for small to medium sized towns will be to plan for growth arising from economic drivers within and around the settlement and to offer an improved housing choice as an alternative, including serviced sites, to housing in the countryside. Given the range of settlement types in this tier, planning authorities will, as part of the statutory plan making process, need to refine the density standards set out in Table 3.6 to respond to local circumstances.

- 5.2.2. Table 3.6 relates to Areas and Density Ranges Small to Medium Sized Town Centres and outlines that: *“In many cases, the town centre comprises a main street and streets immediately adjoining, while the inner urban neighbourhood consists of the early phases of residential development around the centre, and may include local services and inter-dispersed commercial, industrial and institutional uses. Backland, brownfield and infill sites will generally be in the town centre or inner urban neighbourhoods. It is a policy and objective of these Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure)”.*

- 5.2.3. Section 3.2 of the Guidelines relates to Tailoring Policy to Local Circumstances. This outlines that while densities should generally be within the ranges set out in Section 3.3 it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area.
- 5.2.4. Section 4.4 relates to key indicators of quality urban design and placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form.

5.3. Natural Heritage Designations

The appeal site is not located within any designated European site. The nearest designated European sites to the appeal site include the following:

- Proposed Natural Heritage Areas: Muckno Lake (Site Code 000563) c. 0.6km to the northeast
- Proposed Natural Heritage Areas: Lough Smiley (Site Code 001607) c. 1.3km to the northwest.

There are no Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's) within 15km of the site. The closest designated Natura 2000 site is Carlingford Mountain SAC (Site Code 000453) located over 26km from the site.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted in respect of Monaghan County Council's notification of decision to grant permission for the development on behalf of Mr. and Mrs. Tavey. The following provides a summary of the grounds of appeal.

- The appeal outlines that Monaghan County Council's assessment of the application was deficient and does not engage with the critical planning issues raised within the submissions on the application in relation to the principle of the development, the proposed layout and potential traffic impact.

Non-Compliance Town Centre Zoning

- The appeal outlines that the proposed development of a 100% residential development on the appeal site is not in accordance with the town centre zoning objective pertaining to the site and Policy Objectives TCO1 and TCO2 of the Plan which seek to promote the town centre as the principle location for retail, office, leisure, entertainment, cultural and service uses and provide a diversity of uses within the town centre.
- The appeal furthermore outlines that the development would be contrary to the Strategic Vision for development throughout the area as articulated in CBSO 1 of the Plan.
- The appeal outlines that the proposed residential development cannot be justified having regard to the quantum of residential zoned land within the immediate vicinity of the site. The appeal outlines that the application does not set out a justification for the proposed residential development in the context of the proposed town centre zoning objective which supports a mix of uses.
- The appeal outlines that this issue was raised within MCC's request for further information wherein the applicant made a case that the development contributed to an overall mix of uses within the town centre. The appeal outlines that the applicant's FI response was unsatisfactory.

- The appeal questions the applicant's identification of the site as a brownfield site and outlines that the unauthorised surfaced area accounts for only 24% of the overall site area.

Negative Traffic Impact

- The appeal raises concern in relation to potential traffic impact associated with the development of 26 no. residential units along Railway Road. The appeal refers to the existing constrained layout of Railway Road. The appeal outlines that on street parking is provided at both sides of the road and the road is a heavily trafficked road having regard to its proximity to the town centre, St. Mary's Hospital and existing schools. The lack of a turning area on the road results in vehicles making multiple manoeuvres to exit.
- The appeal raises concern that the proposal will exacerbate the existing unacceptable situation.
- The appeal outlines that the issue of traffic impact is not appropriately addressed within the application documentation. The appeal outlines that a Traffic Impact Assessment (TIA) should have been submitted in conjunction with the application which addresses the baseline traffic situation and assesses the capacity of Railway Road and its junction with New Street to accommodate the proposal. The appeal outlines that the Council's reliance on a Road Safety Audit in place of a TIA is a major shortcoming in the assessment of the application.
- The appeal outlines that the Quality Audi submitted in response to MCC's FI request is limited in scope, uninformative and not in compliance with the guidance set out within Section 5.4.2 of DMURS. The application documentation is inadequate in establishing the proposed development's true impact upon Railway Road. The appeal raises concern that the proposed residential development could generate as much as 138 no. trips or 276 no. vehicles per day onto Railway Road. It is stated that a TIA in accordance with the requirements of TP 8 of the MCDP should have been submitted.
- The appellants commissioned Irish Traffic Surveys to carry out a traffic survey of Railway Road. This is attached as Appendix 3 of the appeal. The survey

was carried out over a 3-day period from the 30th of January to the 1st of February 2024. This identified 500 no. vehicle movements on Railway Road on the 30th of January. The appeal outlines that the survey demonstrates the heavily trafficked nature of Railway Road. The appeal furthermore raises concern in relation to cumulative traffic impact associated with the proposal and permitted for Castleblayney Shopping Centre.

