



An
Bord
Pleanála

Inspector's Report

ABP-319928-24

Development	Demolish stables and outbuildings and construct 4 houses with garages, new accesses and all associated works.
Location	Lisanisk, Carrickmacross, Co. Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	23206
Applicant	Clarlan Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	<ol style="list-style-type: none">1. Frankie McBride2. Catherine McConnon3. Ann Hanratty4. Micheál and Mary O'Rourke5. Tony and Wilma O'Brien6. Noel and Joanna Mullins
Observers	<ol style="list-style-type: none">1. Ramona Tobin
Date of Site Inspection	13 th January 2025
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.35ha and is located in the townland of 'Lisanisk', c. 1.2km to the east of the centre of Carrickmacross, Co. Monaghan.
- 1.2. The site is located within an area characterised by low-density residential development accessed off the L46401, separated from the main built-up area of the town by the N2 corridor. The site is bound to the west and north by the rear garden boundaries of detached dwellings, to the south by agricultural land and to the east by a cul-de-sac road which terminates c. 650m to the southeast.
- 1.3. The site, with a road frontage of c. 82m and a depth of c. 37m, comprises agricultural land with stables and other outbuildings located close to the northern boundary. The site is relatively flat with a level of c. +84m on the road edge compared to c. +86.5m on the western / rear boundary. Site boundaries comprise a concrete block wall to the east, aluminium fence to the north, and hedgerow / trees to the south and west.
- 1.4. Access to the site is via an existing entrance on the northern end of the eastern boundary to the abutting roadway. Documentation on the file, including the statutory notices and a report from the Council's roads department, indicates that the roadway from which the site is accessed is a shared private roadway. The roadway connects to the public road network to the northwest where it joins the L46401 Lisanisk Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of stables and outbuildings and construction of 4 no. detached, two-storey, four-bedroom dwellings along with 4 no. detached single storey domestic garages. The individual plots range in size from c. 855sq.m to 940sq.m, with the total floor area of the proposed dwellings ranging from 185sq.m to 188sq.m, and each with a pitched roof height of c. 8.975m. The domestic garages are located to rear of each dwelling, each with a gross floor area of c. 20.6sq.m and a pitched roof height of c. 4.125m. The proposed development also comprises new individual vehicular entrances, connections to mains services including foul sewage and water, on-site storm water treatment, new boundary treatments and all ancillary site works.

- 2.2. Further information submitted on the 1st May 2024 included amended plans showing a reduction of 650mm in the finished floor level of each dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 18 no. conditions. Condition 5 required revised showing the relocation of first floor level bedroom windows from the rear elevation to the side elevation for each dwelling. Condition 8 related to road safety audits. Condition 9 relates to compliance with a submitted Ecology Report. Condition 10 relates to entrance details including visibility splays. Condition 11 relates to the submission of a Construction and Demolition and By-Products Waste Management Plan and compliance with a submitted Construction & Environmental Management Plan (CEMP). Condition 14 requires archaeological monitoring.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report dated 4th December 2023 recommended that 14 no. items of further information be sought. These items are summarised below:

1. Design Concept Statement required.
2. Respond to issues relating to design and layout, including dwelling mix and height, in the context of the surrounding environment.
3. Details regarding traffic / road safety, including Stage 1 Road Safety Audit.
4. Landscape plan required.
5. Supporting documentation including plans, sections, sunlight analysis and Construction and Environmental Management Plan to allow evaluation of the impact of the proposal on the amenity of adjoining dwellings.
6. Further details on surface water drainage.
7. Confirmation of ownership status of the land.

8. Ecology Report required, with particular emphasis on bats, in the context of the proposed demolition of buildings and removal of hedgerow and tress.
9. In respect of the proposed demolitions, submit a Construction and Demolition and By-Products Waste Management Plan, along with Asbestos Survey and Removal Plan.
10. Details in respect of any proposed importation of infilling material.
11. Details in respect of proposed foul sewage discharge from the site.
12. Revised 3D imagery.
13. Clarify issues in relation to the submitted Section 96 exemption application.
14. Invited to respond to issues raised in third party submissions.

Significant further information, including revised public notices, was received by the Planning Authority on the 1st May 2024.

A second planner's report dated 27th May 2024 considered that all items of further information had been adequately addressed and recommended that permission be granted subject to 17 no. conditions.

The notification of decision to grant permission included the 17no. conditions recommended in the planner's report and a further condition (No. 5) requiring the relocation of first floor level bedroom windows from the rear elevation to the side elevation for each dwelling.

3.2.2. Other Technical Reports

Municipal District / Roads: Report dated 27th November 2023 recommended that further information be sought with regards road safety and surface water drainage. These requirements were reflected in the request for further information. An email on file dated 13th May 2024 and a further report dated 21st May 2024 raised no objection to the proposed development, subject to conditions in respect of a Stage 3 Road Safety Audit and surface water drainage.

Environment Section: Report dated 15th November 2023 recommended that further information be sought requiring the submission of a Construction and Demolition and By-Products Waste Management Plan, an Asbestos Survey and Removal Plan, details of infilling material required, Water Protection Plan Checklist, design specifications for

surface water management, and confirmation with regards proposed foul sewerage connection. These requirements were reflected in the request for further information. A report dated 16th May 2024 raised no objection to the proposed development, subject to conditions relating to the construction stage.

Water Services: Report dated 16th October 2023 raised no objection to the proposed development, subject to conditions relating to water, stormwater and foul sewer infrastructure and connections.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage, Development Applications Unit (DAU)

The submission dated the 14th November 2023 recommended that archaeological monitoring be required by condition.

3.4. Third Party Observations

10 no. observations were made on the application, with a further 2 no. observations made on significant further information. Observations to the Planning Authority generally reflect the content of the third-party appeals, however the observations raise the following additional issues:

- Issues relating to the validation of the application by the Planning Authority.
- Incomplete / inaccurate information submitted, including those relating to section drawings, shadow diagrams, landscaping / boundary proposal, 3D renderings, designated sites, Appropriate Assessment, connection to services.
- Additional housing in the area should be for those people with a local need.
- Potential localised flooding, particularly in respect of existing properties on the east side of the access road, due to possible increased surface water run-off.
- Alleged unauthorised development on land north of the site, within the same ownership, comprising the replacement and repositioning of a roadside boundary wall, and the removal of a tree.

