



An
Bord
Pleanála

Inspector's Report

ABP-320204-24

Development	Construction of 10 houses and all associated site works.
Location	Mosstown, Kenagh, Co. Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2360129
Applicants	John & Sandra Conlon
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Marie & Martin Carberry
Date of Site Inspection	25 th October 2024
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1.1. The site is located at Kenagh, Co Longford, c 13km south of Longford town. Kenagh's role as a small settlement serving the local rural area, with limited public transport and limited services, has been replaced in recent years by the role of dormitory settlement. It is now characterised by large two storey detached housing. Most of the housing in the village is of recent origin. From their dilapidated appearance, it is evident that some of these new houses have remained disused since their erection. Others have recently been completed and are available for sale.
- 1.1.2. The subject site is at the northern end of the elongated village, which is strung out along the regional road R397. The site fronts a bend on the road, where there is a solid white line. Notwithstanding that it is within the speed-controlled area, speeds appear to be in excess of the 50kph permitted.
- 1.1.3. Most of the site comprises the garden of an existing dwelling zoned residential. There is an older entrance to the property and what is stated in the planning report as: a new vehicular entrance, not permitted development; has a dished entrance across the public footpath.
- 1.1.4. Overhead ESB lines traverse the site west to east.
- 1.1.5. Part of the site is a communal garden, zoned recreation / amenity / green space, which is part of the Deerpark housing estate to the south of the main site.
- 1.1.6. The site has a stated area of 0.3ha.

2.0 Proposed Development

- 2.1.1. The proposed development is described as the construction of a residential development of 10 no. dwelling houses consisting of 8 no. two-bedroom two-storey terraced type dwellings, 2 no. three-bedroom two-storey semi-detached type dwellings, proposed entrance & access from the adjoining residential estate known as 'Deerpark', boundary fences/walls, green open space, proposed connections to the existing foul sewer, surface water & watermain networks and all ancillary site works.

- 2.1.2. The layout has been modified arising from the requests for further information / clarification of further information, to a proposal for 6 houses. Condition no. 2 of the decision reduces the number to 5.
- 2.1.3. The applicants propose to create a new entrance from the neighbouring Deerpark estate.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to 13 conditions including:

2 Permission is granted for 5 no. dwellings only.

7 Road Design

(ii) the proposed entrance to the development and service road shall be constructed in accordance with the drawings submitted as part of the further information documentation submitted to Longford County Council on the 4th June 2024.

(iii) The Road Safety Audit compliance drawing submitted on the 4th June 2024 shows a location proposed for pedestrian connectivity with the residential development. This location was highlighted as a concern on a previous Road Safety Audit as 'Problem No 4 Pedestrian visibility'. Applicant to address concerns re. visibility prior to commencement.

(iv) The proposed 2m high block wall located as a boundary around a private residence north of the residential development creates a concern with visibility issues to vulnerable users playing in the green area northeast of the development. More favourable boundary prior to commencement.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. There are a number of planning reports on the file which included recommendations for further information and further clarification requests (and a recommendation to

refuse permission); the responses were considered not to have addressed the issues raised and the final report sought to address remaining issues by conditions attached to the decision to grant permission.

3.3. Further information

3.3.1. A further information request issued 2nd November 2023:

1 reduce the number of units to 6.

2 evidence of permission to access over Council lands.

3 the new vehicular entrance on site is not permitted: intentions?

4 Uisce Éireann standards; pre-connection enquiry etc.

5 Housing Section issues

6 Roads Design Section issues – site layout, front boundary, pedestrian connectivity to public footpath, public lighting, geometry of proposed road, car parking, surface water, overhead ESB lines.

3.3.2. A clarification of further information request issued 13th December 2023:

Roads Design Section issues – surface water, road layout, speed limit and DMURS (design manual for roads and bridges), road safety audit, open space (which is merely incidental).

3.3.3. A further clarification of further information request issued 13th March 2024:

No pre-connection enquiry made to Uisce Éireann.

3.3.4. Other Technical Reports

Housing Section - reflected in information requests.