Deficiencies in Proposed Design and Layout

- The appeal refers to the planning history pertaining to the site and the previous decision of ABP to refuse permission for a residential development on the site for reasons relating to design and layout under (ABP Ref: 303096-18).
- The appeal outlines that the density of the development is not in accordance with national policy guidance and outlines that the Guidelines in relation to Sustainable Residential Development in Urban Areas suggest a minimum density of 50 units per ha on town centre zoned lands. The development yields a density of 28.5 units per ha. The proposed density is considered to be an inefficient use of zoned and serviced land. The proposed development is deemed to be contrary to Policy Objective UDP 2 of the MCDP in this regard.
- The appeal furthermore outlines that the development is contrary to Development Objective RDP 3 of the Plan which requires higher density and a mix of unit types in multi-unit residential developments.
- The appeal cross refers to the review of the proposal carried out by P. Herr and Associates attached as Appendix 4 of the appeal. This report raises concerns in relation to surface water proposals, boundary retaining walls, road and estate layout.
- The report outlines that the proposal to dispose of surface water to the public sewer is contrary to Uisce Éireann policy. The appeal outlines that Uisce Éireann's approval of feasibility is unclear.
- The appeal outlines that the report prepared by P. Herr and Associates questions the developer's ability to construct the western boundary retaining

walls without encroachment onto 3rd party lands. The report also questions the impact of deep excavation in close proximity to a school.

- The report raises concern in relation to the content of the Stage 1/2 Road Safety Audit and outlines that Condition no. 8 of MCC's decision which relates to the submission of a Stage 3 RSA is meaningless as it permits a flawed development. The appeal outlines that Condition no. 8 fails to accord with the guidance set out within the Development Management Guidelines for Planning Authorities.
- The report also raises concern in relation to the design of the home zone areas and poor pedestrian linkages with adjoining areas. The report outlines that the layout fails to meet a number of urban design principles as set out within DMURS and should not have been granted permission on this basis.

Conclusion

- The Board is requested to refuse permission for the proposed development.

Appendices

The appeal is accompanied by the following Appendices:

- Appendix 1: MCC's acknowledgement of receipt of submission & copy of appellant's submission on the planning application
- Appendix 2: Extract of Policy Objectives from Monaghan County Development Plan 2019-2025
- Appendix 3: Traffic Count prepared by Irish Traffic Surveys
- Appendix 4: Report prepared by P. Herr and Associates

6.2. Applicant Response

A response to the grounds of appeal was submitted on behalf of the applicant. The following provides a summary of the key points raised.

- The initial sections of the appeal response set out details of the site location and description (Section 1), a description of the proposed development (Section 2), overview of planning policy context (Section 3) and details of Planning History (Section 4).

- Section 5 of the report sets out the applicant's response to the grounds of appeal. The key points raised are summarised below:

Impact on Traffic

- The appeal response outlines that the appellants statements in relation to congestion on Railway Road are unsupported. The appellant's traffic survey outlines that the AM peak has average traffic levels of 59 vehicles and 74 during the PM peak. It is stated that these levels are low for a town centre location.
- The development of a small-scale residential development of 26 units will not have any impact on the carrying capacity of the road.

Non-Compliance with Zoning

- The appeal response outlines that this issue was raised in the previous appeal to ABP and did not form a reason for refusal. It is stated that there is no basis for the appellants assertion that the development is contrary to Policy Objective TCO 2 of the MCDP.
- The applicant outlines that there is a justification for the proposed residential development on the basis of the existing housing crises and government policy which supports a town centre first approach to the provision of housing.
- The appeal response quotes extracts from the planner's report which informs the decision of MCC to grant permission for the development and in particular the statement that the Development Plan does not include specific restriction on the mix or percentage of residential development permissible on town centre zoned lands. The applicant fully concurs with this statement. The appeal response furthermore refers to Section 7.6 and 7.7 of the ABP Inspectors Report prepared under ABP Ref: 303096-18. These considerations remain relevant to the appeal site.
- The appeal response furthermore refers to the appellant's questioning of the brownfield status of the site. This was previous accepted by ABP under ABP Ref: 303096-18.

- The appeal response outlines that there is no demand for a commercial use on the site as evidenced by existing levels of commercial vacancy within Castleblayney town centre.
- The appeal response outlines that a mixed-use development on the site as this would generate more traffic than the proposed residential scheme.
- The appeal response outlines that there is no policy in the Development Plan which requires any mixture of uses on town centre zoned sites. The provision of a 100% residential development on the site is in accordance with the town centre zoning objective.

Traffic Impacts

- The appeal response outlines that the appellant's reference to congestion is not evidenced in the submitted traffic surveys. It is stated that the surveys illustrate that the site is lightly trafficked and there is sufficient capacity to accommodate the proposed development.
- The submission of a TIA in support of a 26-unit residential development is unreasonable. The application is below the threshold for a TTA as set out within the TII Guidelines. The proposed development would result in 10 to 11 trips over the course of an hour. The Traffic Section in MCC is satisfied that the development would not result in a traffic hazard.
- The appeal response refers to the appellant's concerns in relation to the submitted RSA and Quality Audit. The appeal response outlines that the role of these documents is not to provide an assessment of the volume of traffic.

Design and Layout

- The proposed density of the development is in accordance with Development Plan guidance.
- The appeal response outlines that a sufficient mix of units is proposed for the small-scale residential development (mix of 2 and 3 bed units).
- In terms of surface water, the appeal response outlines that the surface water system in Castleblayney is a combined system. In the event that a separate wastewater and surface water system is provided within the town the

developer can connect to same. No objection to the proposal is raised by Uisce Éireann or the Water Services section in MCC. Appropriate conditions are attached to the PA decision. The appeal response refers to the updated Confirmation of Feasibility from Uisce Éireann.