4.0 Planning History

Appeal Site / Surrounding Area: None recent / relevant.

5.0 Policy Context

5.1. National Planning Framework

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020

This RSES provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. The vision of the RSES is to play a leading role in the transformation of the region into a vibrant, connected, natural, inclusive and smart place to work and live.

Under the RSES, Carrickmacross falls within the category of ‘Smaller Towns, Villages and Rural Areas’, being settlements other than the Cities, Regional Growth Centres and Key Towns. The RSES states that this category includes settlements in each county that are smaller than Key Towns but play an important role in supporting the social, economic and cultural life within rural communities.

Part (c) of RPO 3.2 is relevant to the proposal in the context of settlement type:

RPO 3.2

- a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.
- b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.
- c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints

5.3. Section 28 Guidelines - Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, inter alia, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.

5.4. National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.5. Monaghan County Development Plan 2019-2025, as varied

5.5.1. Carrickmacross is designated a 'Tier 2 – Strategic Town' under the county settlement hierarchy. The site is zoned 'Existing Residential, the objective of which is 'To protect and enhance existing residential amenities'.

5.5.2. Chapter 2 (Core Strategy), Chapter 3 (Housing), Chapter 6 (Heritage, Conservation & Landscape), Chapter 7 (Transport and Infrastructure), Chapter 8 (Environment, Energy and Climate Change), Chapter 9 (Strategic Objectives for Settlements), Chapter 11 (Carrickmacross Settlement Plan) and Chapter 15 (Development Management) of the county development plan are considered relevant. The following policies and objectives of the above chapters are considered applicable:

Chapter 2 – Core Strategy

- **CSSO 1** To ensure that new development within the County will provide for sustainable development that enables economic growth, delivery of accessible and high-quality infrastructure and services and guides population growth in accordance with the settlement strategy.
- **SHO 2** 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.
- **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 8** To facilitate the development of low-density residential developments on designated zoned lands within existing settlements. This will assist in providing

choice of house type within a structured but low-density environment, as an alternative to the development of one-off housing in the open countryside

Chapter 3 – Housing

- **HSO 1** 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
- **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 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.
- **HSP 13** To require that a high degree of building flexibility is incorporated into the design of new dwellings including adaptability to lifetime housing needs and provision of accessibility for the elderly and those with impaired mobility.

Chapter 6 – Heritage, Conservation & Landscape

- **HLP 13** To resist development in or adjacent to any Natura 2000 site (SPA or SAC) where it would result in the deterioration of that habitat or any species reliant on it. The onus will be on the developer to demonstrate that any such

development will not adversely impact on the qualifying interest of such sites subject to the preparation of an appropriate assessment exercise under the provisions of the EU Habitats Directive.

- **HLP 14** To resist development in or adjacent to an NHA or pNHA (listed in Table 6.4) where it would result in the deterioration of that habitat or detrimentally impact on any species reliant on it. The onus will be on the developer to demonstrate that any such development will not adversely impact on the conservation of such areas.
- **TWP 1** To minimise loss of tree(s) and hedgerow associated with any development proposal and encourage the retention of existing mature trees, hedgerows and woodlands in new developments. Where removal is unavoidable consideration should be given to transplanting trees and/or providing compensatory planting on the site.
- **TWP 2** To preserve trees and/or groups of trees that have a significant amenity value, and to designate Tree Preservation Orders where appropriate.

Chapter 7 – Transport and Infrastructure

- **TP 5** To ensure that all new developments and extensions to existing developments have adequate car parking provision.
- **TP 7** To support the provision of charging infrastructure for electric vehicles to meet the objectives set out in the National Renewable Energy Action Plan for 10% electric vehicles by 2020 or any other related target adopted during the lifetime of this plan.
- **TP 8** To require the submission of a Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) and/or a Road Safety Impact Assessment (RSIA) as deemed necessary in accordance with Appendix 13 Road Safety Audit and 14 Traffic and Transport Assessment for significant development proposals.

Chapter 8 – Environment, Energy and Climate Change

- **SDP 1** To require best practice in the design, construction and operation of expanding and new developments to ensure minimum effects on the aquatic environment. Sustainable Urban Drainage Systems designed to ensure both water quality protection and flood minimisation should be included in

developments for commercial, industrial, residential, intensive agricultural, public and institutional premises with significant roof or hard surface areas and multiple residential developments. For guidance refer to Monaghan County Councils Storm Water Technical Guidance Document 2017.

- **SDP 2** 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.
- **SDP 3** To require that planning applications are accompanied by a comprehensive SUDs assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.
- **SDP 4** To ensure that all storm water discharges shall be restricted onsite attenuation and or other measures to the pre-development levels (green field) in all new developments. All attenuated storage volumes must take into consideration climate change. Guidance is available from The Greater Dublin Strategic Drainage Study Technical Document, Volume 5.
- **SDP 5** To require all run off from new developments in towns/villages to be restricted to the pre-development levels (green field) by storm water attenuation on site and use of SUDs (sustainable urban drainage systems), as a measure to assist in flood avoidance. For guidance refer to Monaghan County Councils Storm Water Technical Guidance Document 2017.

Chapter 9 – Strategic Objectives for Settlements

- **SHO 2** 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 16** Ensure that new development within settlements is appropriate in terms of use, siting, scale, layout, design, materials and character.
- **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.
- **LZP 1** To implement the land use zoning categories and objectives in each of the settlement plan areas as set out in Table 9.1.
- **UDO 1** To promote the towns as residential centres and encourage the development of new residential accommodation on zoned housing lands.
- **UDO 5** To encourage the refurbishment and reuse of derelict buildings and development on derelict lands and infill sites in the towns.

Chapter 11 – Carrickmacross Settlement Plan

- **CMSO 1** To promote Carrickmacross town 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 and natural and built environment are enshrined.