Road Design – reflected in information requests.

3.4. Prescribed Bodies

3.4.1. Irish Water, 3/10/2023 – foul sewer network design not in accordance with Uisce Éireann standards. The design should seek to eliminate excessively deep foul networks. Pre-connection enquiry not engaged in; required as a response to further information.

3.5. Third Party Observations

3.5.1. Third party observations have been read and noted.

Issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

Deerpark Estate Adjacent - Planning History

04733 – Permission granted for 8 No. semi-detached two storey dwellings, 4 No. single storey detached dwellings, formation of entrance onto public road, access roadway (estate roadway), waste water pumping station, rising main situate in public road verge, connection to adjoining utility services, site services, landscaping, boundary walls / fences and ancillary site works.

04205 – Application withdrawn for housing development.

01171 – Permission granted for 4 no dormer type dwellings, garages, access road, boundary wall, formation of new entrances, proprietary waste water treatment and ancillary site works.

00215 – Permission refused for 30 no. dwelling house, garages, access road, formation of new entrance, boundary walls, wastewater pumping station and ancillary works.

5.0 Policy Context

5.1. Regional Spatial & Economic Strategy

5.1.1. This includes:

The further breakdown of population projections to county level are in Appendix B and shall be used by local authorities in the formulation of the core strategies of their development plans.

Projections for Longford 2026 low 44,500, 2026 high 45,500; 2031 low 46,000, 2031 high 47,000.

Towns and villages with local service and employment functions, to be defined by development plan.

5.2. Development Plan

5.2.1. Longford County Development Plan 2021-2027 is the operative plan. It includes:

2011 to 2016 the national population grew by 3.8%, Co Longford by 4.8% and Keenagh by 16.67%.

Longford Town experienced a rate of growth (4.24%) broadly consistent with the county average during that time, whilst Ballymahon, Aughnaccliffe, Edgeworthstown and Keenagh exhibited very high rates of population growth (20.09%, 19.59%, 18.81% and 16.67% respectively) which was significantly higher than the county rate of change.

In 2011 Keenagh had a population of 498, in 2016 it was 581.

(2.4.2.2) Future Change Modelling has been undertaken to project the population change in County Longford throughout the plan period and a number of different scenarios analysed. As described in detail in the Core Strategy (Chapter 4: Core, Settlement and Housing Strategies), it is determined that an interpolation of the targets set out in the National Planning Framework (NPF) to 2040 are appropriate and thus an indicative representation of projected population growth within County Longford during the plan period.

The population within County Longford is therefore projected to grow from 40,873 people in 2016, to 43,187 people by 2021 (start of the plan period), to 45,800 people by 2027 (end of the plan period). This represents an increase of 4,927 people during 2016 – 2027, of which 2,614 people is projected to occur during the plan period.

CPO 4.7 Support the continued sustainable growth and development of Longford Town in its capacity as a driver of economic activity and overall growth within the county.

The site is zoned partly 'Recreation / Amenity / Green Space' and partly 'Residential'.

Residential - To provide for residential development and protect and improve residential amenity.

This zoning is intended primarily for established housing development but may include a range of other uses particularly those that have the potential to improve the

residential amenity of residential communities such as schools, crèches, small shops, doctor's surgeries, small scale residential, playing fields, etc

Recreation/Amenity and Green Spaces - To primarily provide for recreational open space, environmental buffers and ancillary structures.

To preserve, provide for and improve active and passive recreational public and private open space, environmental buffers and ancillary structures. The areas included in this zoning objective cover both private and public open space and are dispersed throughout urban centres of every size. The Council will not normally permit development that would result in a loss of open space. This zoning provides for open spaces, parks and development incidental to the enjoyment of open space including sport and leisure facilities such as a clubhouse, changing rooms, meeting rooms, a gym, sports training halls, catering facilities, caretaker accommodation.