- The application addresses the reason for refusal in relation to surface water set out in ABP Ref: 303096-18.
- The appeal response refers to the concerns in relation to the proposed retaining walls set out within the Herr report. In this regard the appeal response outlines that a grant of planning permission would not enable the applicant to carry out works which would damage third party lands.
- The applicant's engineers have prepared a structural proposal and method statement for the retaining walls within the report prepared by Denis Williams Design Services and Engineers (DWDS) attached to the appeal. This includes a Method Statement for the construction of the retaining walls and confirms that all works can be carried out without encroachment onto third party lands.
- Landscaping proposals will be compatible with the retaining wall design.
- A report prepared by McMahon Associates responds to the issues raised within the Quality Audit and RSA. The issues raised within the EHP Services Report are addressed. The proposal is below the threshold for a TIA as set out within Appendix 10 of the Development Plan (50 units). The report confirms that the proposal is in accordance with DMURS and safe pedestrian connections are provided.
- Additional pedestrian connections to units 25 and 26 can be provided in the instance that it is required by the Board.
- The proposal addresses and will enhance the streetscape of the area.
- There is no requirement for a turning facility having regard to the scale of the development.
- A revised drawing is submitted illustrating the provision of a kerb at Unit 17. It is stated that a kerb is not essential in a home zone area. The width of the entrance to unit 25 and 26 is also sufficient.

- The turning head has been designed to facilitate turning movements of larger vehicles.
- The open space is centrally located and has been designed to facilitate access to the residential units.

Conclusion

- The appeal response requests that the decision of MCC to grant permission for the development is upheld having regard to the location of the site, the town centre zoning and the proposed design and layout.

Appendices

The appeal response is accompanied by the following Appendices:

- Appeal Response prepared by Denis Williams Design Services (addresses Surface Water Proposals and includes a method statement for Construction of Retaining Walls).
- Confirmation of Feasibility from Uisce Éireann.
- Planning Appeal Response prepared by McMahon Associates (addresses the transportation related issues raised within the appeal).

6.3. Planning Authority Response

- None received.

6.4. Observations

An observation on the appeal was submitted on behalf of Seamus and Jacinta McKiernan. The following provides a summary of the key points raised:

- The observation includes a copy of the observer's submissions to Monaghan County Council during the initial 5-week consultation period and on the further information. The PA's response to each item raised within the submissions is highlighted in red.

Site Layout Plan

- The observation raises a number of concerns in relation to the submitted Site Layout Plan and compliance with the Planning and Development Regulations. In this regard the observation outlines that the Site Layout Plan fails to show existing features within the vicinity, includes incorrect road names, insufficient details in relation to road layout and parking bays.
- The observation outlines that given the lack of detail on the submitted site layout plan it is difficult to ascertain the impact of the proposed entrance in relation to existing entrances on Railway Road. The observation raises concern in relation to the potential conflict in pedestrian and vehicular movements between the proposed entrance to the development and existing entrance to the adjacent Eir building. The observation outlines that the commercial entrance at the opposite side of the road exacerbates the problem.

Access and Traffic Impact

- The observation refers to the existing constraints of Railway Road which results in large commercial vehicles reversing to the junction with New Street. The observation relates to previous proposals for a roundabout on the to address existing constraints. The observation outlines that the road is not fit for purpose to accommodate the existing level of commercial vehicles and raises concerns in relation to congestion associated with the proposal and reopening of the shopping centre.
- The observation outlines that commercial vehicles would reverse into the proposed development entrance resulting in congestion and accidents. The observation raises concern in relation to access for emergency vehicles.
- The observation outlines that a potential solution to existing access constraints would be the provision of a roundabout as part of the development.
- The observation refers to the need to provide a traffic survey to inform the application. It is stated that issues cannot be resolved by a Stage 3 Road Safety Audit.

Site Levels, Boundary Treatment and Impact on Residential Amenity

- The observation raises concern in relation to the level of excavation in the southern corner of the site to accommodate the development.
- The observation raises concern in relation to sun light and daylight loss to house no's 13-18 (inclusive) associated with a 4.5m excavation. It is stated that this will result in poor quality living standards for proposed residents. The observation outlines that a sunlight and daylight assessment should have been undertaken.
- The observation refers to the mature treeline boundary to the southeast of the site. A survey of this site is attached as Figures 1 and 2 of the observation. The observation refers to Section J-J as illustrated on Figure 2. The ground level on the site to the southeast is 114.5m and the proposed finished floor level of house 16 is 110.7m. The observation outlines that the mature hedge on the adjoining site to the south is 7m high. The difference in levels and existing boundary treatment would result in poor quality daylight and sunlight to proposed houses 13-18.
- The observation outlines that the ridge height of proposed unit 14 is at a level with the school football field. The existing mature hedge of c.3m at this boundary is not illustrated within the application drawings. This would result in sunlight/daylight impacts on proposed houses 13-16.
- The observation furthermore questions if consent has been obtained from the school to remove the existing hedgerow and replace with a 2.4m mesh fence. The observation raises concern in relation to the loss of wildlife habitat in this regard.

6.5. Further Responses

Monaghan County Council (21/03/2024)

Monaghan County Council has no observations to make in relation to the applicant's response to the third-party appeal.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the observations received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development – Compliance with Policy
- Density, Design and Layout
- Impact on Residential Amenity
- Access and Transportation
- Site Services
- Other Issues

In addition to the above, the issue of Appropriate Assessment Screening is addressed in Section 8 of this report.

7.2. Principle of Development – Compliance with Policy

7.2.1. The proposed development comprises the construction of 26 no. houses and associated site works and new vehicular entrance off Railway Road. The subject site is a brownfield site which fronts onto Railway Road, a local access road which radiates south from the main street of Castleblayney Town Centre. Castleblayney is designated as a Tier 2 Strategic Town within the Settlement Hierarchy set out within the MCDP 2019-2025. The policies and objectives of the Monaghan County Development Plan support the growth and economic development of Tier 2 Strategic Towns (Strategic Town Objective SHO 2).