Chapter 15 – Development Management

- **UDP 1** To promote the development of backland and infill sites and the reuse and regeneration of brownfield sites within the urban areas in accordance with the principles set out in Section 15.2 of Chapter 15 (Development Management Standards) of the Monaghan County Development Plan 2019-2025 unless otherwise provided for within the plan.
- **UDP 2** To require development within all urban areas to comply with the assessment criteria and guidance and principles set out in Section 15.2 Chapter 15 (Development Management Standards) of the Monaghan County Development Plan 2019-2025 unless otherwise provided for within the plan.
- **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.
- **RDP 3** 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

- **RDP 24** 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.
- Section 15.2.10 - Building Heights & Overshadowing

Variations

The Monaghan County Development Plan 2019-2025 has been subject to 6 no. variations, including Variation No. 2 (September 2020) which makes reference to and aligns the county plan with the provisions of the National Planning Framework (NPF) and the Northern and Western Regional Spatial and Economic Strategy (NWRA RSES), and Variation No. 6 (September 2024) which comprised the change of land use zoning of certain lands within Carrickmacross. However, the appeal site, in term of zoning, is unaffected by any of the adopted variations to date.

5.6. Draft Monaghan County Development Plan 2025-2031

- 5.6.1. On 11th May 2023, pursuant to Section 11(a) of the Planning and Development Act 2000 (as amended), the Planning Authority published a notice of intention to review the existing Monaghan County Development Plan 2019-2025 and to prepare a new Monaghan County Development Plan for 2025-2031.
- 5.6.2. After the completion of the pre-draft stage, a Draft Monaghan County Development Plan 2025-2031 was published on 5th September 2024, with the submission period ending on 14th November 2024.
- 5.6.3. A zoning map for Carrickmacross is incorporated in the draft plan, showing the appeal site zoned 'Existing Residential', the objective of which is '*To protect and enhance existing residential amenity, to facilitate residential development on small infill sites within established residential areas, the comprehensive redevelopment of brownfield residential sites for sustainable residential development, and to facilitate and encourage the completion of commenced and not yet completed residential developments*'.

5.6.4. In accordance with Section 12(14) of the Planning and Development Act 2000 (as amended), the Monaghan County Development Plan 2025-2031 is due to be adopted by May/June 2025.

5.7. Natural Heritage Designations

5.7.1. The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Stabannan-Braganstown SPA (Site Code: 004091), c. 18km to the southeast,
- Dundalk Bay SPA (Site Code: 004026), c. 21km to the east,
- Dundalk Bay SAC (Site Code: 000455), c. 21km to the east.

5.7.2. The Spring and Corcrin Loughs pNHA (Site Code: 001671) is located c. 0.5km southeast of the site.

5.8. EIA Screening

Refer to Form 1 in Appendix 1. Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings. The proposal for 4 no. dwellings constitutes a sub-threshold development.

Refer to Form 2 in Appendix 1. Having regard to the characteristics, location and types / characteristics of potential impacts 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

Third party appeals have been received from / on behalf of the following parties:

- Noel and Jonna Mullins
- Tony and Wilma O'Brien

- Micheál and Mary O'Rourke
- Ann Hanratty
- Frankie McBride
- Catherine McConnon

4 no. appellants are residents of properties fronting the site to the east and accessed off the same private roadway. The other 2 no. appellants are residents of properties which back onto the rear / western boundary of the site.

The points raised in the appeals are summarised together below:

Design / Density / Residential Amenity

- The proposal, by reason the form and scale of the dwellings, particularly by reason of the dwellings being two-storey, is an inappropriate and incongruous form of development, that does not enhance or positively contribute to the area.
- Single or 1.5 storey dwellings would allow the proposal to better integrate with the pattern and grain of surrounding development.
- The proposal is contrary to the aim of development plan Policy RDP 2 by reason of the harmful impact on the residential amenity of adjacent properties.
- The proposed houses will cause loss of privacy and loss of visual amenity to properties fronting the site to the east.
- The Planning Authority's decision seems to prioritise financial gain over the well-being of local residents.
- Despite amendments made at further information stage and requirement of Condition 5, the proposal will still cause loss of amenity to properties directly adjacent to the rear / western boundary, in the form of overlooking, overbearing and overshadowing, contrary to development plan Policy RDP 24. Shadow diagrams submitted at further information stage are considered to be misleading due to absence of potential shadowing on September 21st (Autumn Equinox) or December 21st Winter Solstice.
- The proposal constitutes ribbon development.

Road Safety

- The proposed development, by reason of increased traffic, would cause traffic safety issues, both for pedestrians and vehicles.
- The requirements of Condition 8(b) and 10(a), which relate to Road Safety Audit and sightlines cannot be delivered by the applicant by reason that the road is not a public road. The 35m sightlines for Houses 1 and 4 run through land and planting outside the red line boundary, and thus cannot be maintained in perpetuity.

Biodiversity

- The impact of the removal of the existing line of trees on wildlife including bats.
- Ecology Report submitted has a number of flaws in respect of a bat survey carried out within the stable block. In the absence of a proper survey and management plan to mitigate against the loss of a roosting site, the proposal is contrary to development plan policy LCP 1, LCP 2, LCP 3 and HLP 5.
- Indirect hydrological connection to European Sites via surface and ground water, thus Appropriate Assessment potentially required.

Infrastructure / Right of Way

- Proposal is reliant on property that sits outside the red line boundary, beyond what can be imposed by conditions or delivered by the applicant.
- Condition 13 & 16 – Ability of developer to lay services on private road.

Asbestos (Condition 11)

- Concerns in relation to the presence of asbestos and safe removal of same.

Construction Hours (Condition 12)

- Construction hours should be restricted further.

Ground Subsidence and Structural Stability

- Impact of the proposal, including works to alter ground levels, on the structural stability of existing walls on the western boundary and other structures including wastewater treatment systems within adjoining properties.

Naming of Road / Development (Condition 17)

- Opposes the re-naming of the road.

Impact on Property Values

- Proposal will impact negatively on property values in the surrounding area.

The following observations are made on other conditions attached to the Planning Authority's notification of decision to grant of permission:

- Conditions 1 and 2. Requirement to pay contributions towards public infrastructure. The proposal will be access off a private road.
- Condition 6. Queries the enforceability of the condition, which relates to the restriction on first occupation.

6.2. Applicant Response

The Board received a response on behalf of the applicant on the 15th July 2024 to the third-party appeals. An updated version of the response was received on the 22nd July 2024, with the inclusion of additional text under Section 4.4 in respect of Appropriate Assessment.