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura sites are: Lough Ree SPA 004064 and Lough Ree SAC 000440 located c7km straight line distance to the south east, Mount Jessop Bog SAC (002202) located 5km to the north, and Fortwilliam Turlough SAC (000448) located 10km to the west.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required; see appendix 1 attached to this report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third party appeal was submitted by Marie & Martin Carberry, also on behalf also of other residents, 16/10/2023. The grounds include:

- No plan for 5 houses was submitted.
- Current permission is piecemeal.
- Storm water is a major concern for existing residents.
- No consideration given to any of the submissions put forward by residents in particular the impact on their award winning eco-garden
- They are concerned about traffic management.
- The impact on public open space and play space.
- The concerns in relation to the further information were not taken into account.
- As it stands there are three other developments granted for Keenagh village and surrounding area, one being adjacent to the Deerpark Estate

6.2. Applicant Response

6.2.1. A response was submitted on behalf of the applicants to the grounds of appeal. It includes:

- They consider all issues raised have been addressed in the Council's decision. The proposal represents a development of an appropriate scale for its location at an appropriately zoned site, that will assist Longford County Council in reaching housing targets set out within the core strategy of Longford County Development Plan 2021-2027.
- The site is zoned residential. The planner's report found the principle of the development acceptable. The Longford County Development Plan sets a target of 55 additional new homes between 2021-2027. To date only 8 new residential units have been granted planning permission. The plan is nearing the halfway mark and the village must deliver 47 new units over the next 3

years. The proposed development was originally for 10 units. This was reduced to 6 in the RFI, and 5 in the conditions. This scale is responsive to its surroundings and would provide over 10% of the housing target.

- Poor site layout – the layout was revised in response to the further information request and further by condition. A revised site layout will be submitted prior to commencement.
- Scale – that the granting of permission will allow for further development. An extract of submitted site layout if included which demonstrates that the layout does not facilitate further development. The applicants have adhered to the required density of 20 units/ha in listed towns and villages. Images provided by the appellants are not map referenced and it is unclear if they relate to Keenagh. Outside sources are referred to with reference to vacancy. The NOAC (National Oversight and Audit Commission) Local Authority Performance Indicator Report 2022 states ‘the highest level of vacancy was in Longford at 5.62%, although this was an improvement on its 2021 figure of 7.19%. The level of vacancy is low and normal in a properly functioning housing market; what the Housing Agency refer to as a ‘frictional vacancy rate’. It is unclear as to what has founded the appellants claim that Keenagh is an area facing an over proliferation in the available housing stock, as the opposite of this appears to be true upon assessment. Correspondence from Uisce Éireann on the file clearly states that there is no objection subject to conditions.
- Flooding – the appellants refer to the Surface Water Design Report submitted being similar to a report for a separate development which now has considerable flooding issues. They do not state what development is referred to, or how this relates to the subject development. Concern is expressed regarding houses 11 and 12. In relation to no. 11 the only information provided is a handwritten note of the level difference. Flood risk was not identified as an issue in the application process. OPW on-line mapping shows no areas at risk in the settlement.
- Eco-Garden – this relates to the re-designed access as requested by Longford County Council. This results in only a small reduction in amenity

space. The applicants are happy to offset any planting loss. The site is zoned for residential development. The Council require access via the existing estate. The Council own the subject land. The Council have permitted the proposed development. The Eco-Garden is not in third party ownership. Condition no. 12 is noted.

- Traffic – the appellants do not expand on their concerns. One of the principal further information points was the design of the road network. The proposed entrance and road layout was amended to comply with requests from Longford County Council. The most recent report from the Council's Road Design department, 7th June 2024, demonstrates that there are no objections. Re. the appellants claim that road audits were not carried out at peak times, they quote from the Road Safety Audit. This audit was prepared by a certified auditor in compliance with governing guidelines.
- Open Space – the concern in relation to public open space and play space for children is not elaborated. The application was amended from 10 dwellings to 6. The Council further reduced it to 5. The provision of open space exceeds the area requirement and integrates with the existing spaces.

6.3. Planning Authority Response

- 6.3.1. The planning authority have not responded to the grounds of appeal.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, surface water, open space, and road layout, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment Screening

- 7.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to

consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment.