7.2.2. The site is zoned for town centre purposes within the Monaghan County Development Plan with an objective to: *“To provide, protect and enhance town centre facilities and promote town centre strengthening. Principal permitted land use will be town centre related uses including retail, residential, commercial, social uses, cultural uses, medical/health uses, hotels, pubs, restaurants and other similar type uses”*. Residential is listed as a use which is “permitted” on lands zoned for town centre purposes.

- 7.2.3. The appeal raises concern in relation to the principle of the development of the site solely for residential purposes and outlines that a mix of land uses is required in accordance with the town centre zoning objective pertaining to the site. The appeal outlines that the development is contrary to Policy Objectives TCO 1 and TCO 2 of the Monaghan County Development Plan in this regard. These policies objectives seek to develop the town centre as the principal location for retail, office, leisure and entertainment uses and protect the vitality and viability of town centres by promoting a diversity of uses. The appeal furthermore outlines that the development would be contrary to the Strategic Vision for development throughout the area as articulated in CBSO 1 of the Plan.
- 7.2.4. At the outset, in considering the grounds of appeal, I note residential is listed as a use which is permitted on lands zoned for town centre purposes. The Development Plan outlines that *“a permitted use is one which is in compliance with the primary zoning objective for the area”*. I note that there are no specific objectives within the Monaghan County Development Plan in relation to the mix or percentage of residential development permitted on town centre zoned lands. Policy Objective SSO 5 of the Plan promotes towns as residential, employment, retail and service centres. I furthermore refer to the planning history pertaining to the site wherein to the principle of a residential development on the site was previously accepted by MCC and An Bord Pleanála.
- 7.2.5. I note the requirements of the Policy Objectives TCO1 and TCO2 of the plan which support a diversity of uses within the town centre. Policy Objective CBSO 1 furthermore seeks to promote Castleblayney as a prosperous and thriving local development and service town. At present I note that Railway Road accommodates a mix of uses including former retail (Castleblayney Shopping Centre – currently vacant) and commercial development. The applicant’s FI response refers to existing levels of vacancy within retail and commercial floorspace within the town centre. I consider that the development of the site for residential purposes would provide a critical mass within the town centre and contribute to the overall diversity of uses within the area. I do not consider that the development of the site for residential purposes is contrary to Policy Objectives TCO 1, TCO 2 or CBSO 1 of the MCDP.
- 7.2.6. The appeal questions the justification for a residential development on the site in light of the quantum of residentially zoned lands within the vicinity of the site. The

site is currently vacant and contributes little to the character of the area. The Core Strategy for Castleblayney identifies the need for 14.9 ha of lands within the settlement. The provisions of the MCDP support compact and sequential residential growth within designated settlements within the County and support proposals for need residential development that result in the renewal/regeneration of town centre areas (Policy Objectives HSO 1, HSP 5, SSO 5, UDO 1, UDO 8, UDO 10). I consider that the principle of the development of a centrally located brownfield site for residential purposes is acceptable in principle in this regard.

Conclusion

- 7.2.7. In conclusion, I consider that the principle of the development of the site for residential purposes is acceptable having regard to the central location of site, the town centre zoning objective pertaining to the site and the provisions of the Monaghan County Development Plan 2019-2025.

7.3. Density, Design and Layout

Density

- 7.3.1. The proposed development includes the development of 26 no. houses on a 0.853 ha site resulting in a net density of 30 units per hectare. The appeal outlines that the proposed density represents an inefficient use of zoned and serviced town centre lands, is not in accordance with the requirements of the Sustainable Residential Development in Urban Areas Guidelines which recommend a minimum density of 50 units per ha for town centre lands and is contrary to Policy Objective UDP 2 of the Monaghan County Development Plan in this regard.
- 7.3.2. Policy Objective RDP 1 of the MCDP seeks “*to ensure all developments for multi-unit residential developments are consistent with the guidelines and best practice manuals issued by the DECLG in the planning for and provision of sustainable communities within new residential areas and are appropriate to the settlement within which they are proposed*” and Policy RDP 2 refers to compliance with the development management Guidelines set out within the MCDP.
- 7.3.3. I note that the reference in the appeal to compliance with the requirements of the Sustainable Residential Development in Urban Areas Guidelines for Planning

Authorities 2009. These were replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. Section 3.3.4 of the Sustainable Residential Development and Compact Settlement Guidelines relates to Settlement, Area Types and Density Ranges for Small and Medium Sized Towns (1,500 – 5,000 population). According to the 2022 Census, Castleblayney had a population of 3,926 in 2022. Castleblayney therefore falls within this category.

- 7.3.4. Table 3.6 relates to density ranges in Small and Medium Towns. For town centre site the guidelines recommend that the *“scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure”*. The Guidelines recommend densities in the range of 25 to 40 units per hectare for edge of centre locations in Small and Medium Sized Towns.
- 7.3.5. Section 3.2 of the Guidelines relates to Tailoring Policy to Local Circumstances. The Architectural Design Statement submitted in conjunction with the application outlines that the proposed development responds to the existing site context and provides an efficient density while respecting the form of buildings and landscape around the site edges.
- 7.3.6. I have had regard to the topography of the site and the existing character of development within the vicinity of the site which includes a small-scale residential development to the south of the site, containing 2 rows of 4 terrace dwellings in front of 4 large, detached dwellings. On the basis of the site characteristics and characteristics of existing development within the area, I consider the proposed density of 30 units per ha to be acceptable.