The applicant's response to the grounds of appeal can be summarised as follows:

Design / Density / Residential Amenity

- The site is located within an urban area, zoned 'Existing Residential'.
- The proposed density of 11.5 dwellings per hectare is appropriate for the site context, consistent with the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*, in respect of small infill sites.
- The proposed dwellings are sufficiently set back from adjoining dwellings and will not result in overlooking or overshadowing.
- Separation distances of between 27m and 35m are provided to adjacent dwellings to the south-west, complaint with SPPR 1 of the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*

- In terms of height, the proposed two storey dwellings will not appear out of character with the area due to the west to east downward slope of the land.
- Submitted shadow study shows that the proposed development will not cause overshadowing of adjacent properties. By reason of the siting / orientation of adjacent dwellings, the proposal will not impact on southern aspect to adjacent properties.
- The site is located within the urban boundary therefore the proposal does not constitute ribbon development.

Road Safety

- Revised plans submitted at further information stage include works recommended in a Stage 1 Road Safety Audit, which shows sightlines at the junction with the public road and the provision of a passing bay at the front of the site.
- The road connects to the public road at only one end, has limited traffic serving 15 no. existing dwellings and traffic is forced to reduce speed due to the nature of the road.
- The site zoned Existing Residential, located within an urban area and within the town limits, making it suitable for development.

Biodiversity

- Submitted Ecology Report noted habitat types surrounding the site (referring to Leylandii and hawthorn hedges) are of low ecological significance, with negligible potential for bat roosting in a Leylandii hedge and low potential for bat roosting in hawthorn hedges.
- Submitted Ecology Report notes potential bat roosting in the roof space of stable block and recommends a further survey during the appropriate season. This is required by Condition 9 on the Planning Authority's notification of decision to grant permission.
- Referring to a submitted Ecology Report, the proposed development will not negatively affect the surrounding environment nor any Natura 2000 sites.

Infrastructure / Right of Way

- The applicant has a right of way on the private roadway. Water and foul water connections can be provided via same. Services could also be provided through the property to the north, also in the applicant's ownership. Condition 12 requires agreement with Uisce Éireann prior to commencement.
- Regardless of how infrastructure is to be provided, the right of way over the laneway is not a planning issue (refers to An Bord Pleanála case PL29S.248932).

Asbestos

- Applicant is fully aware of the presence of asbestos and requirement for safe removal of same.

Construction Hours

- Hours as per Condition 12 are standard. To restrict work only Monday to Friday would have negative precedent for homeowners in the area to carry out work on Saturdays.

Ground Subsidence and Structural Stability

- The proposal includes removing soil from the site to provide lower finished floor levels. Soil will be removed by professional contractors. The applicant is willing to provide any additional reports prior to commencement.

Naming of Road / Development

- Condition 17 does not require the naming of the road, rather if the road was to be renamed, prior agreement with the Planning Authority is required. The applicant does not intend renaming the laneway however is allowed to provide a name for the proposed development, and doing so would not impact on the amenity of the area.

Impact on Property Values

- By reason of layout, design and separation distances, the proposal will not impede on the amenity of residents in the surrounding area. The proposal will not affect property values in the vicinity as the proposal does not compromise the amenities currently afforded to those dwellings.

6.3. Planning Authority's Response

No response received.

6.4. Observations

1 no. observation was received, submitted by Ramona Tobin on the 19th June 2024. The observer's dwelling faces the site from the east, thus accessed off the same roadway. The issues raised by the observer are generally covered in the grounds of appeal, however the following additional issue is raised, having already been raised in an observation to the Planning Authority:

- Alleged unauthorised development on land north of the site, within the same ownership, comprising the replacement and repositioning of a roadside boundary wall.

6.5. Prescribed Bodies

Department of Housing, Local Government and Heritage, Development Applications Unit (DAU) on the 14th August 2024. For all intents and purposes, the submission is the same as that received by the Planning Authority from the DAU on the 14th November 2023, recommending that archaeological monitoring be required by condition.

7.0 Assessment

Having examined the application details and all other documentation on file, including appeal submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Development
- Scale and Design
- Density
- Residential Amenity
- Traffic and Road Safety

- Status of Roadway
- Biodiversity
- Appropriate Assessment
- Other Matters

7.1. Principle of Development

- 7.1.1. The site is zoned 'Existing Residential' under the current county development plan. The objective of the zone is '*To protect and enhance existing residential amenities.*' The Plan provides further guidance on the zoning objective, stating that the '*Principal permitted land use will be residential*' and that '*The comprehensive redevelopment of large residential plots for proposed residential development will be acceptable subject to the redevelopment proposal being in keeping with the character of the surrounding development.*'
- 7.1.2. Carrickmacross is identified as a Tier 2 'Strategic Town' within the county settlement hierarchy. Development plan policy CSP 2 seeks to promote urban growth and the further development of strategic towns to ensure their functions are supported by appropriate development that will direct development within the locality. The Core Strategy under Chapter 2 of the county development plan allocates a target population growth rate of 20% to Carrickmacross over the plan period, a growth rate which would increase the population from 5,032 in 2016 to 6,052 in 2025.
- 7.1.3. I consider the proposal is acceptable in principle on the basis that the site is suitably zoned for residential development, the Plan places emphasis on the growth of Strategic Towns including Carrickmacross and the Core Strategy makes provision for increased population within the town.
- 7.1.4. Whilst the 2025-2031 county development plan is currently at draft stage, the draft plan retains Carrickmacross as a Strategic Town and the Core Strategy under Chapter 2 allocates a target population growth rate of 16.4% to the town over the plan period, a growth rate which would increase the population from 5,745 in 2022 to 6,687 in 2031. The zoning of the site remains 'Existing Residential' under the draft plan, and I note that the objective of the zone is expanded to read, '*To protect and enhance existing*

residential amenity, to facilitate residential development on small infill sites within established residential areas...'

7.2. Scale and Design

7.2.1. The third-party appeals contend that the proposed development, by reason of the dwellings being two-storey, is not in keeping with the established character of the area, submitting that single or dormer style dwellings would be a more appropriate response.

7.2.2. Policy HSP 7 of the County Development Plan requires 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. I note that Section 3.2.1 refers to Guidelines on Sustainable Residential Development in Urban Areas, DEHLG, 2009, now replaced by Sustainable Residential Development and Compact Settlements Guidelines, 2024.