7.2.2. Appendix 2 to this report details my assessment under this heading.

7.2.3. There is no likelihood of impact on any Natura site.

7.3. The principle of the development

7.3.1. The site is zoned partly 'Recreation / Amenity / Green Space' and partly 'Residential'.

7.3.2. Housing development would be acceptable subject to other planning considerations in the part of the development zoned residential. In the part of the development zoned recreation / amenity / green space, where it is stated that the Council will not normally permit development that would result in a loss of open space, the development would not be acceptable in principle.

7.3.3. The applicants argue for the need for housing development in Keenagh to assist Longford County Council in reaching housing targets set out within the core strategy of Longford County Development Plan 2021-2027.

7.3.4. The appellants state that as it stands there are three other developments granted for Keenagh village and surrounding area, one being adjacent to the Deerpark Estate.

7.3.5. The applicants quote that the National Oversight and Audit Commission (NOAC) report of 2022 (for the state) as stating that the highest level of vacancy was in Longford at 5.62%, although this was an improvement on its 2021 figure of 7.19%.

7.3.6. The development plan states that between 2011 and 2016 the population of Keenagh grew by 16.67%, in comparison to national population growth of 4.8% and Co Longford growth of 3.8%.

7.3.7. Forecast growth of between 13% and 16.3% to 2027, is used in the plan for Keenagh. In 2016 the population was 581, a 15% increase would be 87 persons (rather than 105 as stated in the plan), at 2.7 persons per household (average of the figures used in the plan) the number of houses required would be approx. 32. The core strategy states a target of 55 units between 2021 and 2027.

- 7.3.8. The Board will note that the Ordnance Survey / Tailte Éireann orthophotos show that most of the estates in Keenagh were constructed since 2001. The Unfinished Housing Survey 2017, records 6 detached units in an estate known as Cartron Road, and 69 units (43 detached and 26 semi-detached) in an estate known as Clough Dillons. Many of these units have been made available for use over the course of the past number of years. Some dwellings remain disused, such as at the southern end of the Clough Dillons estate. When the ghost estates are factored in, there is no evidence of need for further residential development in Keenagh.
- 7.3.9. Development in excess of the housing need, could detract from the achievement of the critical mass required in Longford town for economic development and to fulfil its role as a key town.
- 7.3.10. In my opinion the proposed development is unacceptable in principle and this is a reason to refuse permission.

7.4. Surface Water

- 7.4.1. It is a concern of the appellants that surface water from the proposed development could impact on their houses, which are at a lower level. The applicants response is that there is no history of flooding in the area.
- 7.4.2. Condition 7 (i) of the decision states that 'the surface water drainage shall be constructed in accordance with the information provided in the surface water drainage design submitted by the applicants on the 4th of June 2024. However, prior to commencement the applicants shall submit a drawing to the Area Engineer of Longford County Council showing the surface water attenuation system at least 5m from any building, public sewer, road boundary or structure'.
- 7.4.3. The details submitted on that date provided attenuation within the site for the majority of runoff, with only a small fraction of the runoff from the proposed road discharging unattenuated. The condition refers to the proposed location of the attenuation, which is shown close to the existing building on the site.
- 7.4.4. The site level is significantly above the level of the houses in the adjoining estate but with appropriate surface water disposal, this should not give rise to any risk of flooding of the adjacent properties. Surface water should not be a reason to refuse permission.

7.5. Open Space

- 7.5.1. It is a concern of the appellants that the area through which the road is to be provided is open space which is used by the residents as an eco garden.
- 7.5.2. The applicants response is that this relates to the re-designed access as requested by Longford County Council, and results in only a small reduction in amenity space. The applicants are happy to offset any planting loss. They state that the site is zoned for residential development; the Council require access via the existing estate; the Council own the subject land; and the Council have permitted the proposed development. They point out that the eco garden is not in third party ownership.
- 7.5.3. This area is not only used as amenity space, it is zoned Recreation/Amenity and Green Spaces. The Council's ownership of the land is no justification for its development as a road to serve a private residential development. The development plan states that 'the Council will not normally permit development that would result in a loss of open space'. In my opinion the development of a road across the open space which results in the loss of recreation/amenity and green space and removes most of its functionality has not been justified. Notwithstanding the applicants assertion that the proposed development would assist Longford County Council in reaching housing targets set out within the core strategy of Longford County Development Plan 2021-2027, housing development in Keenagh is not a need at this time and if such were the case other residentially zoned lands are available. Having zoned this area as open space, development, not provided for under the zoning, should be subject to material contravention procedures. Loss of zoned open space is a reason to refuse permission.