Design and Layout

- 7.3.7. The appeal raises concern in relation to the design and layout of the proposed development, proposed unit mix, interface with site boundaries, and compliance with the criteria set out within the “Urban Design Manual – A Best Practice Guide 2009. The appeal refers to the planning history of the site and the previous decision by An Bord Pleanála to refuse permission for a residential development on site for reasons relating to the design and layout of the proposal (ABP Ref: 303096-18).

- 7.3.8. The appeal cross refers to the review of the proposal carried out by P. Herr and Associates (attached as Appendix 4 of the appeal). This raises concern in relation to surface water proposals, boundary retaining walls and road and estate layout.
- 7.3.9. As earlier detailed, Policy RDP 1 of the MCDP seeks “*to ensure all developments for multi-unit residential developments are consistent with the guidelines and best practice manuals issued by the DECLG*”. Section 7 of the Design Statement sets out how the design complies with the relevant standards of the “Urban Design Manual – A Best Practice Guide 2009”. The Design Statement outlines that the development responds to the existing site context and provides an efficient density while respecting the form of buildings and landscape around the site edges.
- 7.3.10. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009 and accompanying Urban Design Manual, were replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. Section 4.4 of the Guidelines relates to Key Indicators of Quality Urban Design and Placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form. I have considered the proposal in light of these criteria.

Built Form

- 7.3.11. The Sustainable Residential Development and Compact Settlements Guidelines outline that the layout, position and composition of buildings and to how buildings address streets and open spaces is a key element in ensuring the creation of attractive and well-designed settlements.
- 7.3.12. The proposed layout, as revised in response to MCC’s request for further information, is generally suburban in nature, includes in curtilage parking and public and private amenity space. Access to the development is provided via Railway Road which forms the eastern boundary of the site.
- 7.3.13. The appeal raises concern in relation to the siting of public open space within the development and the lack of the provision of an urban edge to Railway Road. On review of the proposed layout I consider that the development which comprises residential units fronting onto a centrally located open space area which addresses

Railway Road comprises an appropriate design response to the site context. I consider the proposal to be acceptable in this regard.

7.3.14. The appeal and observation raise concerns in relation to the existing site levels and proposed boundary treatment. The topographical survey submitted in support of the application (Drawing no. 2001-2) illustrates that the topography of the site slopes from west to east. The northwestern (FFL 110) and southern (FFL 115) corners of the site are higher than the existing site and it slopes down to the east to Railway Road (FFL 104). The development includes a retaining wall boundary to the south and west of the site, which ranges in height from 1m to 3.5m.

7.3.15. I consider that the proposed layout and detailed landscaping proposals provide an appropriate response to the existing site topography and provide acceptable boundary treatment proposals. I consider the concerns raised within the observation on the appeal in relation to the impact of the proposed retaining wall and boundary treatment on the residential amenity of the proposed dwellings in Section 7.4 of this assessment.

Design and Unit Mix

7.3.16. The appeal raises concern in relation to the proposed dwelling mix and outlines that a greater mix of house typologies should be incorporated within the development in accordance with Policy Objective RDP 3 of the Development Plan. The proposed development comprises 26 no. units and a mix of 2 bed units (14 no.) and 3 bed units (12 no). I consider that having regard to the scale of development and the nature of existing residential development within the surrounding area, the proposed mix of units is appropriate.

Sustainable and Efficient Movement

7.3.17. Key principles for Sustainable and Efficient Movement as identified within the Guidelines include the creation of connections to the wider urban street and transport networks and improved connections between communities.

7.3.18. The appeal outlines that the development includes poor pedestrian linkages with adjoining areas and raises concern in relation to the design of the homezone areas and potential conflicts within the internal layout. I consider the issues raised further in Section 7.5 of this report.

7.3.19. The proposed development addresses Railway Road and provides for a footpath along the site perimeter. I consider that there would be benefit to incorporation of a further pedestrian entrance further south onto Railway Road in the vicinity of Unit 26 to enhance pedestrian connections within the development. I am satisfied that this can be addressed by means of condition in the instance that the Board is minded to grant permission for the development.

Public Open Space

7.3.20. The development includes a centrally located open space area of 0.13ha. The open space is well located and integrated within the scheme and is overlooked by the majority of residential units. The quantum of public open space, at 15% of the site area, is in excess of Development Plan requirements and is in excess of the minimum requirements of 10% of net site area as set out within the Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlement Guidelines.

7.3.21. I consider that the form, size and distribution of the proposed public open space within the scheme is appropriate, responds to the site characteristics and would facilitate a high level of surveillance and overlooking.

Conclusion

7.3.22. On an overall basis, I consider that the density, layout and design of the development is acceptable and has been designed to respond to the topography of the site and reflect the pattern established of development within the area.

7.4. Impact on Residential Amenity

7.4.1. In terms of the residential amenity of the proposed units I note that the internal layout of each of the proposed houses, in particular the combined living space and bedrooms, exceeds the recommendations of the Quality Housing for Sustainable Communities (2007) guidelines. I note that private open space for each dwelling is provided in excess of the guidance set out within the Monaghan County Development Plan. The proposed public open space area is well located and overlooked public amenity space which will serve existing and future residents of the area.