7.2.3. Section 4.4, part (v) of the Sustainable Residential Development and Compact Settlements Guidelines, provides the following guidance in respect of 'responsive built form':

- *New development should respond in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area. The height, scale and massing of development in particular should respond positively to and enhance the established pattern of development*
- *New development should embrace good modern architecture and urban design that is innovative and varied, and respects and enhances local distinctiveness and heritage.*
- *Materials and finishes should be of high quality, respond to the local palette of materials and finishes and be highly durable.*

7.2.4. The pattern of development in the area is characterised by the linear and uniform arrangement of houses running southeast off the Lisanisk Road west and east of the site. The style of houses is characterised predominately by single and dormer style detached dwellings on individual plots, whilst also noting a split level two-storey house

to the southwest of the site and two-storey houses adjoining the site to the north. Furthermore, the single storey dwellings to the west are at a higher level while dormer dwellings to the east comprise, by their very nature, relatively high pitched roofs to accommodate first floor level accommodation.

- 7.2.5. The site is not located within or adjacent to an Architectural Conservation Area, nor are there Protected Structures located within or close to the site.
- 7.2.6. The proposal comprises the construction of 4 no. two storey dwellings. The individual plots range in size from c. 855sq.m to 940sq.m, with the total floor area of the proposed dwellings ranging from 185sq.m to 188sq.m, and each with a pitched roof height of c. 8.975m. The four proposed dwellings are all generally of similar design with a variance in the material finishes to the front elevation, with two dwellings having a brick finish and the other two being rendered. The dwellings are positioned generally along the centre line of the site, with minimum setbacks of c. 15.6m to the eastern / road boundary and c. 14.7m to the rear / western boundary.
- 7.2.7. On the basis of the above, I consider that by reason of design, including layout, scale, height and building lines, the proposal responds in a positive way to the established pattern and form of development, thus consistent with Policy HSP 7 of the current Monaghan County Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines, 2024.

7.3. Density

- 7.3.1. Grounds of appeal infer that the proposal constitutes overdevelopment of the site.
- 7.3.2. The proposal comprises 4 no. residential units on a site measuring c. 0.35ha, equating to a density of c. 11.4 units per hectare.
- 7.3.3. Development Plan Policy RDP 3 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, whilst Policy HSP 8 requires 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.

- 7.3.4. The Development Plan does not prescribe a required density range for out of centre infill sites however Section 3.2.2 refers to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DOHELG 2009, which encourages densities of 20-35 units per hectare outside of urban centres. However, the Development Plan recommends a pragmatic approach to determining an appropriate density for a site by considering a number of criteria including the local pattern of development and densities of adjoining residential developments.
- 7.3.5. Table 3.3.3 of the Sustainable Residential Development and Compact Settlements Guidelines 2024, which has since superseded the 2009 Sustainable Residential Development in Urban Areas guidelines, sets out that residential densities in the range 30 to 50 dwellings per hectare shall generally be applied for sites at the edge of large towns (5,000+ population). However, exceptions to this density range is provided under Section 3.3.6 (c) of the guidelines, stating that *for very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.*
- 7.3.6. On the basis of the above and having regard to the established pattern of development in the area, I am satisfied that the proposed density is acceptable and in accordance with Development Plan Policy HSP 8 and the Sustainable Residential Development and Compact Settlements Guidelines, 2024.

7.4. Residential Amenity

- 7.4.1. A principal concern raised in the appeals relates to the perceived loss of amenity caused by the proposed two-storey dwellings, in terms of overlooking, overbearing and overshadowing, contrary to development plan Policy RDP 24.
- 7.4.2. Development plan policy RDP 24 states that the Council will resist 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, and further noting Section 15.2.10 which states that proposals which impact negatively on the residential amenity of adjoining properties by reason of overlooking or overshadowing will be resisted. SPPR 1 of the Sustainable

Residential Development and Compact Settlements Guidelines, 2024, allows for separation distances of 16m between opposing first floor level windows.

- 7.4.3. Submitted site plan and sections show that the first-floor rear elevation of the proposed dwellings are between c. 14.7m and c. 15m from the south-western site boundary, and between c. 27m and c. 37m from the opposing rear elevations of adjacent dwellings to the south-west. Due to local topography, the appeal site sits at a lower level to the properties to the south-west. Furthermore, the applicant submitted revised plans at further information stage showing the finished floor level of each dwelling lowered by 650mm. There are 3 no. windows on the first-floor level rear elevation of each of the proposed dwellings, with the outer two windows serving bedrooms and the middle window to contain obscure glazing to serve a bathroom. On this basis, by reason of the separation distances achieved, I consider that the proposed development would not cause an undue loss of privacy or outlook to the properties to the south-west, is consistent with the standards required under SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines, 2024 and does not conflict with development plan Policy RDP 24.
- 7.4.4. Furthermore, I do not consider it necessary to retain the Planning Authority's Condition No. 5, which required the relocation of first floor level bedroom windows from the rear elevation to the side elevation of each of the proposed dwellings.
- 7.4.5. I do note that due to a level change, the wall on the southwestern site boundary is higher on the side of the appeal site compared to the height as measured on the side of the adjacent dwellings to the southwest. If the Board is minded to grant permission, I recommend a condition is included which requires the wall on the southwestern boundary to be constructed to a height of 1.8m measured on the side of the adjacent properties.
- 7.4.6. Grounds of appeal contend that the shadow diagrams submitted at further information stage are misleading due to absence of potential shadowing on September 21st (Autumn Equinox) or December 21st Winter Solstice. The applicant's response submits that the shadow study provides sufficient detail to demonstrate that the dwellings would not cause loss of sunlight to the adjacent properties. The shadow study was submitted at further information stage with reference made to the BRE 2011 guidance document 'Site Layout Planning for Daylight and Sunlight'.