7.6. Road Layout

- 7.6.1. The appellants consider the layout substandard and are concerned that there is no drawing which shows a development of 5 units as required by condition no. 2
- 7.6.2. The applicants response is that the layout was revised in response to the further information request, and is further altered by condition; and that a revised site layout will be submitted prior to commencement.

- 7.6.3. The proposed road layout, which extends from an existing turning head on the cul-de-sac residential road and is required to curve to the edge of the regional road and to climb an embankment to reach the higher ground, where the new dwellings are proposed, has been modified on two occasions to overcome design difficulties. The road layout remains problematic, and condition no. 7 seeks to address further shortcomings.
- 7.6.4. The road would be elevated with reference to adjoining residential properties and rear gardens and no detailed design drawings have been submitted. Access constraints have meant that the road frontage to the site cannot be used for direct access. This has led to a poorly designed road access layout which would seriously injure the amenities of the area; and this is a reason to refuse permission.

8.0 Recommendation

- 8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be refused for the following reasons and considerations, and in accordance with the following conditions.

9.0 Reasons and Considerations

1 Notwithstanding that part of the site is zoned for residential use, the need, at this time, for this proposed housing development in Keenagh has not been demonstrated, having regard to the housing provided through the completion of unfinished housing estates, and the fact that unfinished housing estates remain in the village. Residential development in this lower tier settlement in excess of its housing need, could detract from the achievement of the critical mass required for Longford town to fulfil its role as a key town, as set out in the Longford County Development Plan 2021-2027. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2 The proposal to construct the access road in an area zoned Recreation / Amenity / Green Space, where it is stated that the Council will not normally permit development that would result in a loss of open space, would contravene the zoning objective and seriously injure the amenities of the area. The proposed development

would therefore be contrary to the proper planning and sustainable development of the area.

3 Due to its design, the proposal access road would injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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.

Planning Inspector

9th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320204		
Proposed Development Summary	Proposed construction of a residential development of 10 no. dwelling houses consisting of 8 no. two-bedroom two-storey terraced type dwellings, 2 no. three-bedroom two-storey semi-detached type dwellings, proposed entrance & access from the adjoining residential estate known as Deerpark, boundary fences/walls, green open space, proposed connections to the existing foul sewer, surface water & watermain networks and all ancillary site works.		
Development Address	Mosstown, Kenagh, Co Longford		
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	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	/	Class.....	EIA Mandatory EIAR required
No	/		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion

No		N/A		No EIAR or Preliminary Examination required
Yes	/	10 (b)(i)Construction of more than 500 dwelling units.		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	/	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

Bord Pleanála Case	320204	
Development Summary	Proposed construction of residential development of 10 no. dwelling, proposed connections to the existing foul sewer, surface water & watermain networks and all ancillary site works.	
Examination		
		Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No
Conclusion		
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment?		

There is no real likelihood of significant effects on the environment	EIAR not required	Yes	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A info submitted?		No
There is a real likelihood of significant effects on the environment	EIAR is required	No	

Inspector: _____

Date: _____

Appendix 2

Template 2: Screening the need for Appropriate Assessment Screening Determination

I have considered the project: proposed construction of residential development of 10 no. dwelling, proposed connections to the existing foul sewer, surface water & watermain networks and all ancillary site works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Keenagh, Co Longford.

The proposed development comprises dwellings, services connections and all associated site works in a zoned area in the village of Keenagh.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works: small scale and nature of the development]
- The serviced nature of the site.
- Taking into account the screening report and determination by PA

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.