- 7.4.2. The observation on the appeal, raises concern in relation the amenity of the proposed residential units 13 to 18 in relation to sunlight and daylight loss associated with the proposed 4.5m excavation and existing boundary treatment. The observation outlines that this will result in poor quality living standards for the proposed residents.
- 7.4.3. The boundary treatment of proposed units 13 to 18 is illustrated on Drawing no. 111 “Proposed Site Plan – Houses no. 13 to 17” submitted in response to MCC’s request for further information. The Landscaping Design Plan (Drawing no. 01) illustrates that the area between the retaining wall and the site boundary is proposed for native planting, a mesh fence is proposed to enclose this area. The Site Section Drawings submitted in response to MCC’s request for further information illustrate the level of excavation proposed on site (existing and proposed ground levels) and the interface of the proposed residential units with the proposed retaining walls to the west and south of the site (Drawings 109 and 110).
- 7.4.4. In considering the issues raised within the observation I note that the proposed residential units are dual aspect, maximising available light and ventilation. The proposed floor to ceiling heights of 2.4m together with large window openings will provide natural light to living areas and provide a high-quality living environment. The proposed private open space areas within the scheme are positioned to face south and west which maximises access to sunlight. Garden depths range from 14m to 8.4m within proposed units 13 to 18. Having regard to the orientation of the proposed units and garden depths, I am satisfied that the proposed residential units and private amenity areas will achieve good access to daylight and sunlight.
- 7.4.5. On review of the unit layout, I recommend the inclusion of a condition outlining that the proposed side facing window openings to bathrooms are permanently maintained in obscure glass in the instance that the Board is minded to grant permission for the development.
- 7.4.6. In terms of residential amenity of existing properties within the vicinity, I note that the appeal site is located over 20m to the north of the closest residential dwelling and is separated by an existing agricultural lane. I consider that the development has been designed to negate against overlooking of existing dwellings to the south of the site.

7.4.7. In conclusion, I consider that the proposed development maintains adequate separation distances from the existing residential properties. It would not give rise to undue overlooking or overshadowing of adjoining properties or otherwise cause serious injury to the residential amenities. I consider that the proposal would provide a high quality of residential amenity for the future occupants of the scheme. Having regard to the low scale of the surrounding development, the separation distances between the proposal and existing development and set back from site boundaries, I consider that appropriate daylight and sunlight standards will be achieved for future occupants of the development.

7.5. Traffic and Transportation

7.5.1. The appeal and observation raise a number of concerns in relation to the proposed access arrangements, the internal road layout, the scope of the application and traffic impact associated with the development. I consider the issues raised in turn as follows.

- *Proposed Entrance and Internal Road Layout*

7.5.2. The appeal outlines that the proposed access arrangements will constitute a traffic hazard and the proposed layout is not in accordance with the Design Manual for Urban Roads and Streets (DMURS). The appeal raises concern in relation to the location of the proposed entrance and conflict with existing entrances in the area including the Eir entrance to the north and the underground basement car park and service access to the derelict shopping centre at the opposite side of Railway Road and existing on street parking. The observation on the appeal furthermore outlines that the application drawings do not fully illustrate the layout of Railway Road in the vicinity of the site.

7.5.3. Access to the site is proposed via Railway Road. Railway Road operates within a 50km/ph speed limit and runs in a straight alignment in vicinity of the proposed site entrance. A gated entrance to the site is currently provided along Railway Road. Drawing no. 204 "Autotrack and Sightlines" illustrates that sightlines of (y) 45m and (x) 2.4m are provided at the proposed entrance in compliance with Section 4.4.5 of DMURS.

7.5.4. On site inspection I did not note any formal delineated parking spaces along or immediately adjacent to the proposed site entrance. I note the presence of an entrance serving the Eir Building to the north of the site. This entrance is set back from Railway Road and would not provide a direct conflict with the proposed entrance or restrict visibility. I note that the RSA submitted in support of the application recommended the provision of a continuous footpath in the vicinity of this entrance and this has been incorporated in the proposed design. On site inspection I did not observe any formal delineated on street parking areas along the site boundary. While I observed on street parking along Railway Road in the vicinity of the site, I do not consider this to be uncommon in town centre locations. I note that Road Design Section in Monaghan County Council raised no objection to the principle of the proposed access arrangements, and I similarly consider the proposed access arrangements to be acceptable.

7.5.5. The development includes the provision of 46 no. parking space to serve the 26 no. units. The majority of parking is provided in curtilage with 3 no. parking spaces provided to the south of the proposed central open space area. I consider that the proposed parking provision is in accordance with Development Plan Standards and should negate against overflow of parking on Railway Road.

7.5.6. I note that the observation on the application refers to the requirement for a roundabout on Railway Road which, it is stated should be accommodated on the appeal site. The development does not include a proposal for a roundabout, nor do I consider that a roundabout would be required to serve the nature of development proposed. I have assessed the proposal and associated access arrangements on its merits.

Internal Road Layout

7.5.7. The appeal raises a number of concerns in relation to the internal road network of the development and non-compliance with DMURS and raises particular concerns in relation to the convoluted layout, pedestrian linkages, the southern home zone area, turning head layout and entrances to Units 25 and 26. The applicant's appeal response provides a response to each of the specific issues raised. I refer to

Drawing no. 203 submitted in conjunction with the appeal response which includes an extended footpath in the vicinity of Unit 26.

- 7.5.8. On an overall basis, I consider that the proposed internal road layout is acceptable having regard to the site context and topography. The road comprises a single spine access with cul de sacs to the north and south. Drawing no. 204 “Autotrack and Sightlines” illustrates emergency vehicle movements can be accommodated within the internal road network. I consider that there would be benefit to incorporation of a further pedestrian entrance further south onto Railway Road in the vicinity of Unit 26 to enhance pedestrian connections within the development. I am satisfied that this can be addressed by means of condition in the instance that the Board is minded to grant permission for the development.