- 7.4.7. As referred to above, Section 15.2.10 of the County Development Plan states that proposals which impact negatively on the residential amenity of adjoining properties by reason of overlooking or overshadowing will be resisted and that shadow projection drawings submitted should be in accordance with 'Site Layout Planning for Daylight and Sunlight; A guide to good practice (1991)'.
- 7.4.8. By reason of dwelling height, orientation relative to the adjacent properties, separation distances from the boundary and the level change between the site and adjacent properties, and having regard to the submitted shadow study, I consider that the proposed development would not cause any undue overshadowing of adjacent properties, thus does not conflict with development plan Policy RDP 24.
- 7.4.9. Grounds of appeal also contend that the proposal, by reason of two-storey form, will impact negatively on the outlook and privacy of properties to the east.
- 7.4.10. The eastern boundary of the appeal site interfaces with 3 no. residential properties located on the opposite side of the road. Each of these properties comprises a dormer style dwelling with a front elevation facing south-west towards the site. As such, the front elevation of the 4 no. proposed dwellings will generally face the front elevation of these 3no. existing dwellings on the opposite side of the roadway. Due to local topography the properties to the east are at a marginally lower level to the appeal site.
- 7.4.11. The submitted site layout plan shows that separation distances between opposing front elevations is c. 35m, while the submitted landscape plan shows planting of Whitebeam, Sycamore, Beech and Birch trees along the front boundary of each dwelling.
- 7.4.12. On the basis of the above, by reason of the separation distance, intervening roadway and proposed landscaping scheme, I consider that the proposal will not cause undue loss of amenity to the properties to the east of the appeal site, thus does not conflict with development plan Policy RDP 24.
- 7.4.13. Having regard to issues raised in respect of residential amenity, I consider that by reason of scale, layout and design, in particular building height and separation distances achieved, I consider that the proposed development will not cause an undue loss of residential amenity to properties in the vicinity of the site. thus does not conflict with development plan Policy RDP 24.

7.5. Traffic and Road Safety

- 7.5.1. Grounds of appeal contend that the proposed development, by reason of increased traffic, would cause traffic safety issues, both for pedestrians and vehicles. A key component of these concerns relates to the private nature of the road. This is discussed under Section 7.6 below.
- 7.5.2. In terms of road safety, a Stage 1 Road Safety Audit was submitted, which recommended measures including demonstration of sightlines at the junction with the public road, road markings and the provision of a passing bay at the front of the site. All recommended measures were incorporated into revised plans submitted at further information stage. The Road Section of the Council was satisfied with same and recommended a condition requiring the measures of the Stage 1 Road Safety Audit to be delivered prior to the occupation of the dwellings, and also a Stage 3 audit to be carried out and measures delivered prior to occupation of the dwellings.
- 7.5.3. The roadway is a cul-de-sac serving 14 no. existing dwellings, secondary access to another dwelling at the northern end of the road, and agricultural land to the southeast. The road is narrow with slight bends along the route. The road is gated further to the southeast, at a point approximately 800m from its junction with the L46401. Again, I note that the issue concerning the status of the road and right of ways is discussed under Section 7.6 below.
- 7.5.4. The appeal site is located on the edge of the urban boundary with all land further south of on the roadway located in the rural area, thus unzoned. As such, the appeal site represents the only remaining land on the roadway available for a housing development of scale.
- 7.5.5. On the basis of the above, I consider that the proposed development, by reason of the relatively modest density proposed, locational context and implementation of recommended road safety measures, will not cause an intensification of traffic to such a degree that will give rise to a traffic hazard for existing road users.

7.6. Status of Roadway

- 7.6.1. Appeals received place significant emphasis on the status of the roadway as being private and not taken in charge by the Local Authority, and the implication of this on

the ability of the applicant to deliver the proposed development including water and foul water infrastructure and road safety measures identified in the submitted Stage 1 Road Safety Audit.

- 7.6.2. The applicant's response refers to the right of way, which allows for access and delivery of services, and further refers to Condition 12 of the Planning Authority's decision which requires agreement with Uisce Éireann on water and foul water connections prior to commencement.
- 7.6.3. The applicant further submits that regardless of how infrastructure is to be provided, the right of way over the laneway is not a planning issue and, in this regard, refers to a previous An Bord Pleanála case in which a similar issue arose.
- 7.6.4. The application was accepted and validated by the Planning Authority in the first instance. The issue of ownership and beneficial interest was further addressed by the applicant at further information stage. As outlined under Section 7.5 above, I am satisfied that the proposed development would not give rise to a traffic hazard and, by association, the roadway is physically capable of accommodating the proposed development. Furthermore, the delivery of the proposed passing bay is located within the application red line boundary and the submitted site layout plan demonstrates that the sightline on the junction with the public road to the north is achieved without works to third party lands.
- 7.6.5. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. The applicant is stated as being the legal owner of the land under Question 7 on the planning application form. Furthermore, the question of legal ownership was queried at further information stage and subsequently addressed by the applicant to the satisfaction of the Planning Authority. No evidence to the contrary has been submitted. Any further legal dispute is considered a Civil 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.

7.7. Biodiversity

- 7.7.1. Grounds of appeal raise concern with the potential impact on wildlife, particularly bats / bat roosts, as a result of the proposal to demolish a stable block and to remove

existing boundary vegetation, particularly a row of mature Leylandii trees on the eastern boundary.

- 7.7.2. The Ecology Report submitted at further information stage identified a Leylandii hedge with an understorey of Elder trees along the eastern boundary, and native hedge of Hawthorn along the southern boundary, mixed with other vegetation including ivy and bramble. The report concludes that all boundary vegetation is of low ecological significance, with no Annex I habitats (EU Habitats Directive) within the survey area nor directly adjacent to it.
- 7.7.3. The visual survey carried out as part of the report did not identify any birds protected under the EU Birds Directive or Habitats Directive, however did identify evidence of two bird species classified as ‘amber’ on the Birds of Conservation Concern in Ireland 2020-2026, namely Swallow and Greenfinch. An abandoned swallow’s nest was identified in the stable block and the report recommends a further survey of the building prior to construction, particularly in the summer months, and relocation of any nests if present. Greenfinch were observed in the Leylandii and Edler hedges, with the report recommending that new planted boundary hedging will ensure suitable habitat for the species to remain in the environs of the site.
- 7.7.4. In terms of bats, the report found that the Leylandii hedge has negligible potential for bat roosting and low potential for foraging, and that the Hawthorn hedge has low potential for bat roosting and moderate potential for foraging. The report notes potential bat roosting in the roof space of the stable block and recommends a further survey during the appropriate season. This is required by Condition 9 on the Planning Authority’s notification of decision to grant permission.
- 7.7.5. I consider that the Ecology Report submitted by the applicant is robust and provides a reasonable basis for an objective evaluation of the potential impacts of the proposed development on wildlife present on the site. I consider that subject to the inclusion of a condition which requires implementation of the recommendations of the Ecology Report, the proposed development will have a negligible impact on wildlife.

7.8. Appropriate Assessment Screening

- 7.8.1. Grounds of appeal contend that there exists an indirect hydrological connection to European Sites via surface and ground water, thus Appropriate Assessment is potentially required.
- 7.8.2. County Development Plan Policy HLP 13 seeks to resist development in or adjacent to any Natura 2000 site (SPA or SAC) where it would result in the deterioration of that habitat or any species reliant on it.
- 7.8.3. An Ecology Report submitted at further information stage provides an overview of surface water bodies in the area together with reference to groundwater vulnerability. Foul water will be discharge to public mains and surface water would be attenuated on site as outlined in the Surface Water Drainage Proposal report submitted by the applicant. A Construction Environmental Management Plan (CEMP) has also been submitted which outlines standard practice in terms of environmental control measures and proposals in respect of water quality. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, and having regard to the documentation file, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, thus consistent with County Development Plan Policy HLP 13.
- 7.8.4. Refer to Appendix 2 which contains a separate Appropriate Assessment screening.

7.9. Other Matters

7.9.1. Household Sizes

Appeal (ref. no. 3) refers to the recognition in the county development plan to the need for smaller dwelling types to cater for a trend towards smaller household sizes.

In an effort 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 Development plan Policy HSP 6 requires that in private housing schemes a minimum of 10% of housing units shall be 2-bedroom units. I do not consider that this policy can be realistically applied to the proposed development.

7.9.2. *Structural integrity of boundary wall*

Grounds of appeal contend that proposed works to the site including removal of soil to provide a lower finished floor level for the proposed dwellings could potentially comprise the structural integrity of the wall on the south-western boundary and septic tanks and associated percolation areas on adjacent properties. The applicant's response acknowledges the concern in respect of the boundary wall and would accept a condition that requires further necessary surveys / reports to be prepared on the prior to development commencing.

The submitted site layout plan indicates that the existing treatment of the south-western boundary is to be retained. Having regard to the local topography, existing level change between the site and adjacent properties to the southwest and proposal to further lower the ground level, I consider it practical that a structural survey of the wall be required prior to commencement of development and that recommendations of same be implemented to the satisfaction of the Planning Authority. A condition requiring same can be attached to a grant of permission, if one is forthcoming.

7.9.3. *Conditions*

Grounds of appeal raise issues with the following conditions imposed on the Planning Authority's notification of decision to grant permission:

Conditions 1 and 2

The concern relates to the relevancy to require the payment of contributions towards public infrastructure where in this case the proposal will be accessed off a private road.

Section 48(1) of the Planning and Development Act 2000 (as amended) states that a Planning Authority may, when granting a permission, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. As such, Section 48 contributions are not intended to relate specifically to the application site, rather the local authority area as a whole and the associated macro level community benefit.

Conditions 1 relates to contributions in respect of the provision of public roads, public footpaths, cycle paths and public lighting, while Condition 2 relates to the provision of community, recreation and amenity public infrastructure and facilities. Appendix 1 to the Monaghan Development Contribution Scheme 2021-2026 provides a non-

exhaustive list of capital projects for which Section 48 contributions will support, including, specific to Carrickmacross, urban link roads, footpath and public lighting, and town centre regeneration, all of which would ultimately benefit future residents of the proposed development. I recommend that a Section 48 condition is attached to a grant of permission, if one is forthcoming.

Condition 6

The enforceability of this condition, which relates to the restriction on first occupation. I consider the condition to be sufficiently robust in terms of its function. I recommend that an expanded version of the condition is attached to a grant of permission, if one is forthcoming.

Condition 11

The enforceability of this condition, which relates to the safe removal of asbestos. A Refurbishment Demolition Asbestos Survey report submitted by the applicant identified asbestos cement sheeting on the roof of the stable block and further identifies that the sheeting, at the time of inspection, has a low level of damage and poses low risk. The report recommends that if the roofing is to be removed, it must be done so by a competent asbestos contractor, disposed of at a licenced facility and on completion, a Certificate of Cleanliness must be issued by an independent asbestos analyst.

Whilst Condition 11(a) does refer to demolition works, I recommend that a specific condition is included on a grant of permission, if one is forthcoming, that requires compliance with the recommendations of the submitted asbestos survey report.

Condition 12

Construction hours should be restricted further. I consider the imposition of standard construction hours is appropriate to allow the construction phase to be implemented in a timely manner without undue loss of amenity to the residents of the area.

Condition 17

Opposes the renaming of the road. The applicant's response confirms that there is no intention to rename the road but does reserve the right to name the proposed development. I consider this to be reasonable.

7.9.4. *Alleged Unauthorised Development*

An observation on the appeal refers to alleged unauthorised development on land north of the site, within the same ownership, comprising the replacement and repositioning of a roadside boundary wall. This is a matter for the Planning Authority to pursue through the appropriate channels and does not form part of my assessment.

7.9.5. *Property Values*

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.9.6. *Ribbon development*

Grounds of appeal contends that the proposal constitutes ribbon development. The proposal relates to residential development on zoned land within the development boundary of an urban settlement. Ribbon development is assessed in the context of new dwellings in the rural area, therefore not applicable in this case.