Scope of Application

- 7.5.9. The appeal raises concern in relation to the scope and content of the application and refers to information deficiencies within the application in relation to existing traffic movements and congestion on Railway Road and outlines that a Traffic Impact Assessment should have been submitted in respect of the application.
- 7.5.10. I refer to the thresholds for Traffic and Transportation Assessment as set out within Appendix 10 of the MCDP i.e in excess of 50 units. The proposed development at 26 units is below this threshold. Having regard to the scale of the development proposed, I do not consider that the proposed development would represent a scale or format of development which would result in significant additional traffic volumes on the adjoining road network.
- 7.5.11. I have considered the Traffic Survey submitted in conjunction with the appeal and I do not consider that traffic movements identified are excessive for a town centre location. I note the town centre location of the site and its location in proximity to existing schools and facilities within Castleblayney town centre. I consider that this will promote sustainable transport options.
- 7.5.12. The appeal outlines that the Stage 1 / 2 RSA and Quality Assessment submitted in support of the application are deficient. I refer the comments within the report prepared by EHP Services submitted in conjunction with the 3rd party appeal. The appeal response includes a report prepared by Mc Mahon and Associates which addresses the issues raised. I am satisfied that the issues raised by the appellant in

relation to existing traffic volumes on Railway Road and the capacity of the road network fall outside of the scope of a Road Safety Audit.

- 7.5.13. The appeal outlines that the requirements of Condition no. 8 of MCC's decision seeking the submission of a Stage 3 RSA on completion of the development is meaningless as it permits a flawed development. As earlier noted, I consider that the proposed access arrangements are acceptable. I note that the submission of a Stage 3 RSA on completion of the development and prior to operation is in accordance with TII Guidance. I recommend the inclusion of this condition in the instance that the Board is minded to grant permission for the development.

Conclusion

- 7.5.14. In conclusion, I consider that the proposed access arrangements to the development are acceptable in principle, and I do not consider the proposed development would cause a traffic hazard or endanger pedestrian safety. I am satisfied that the proposed development would not represent a scale or format of development which would result in significant traffic impact. Having regard to the location of the site within the town centre, the modest scale of the proposed development and the integration of home zone concepts, I do not consider the proposed development would cause a traffic hazard or endanger pedestrian safety.

7.6. Site Services

Surface Water

- 7.6.1. Part of the appeal site is currently hard surfaced and was previously in use as a car park. The Engineering Report submitted in support of the application outlines that the surfaced area occupies 28% of the site area. Surface water from the site outfalls to existing gullies and outfalls to the existing combined sewer along Railway Road.
- 7.6.2. I refer to the planning history of the site and previous decision of ABP to refuse permission for a residential development on the site on grounds including insufficient details in relation to surface water provisions (ABP Ref: 303096-18). The appeal outlines that this issue has not been sufficiently resolved within the current application and outlines that the proposal to discharge to the sewer network is contrary to Uisce Éireann (UE) policy and Uisce Éireann's approval of feasibility is unclear.

- 7.6.3. The proposed development incorporates SUDS measures including paving attenuation. Discharge rate will be calculated using greenfield values. The hydro break will restrict the flow, causing the water to backup and fill the attenuation. I refer to the confirmation of feasibility from Uisce Éireann dated the 22nd of June 2023 attached to the applicant's response to the grounds of appeal. This outlines that in the absence of the ability to manage stormwater on site and the lack of a dedicated storm sewer network in the area the proposed connection to the UE combined sewer is feasible. The correspondence outlines that stormwater should be attenuated on site and a maximum discharge rate to the combined sewer shall be 2 l/s. The application documentation outlines that stormwater discharge will be restricted to 2l/s by using a hydro break in SMH01 in accordance with the requirements of Uisce Éireann.
- 7.6.4. On the basis of the information submitted in conjunction with the application and appeal response I am satisfied that the applicant has addressed the reasons for refusal under ABP 303096-18 in relation to insufficient information in relation to surface water proposals. The proposed development incorporates SUDS measures and surface water proposals have been deemed acceptable to Uisce Éireann and Monaghan County Council. I consider that the proposed surface water proposals are acceptable in this regard.

Wastewater

- 7.6.5. The proposed development seeks permission for a new connection to the existing wastewater treatment network in the vicinity of the site. The Engineering Report submitted in support of the application outlines that there is an existing combined sewer located to the north/east of the appeal site along Railway Road travelling in a south/east to north/west direction. The confirmation of feasibility from Uisce Éireann attached to the appeal response confirms that the proposed wastewater connection is feasible without upgrade by UE. I have no objection to the proposed wastewater proposals in this regard.

Water Supply

- 7.6.6. The development seeks to connect to the existing water network in the vicinity of the site. An existing watermain is located to the north/east of the proposed development. The confirmation of feasibility from Uisce Éireann attached to the appeal response

confirms that the proposed wastewater connection is feasible without upgrade by UE.

7.7. Other Issues

Validity of Application

- 7.7.1. The observation on the appeal questions the validity of the application in accordance with the requirements of Article 23 of the Planning and Development Regulations. In this regard, the observation outlines that the submitted Site Layout Plan fails to illustrate the parking layout and features within the vicinity of the site and includes incorrect road names.
- 7.7.2. In considering the issues raised within the observation, I note that the Planning Authority deemed the application valid. I am satisfied that the submitted drawings are sufficient for the purposes of the identification of the site and surrounding features. I note the concerns raised in relation to existing road layout and entrances in the vicinity of the site. I have considered these issues earlier in this assessment and as noted I am satisfied with the proposed access arrangements.