8.0 Recommendation

I recommend that permission be granted in accordance with the submitted plans and particulars, including revised plans and particulars received by the Planning Authority on the 11th October 2023 as amended by further information received on the 1st May 2024, and based on the reasons and considerations below, and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective of the subject site, its location within an existing urban area and to 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 would not seriously injure the residential or visual amenities of the area or of property in the vicinity, consistent with Policy RDP 24 of the Monaghan County Development Plan 2019-2025, as varied. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th October 2023 as amended by the further plans and particulars submitted on the 1st May 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>a) The treatment of the southwestern boundary shall comprise a concrete block wall at a height of 1.8m as measured from the existing ground level on the respective neighbouring side of the boundary. The wall shall be plastered on both sides and capped. The wall or extension of the existing wall, subject to recommendations under Condition 2(b) below, shall be completed prior to occupation of any dwelling.</p> <p>b) Prior to the commencement of development, the developer shall engage the services of a suitably qualified person / company to carry out a structural survey of the wall on the south-western boundary of the site, along with an engineering assessment of the structural integrity of the wall in terms of any potential impact of the permitted development on same. The report shall be submitted for agreement to the Planning Authority prior to commencement of development and the recommendations of the reports, in addition to the requirements of Condition 2(a) above, shall be implemented to the satisfaction of the Planning Authority prior to occupation of any dwelling.</p>

	<p>Reason: In the interests of residential amenity and to ensure that the development is carried out and completed to an acceptable standard of construction.</p>
3.	<p>Recommendations, mitigation and monitoring measures outlined in the plans and particulars, including the Ecology Report and Refurbishment Demolition Asbestos Survey, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
4.	<p>All houses within the scheme shall be provided with an electric vehicles (EV) home charge point to the exterior of the houses. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
5.	<p>Proposals for a 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 dwelling 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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
6.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p>

	<p>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
7.	<p>a) Recommendations and actions outlined in the submitted Stage 1 Road Safety Audit shall be implemented prior to occupation of any dwelling.</p> <p>b) Upon completion of the development and prior to occupation of any dwelling, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to occupation of any dwelling.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be as per drawings submitted to the Planning Authority on the 1st May 2024.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
9.	<p>The scheme shall be landscaped in accordance with the landscape plans submitted to the Planning Authority on the 1st May 2024, unless otherwise agreed in writing with the planning authority. The landscape scheme shall</p>

	<p>be implemented fully in the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p>
12.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
14.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
15.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
16.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
17.	<p>(a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the</p>

	<p>Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the</p>

	<p>application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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.

Jim Egan
Planning Inspector

30th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319928-24		
Proposed Development Summary	Demolish stables and outbuildings and construct 4 houses with garages, new accesses and all associated works.		
Development Address	Lisanisk, Carrickmacross, Co. Monaghan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	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			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Pre-screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-319928-24
Proposed Development Summary	Demolish stables and outbuildings and construct 4 houses with garages, new accesses and all associated works.
Development Address	Lisanisk, Carrickmacross, Co. Monaghan
<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>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the demolition of stables and other outbuildings and the construction of 4 no. residential units and all associated infrastructure on a site with a stated area of c. 0.35 ha.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal</p>	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal.</p>

<p>zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>It is considered 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.</p>	
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act</p>	
Conclusion		
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>	<p>Yes or No</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>	<p>Yes</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: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, is the Stabannan-Braganstown SPA (Site Code: 004091), c. 18km to the southeast, and the Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455), c. 21km to the east.

The proposed development is located in an urban area and comprises the demolition of stables and other outbuildings and the construction of 4 no. dwellings. The development would be connected to all public services including water and sewer mains. Surface water will be managed by way of individual soakaways serving each dwelling.

Screening for Appropriate Assessment considered all information available including an Ecology Report, Surface Water Drainage Proposal report and Construction Environmental Management Plan (CEMP) submitted with the application.

The Ecology Report provides an overview of surface water bodies in the area, referring to various lakes and interconnecting rivers and streams. The report identifies the closest river to the site to be 'Proules', which rises at Lisanisk Lough west of the N2, and southwest of the site, and flows northeast then southeast to Moynalty Lough, coming to within c. 600m of the site to the south, whilst Rossdreenagh Stream flows between Spring Lough and Corcrin Lough, c. 1km northeast of the site. The report further notes that there are no drains or ditches present on or around the site.

The Ecology Report also provides an overview of the groundwater vulnerability classifications for the site and area, noting that groundwater vulnerability for the site is 'medium', with land to the north being classified as 'high' vulnerability and further north of Lisanisk Road (L4601) being 'extreme' vulnerability.

The Ecology Report notes that the proposed development will be connected to mains sewerage and that surface water will be treated on-site.

The Ecology Report considers that the site is not within the zone of influence of any European Site and that there is no identifiable pathway to any European Site having regard to the source-pathway-receptor model. And concludes that there is no impact predicted.

The Planning Authority concluded that there are no potential significant effects on European Sites and that, as such, AA is not required.

European Sites

I consider that there are 3 no. European Sites located within a potential zone of influence of the development, as follows:

- Stabannan-Braganstown SPA (Site Code: 004091)
- Dundalk Bay SPA (Site Code: 004026)
- Dundalk Bay SAC (Site Code: 000455)

European Site	Qualifying Interests	Distance	Connections
Stabannan-Braganstown SPA (Site Code: 004091)	Greylag Goose (<i>Anser anser</i>) [A043] https://www.npws.ie/protected-sites/spa/004091	18km	No
Dundalk Bay SPA (Site Code: 004026)	Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) [A053] Pintail (<i>Anas acuta</i>) [A054] Common Scoter (<i>Melanitta nigra</i>) [A065] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	21km	No

	<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p> <p>https://www.npws.ie/protected-sites/spa/004026</p>		
Dundalk Bay SAC (Site Code: 000455)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	21km	No

	https://www.npws.ie/protected-sites/sac/000455		
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Likely impacts of the project

The proposed development comprises the demolition of stables and other outbuildings and the construction of 4 no. residential units and all associated infrastructure on a site with a stated area of c. 0.35 ha.

Surface water associated with the local streams and lakes cumulates at Monalty Lough c. 1.6km south of the site, and from there the Longfield River rises. The Longfield River joins the River Glyde c. 5km to the south, which ultimately discharges to the Irish Sea at Dundalk Bay c. 18km to the east (Dundalk Bay SAC and SPA). The River Glyde also has a route adjacent to the northern perimeter of the Stabannan-Braganstown SPA. Groundwater classification for the site is 'medium'.

In terms of establishing a hydrological connection to a European Site, I have used the Source-Pathway-Receptor model. The closest surface water source are the various lakes in the wider area and interconnecting rivers and streams. The closest lake is Spring Lough, c. 560m to the southeast. The closest rivers and streams which interconnect between the lakes is the Proules River c. 600m to the south and Rossdreenagh Stream c. 1km to the northeast.

On the basis of the above, I consider that there is no identifiable pathway between the proposed development and any European Site. Furthermore, I note that the proposed development would be connected to mains water and sewerage, and surface water would be attenuated on site, as outlined in the Surface Water Drainage Proposal report submitted by the applicant.

Conclusion

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.