Impact on Adjoining School Site

- 7.7.3. The appeal refers to the level of excavation on site to facilitate the proposal and questions the potential impact of deep excavation in close proximity to a school. The appeal furthermore questions the developer's ability to construct the western boundary retaining walls without encroachment onto 3rd party lands and the observation on the appeal furthermore questions if consent has been provided by the adjoining school to remove the existing hedgerow and replace it with a 2.4m fence and raises concerns in relation to potential habitat loss.
- 7.7.4. The interface of the proposed development with the existing school is illustrated on the Proposed Site Layout Plan Drawing no. 107 and Sections E and F Drawing no. 110. The development includes a retaining wall boundary to the south and west of the site, which ranges in height from 1m to 3.5m. The Landscaping Design Plan (Drawing no. 01) illustrates that the area between the retaining wall and the site boundary is proposed for native planting, a mesh fence is proposed to enclose this area.

- 7.7.5. The applicant's appeal response includes a Method Statement for the construction of retaining walls prepared by Denis Willias and Design Services Architects and Engineers. This outlines that the retaining walls can be constructed without undermining third party structures or encroaching on third party lands. I am satisfied that this addresses the issues raised within the grounds of appeal. I furthermore note that neither the appellant or observer is affected by the claimed encroachment, by way of erection of boundary treatment, and that no observations were made by the owners of the adjoining properties.
- 7.7.6. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. [Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal.] In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Carlingford Mountain SAC (Site Code 000453) which is located over 26km from the appeal site.
- 8.3. The proposed development is located on zoned and serviced land within the town centre of Castleblayney and comprises the construction of 26 no. residential units.
- 8.4. Monaghan County Council's Screening Determination concludes the following: *The site is not located within or within 15km of a Natura 2000 site. In addition, there are no significant watercourses along the site boundaries and no pathway connectors to the Natura 2000 network. It is the opinion of the planning authority therefore, that given the cumulative effects of the proposed development and any other plan or project, the development is not of a nature or scale to have any significant effects on the qualifying features of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.*

8.5. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

8.6. The reason for this conclusion is as follows:

- The nature and scale of the development.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

8.7. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the town centre zoning objective pertaining to the as set out within the Monaghan County Development Plan 2019-2025, national and local policy objectives which support the redevelopment of centrally located brownfield site, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Monaghan County Development Plan 2019-2025 and would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of the safety and convenience of pedestrians and road users and would not constitute a traffic hazard or be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th of December 2023 and An Bord Pleanála on the 11th of March 2024, 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.

Reason: In the interest of clarity.

2. Prior to the commencement of any development on site, the developer shall submit revised plans, illustrating the following revisions to the proposed development for the written agreement of the planning authority:
 - (a) Revised Site Layout illustrating the provision of a further pedestrian entrance to Railway Road to the south of the site (in the vicinity of proposed unit 26).
 - (b) Revised Site Layout Plan detailing an inspection manhole located downstream of the petrol interceptor prior to surface water outfall route.
 - (c) A Water Protection Plan checklist.
 - (d) All en-suite bathroom units shall be fitted and permanently maintained with obscure glass; use of film is not acceptable.

Reason: In the interests of residential and visual amenity and environmental protection.

3. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

4. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which was received by the planning authority on the 15th of December 2023, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity.

5. Public lighting shall be provided in accordance with the details which accompanied the application. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the Planning Authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

7. Prior to the commencement of any other works on site, visibility splays shall be provided at the proposed site entrance in accordance with Planning Authority requirements and the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

8. Within 3 months of the date of completion of the development a Stage 3 Road Safety Audit shall be completed and submitted to the Planning Authority for written agreement.

Reason: In the interest of road safety.

9. Proposals for a house naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. 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.

Reason: In the interests of visual and residential amenity.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management

12. The developer shall enter into water and wastewater connection agreement with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

15. 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 hours of working, traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. Prior to the commencement of 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 housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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.

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.

18. 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, 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.

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.

19. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

20th of December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319051-24		
Proposed Development Summary	Construction of 26 houses and all associated site works.		
Development Address	Railway Road, Connabury, Castleblayney		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10(b) of Schedule 5 to Part 2	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	√	Class 10(b) of Schedule 5 to Part 2 Class 10(b) (i) – Threshold – Construction of more than 500 dwelling units.	Proceed to Q4

		Class 10(b) (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.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	<p>Class 10(b) (i) of Schedule 5 to Part 2 Threshold 500 units – 26 no. residential units proposed.</p> <p>Class 10(b) (iv) of Schedule 5 to Part 2 Threshold 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 – Appeal site area is 0.91ha and therefore below the applicable threshold.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre - Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 319051-24	
Proposed Development Summary	Construction of 26 houses and all associated site works.	
Development Address	Railway Road, Connabury, Castleblayney	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p>	<p>No. The proposal seeks permission for a residential development of 26 no. units on town centre zoned and serviced lands within Castleblayney. Existing development within the vicinity of the site comprises a mix of commercial and residential uses. The proposed development of 26 no. residential units would not be exceptional having regard to the existing site context.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No. Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>	
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>No. The proposed 26unit residential development is not exceptional in the context of the existing environment.</p>	No

Are there significant cumulative considerations having regard to other existing and / or permitted projects?	No.	
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location as detailed in Section 8 of this assessment. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing land uses within the area.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. The site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p style="text-align: center;">√</p> <p>EIA is not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.-</p>

Inspector:

Date: