



An
Bord
Pleanála

Inspector's Report

ABP-321754-25

Development

Outline permission for a dwelling house, a domestic garage, a domestic wastewater treatment system, a new site entrance with all associated site development works.

Location

Cloghoge & Tievadinna,
Castleblayney, Co. Monaghan

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

2445

Applicant(s)

Caroline Watters.

Type of Application

Outline Permission.

Planning Authority Decision

Grant Outline Permission

Type of Appeal

Third Party

Appellant(s)

Martin and Denise McMahon.

Observer(s)

None.

Date of Site Inspection

9th of April 2025.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.45ha, is located in a rural area to the northeast of Carrickmacross in the townlands of Cloghoge & Tievadinna. The site is currently greenfield and forms part of a larger field in agricultural use. The LT45012 forms the southern boundary of the site. The eastern boundary of the site is defined by mature trees and hedgerows. The gradient of the site increases from the public road (84.6 to the south to 97.9 to the north as illustrated on the Site Layout Plan). Existing development within the vicinity of the site includes one-off rural houses accessed via the LT45012. There are 2 no. rural houses to the south of the site at the opposite side of the LT45012.

2.0 Proposed Development

- 2.1. The proposal seeks outline planning permission for construction of a dwelling house, a domestic garage, a wastewater treatment system, new site entrance and all associated development works.
- 2.2. The following documentation was submitted in support of the planning application:
- Application Cover Letter
 - Completed Application Form
 - Public Notices
 - Application Drawings
 - Water Protection Plan
 - Site Characterisation Form and Site-Specific Report
- 2.3. Monaghan County Council issued a request for further information (FI) in respect of the proposal. The following documentation was submitted in response to FI request:
- FI Response Planning Statement
 - Updated Site Sections – these illustrate that the following will have a maximum roof ridge height of 5.5m

3.0 Planning Authority Decision

3.1. Decision

Monaghan County Council issued a notification of decision to grant outline permission for the proposed development.

The decision of the Council was subject to 6 no. conditions. The following conditions attached to the decision are of note.

- Condition no.1: Outlines that full details in relation to the layout, siting, height and design of the house shall be submitted at permission consequent stage. The condition specifies that the house shall be single storey in height and traditional vernacular in design.
- Condition no. 3 relates to visibility splays at the proposed site entrance and provisions for surface water drainage.
- Condition no. 4 relates to landscaping.
- Condition no. 5 relates to wastewater treatment system and compliance with EPA Code of Practice – Domestic Wastewater Treatment Systems 2021.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (02/07/2024)

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

Appropriate Assessment Screening

- The site is removed from any Natura 2000 site and there are no significant pathway connectors in the vicinity.

Development Principle

- Site is not situated in a local needs area (Section 2.8.1)
- No concerns in relation to ribbon development (Policy RHP 5)

- In terms of rural character, the site sits (>8m) above the adjoining road (Section 15.16)
- No agricultural buildings within 100m (Section 15.17.2)
- The required 50m sight distances are achievable (Section 15.27)

Site Design/Layout

- A modest single storey property, as illustrated on the site sections, could be accommodated on site (Policy RHP 1, Table 15.4 and Policy RDP 24).
- Landscaping details have been submitted in accordance with Policy LCP 1.

Objections/ Submission

- The report provides a response to the issues raised within the 3rd party submission on the application and outlines the following:
 - No objection to application for outline permission
 - Site is not within a local needs area
 - Site levels are awkward in relation to impacts on residential amenity
 - 50m sight distances are achievable
 - EHO is conditionally satisfied in relation to waste water treatment proposals
 - No concerns in relation to management of surface water
 - Stage 2 AA Screening is not required
 - Contact with ESB would be made in relation to poles on site in the instance of a grant of permission

Recommended FI Request

- The report recommends a request for further information in relation to the following:
 - (1) the impact of the proposal on residential amenity on existing dwelling to the south.
 - (2) applicant is requested to provide a response to the submission on the application.

Planner's Report on Further Information (16/12/2024)

- The report includes an assessment of the applicants FI response as summarised below:
 - Item 1: Based on the FI response it is accepted that the development would not unduly impact on existing residential properties on lower ground to the south of the site.
 - Item 2: The applicant's response to the submission is accepted.
 - Item 3: Revised drawings illustrating the provision of a single storey house on site are deemed acceptable.
- The report recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- Environmental Health Officer: No objection to the development subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A submission on the application was made on behalf of the appellant. The points raised primarily reflect those raised within the grounds of appeal, as detailed in Section 6 of this assessment.

4.0 **Planning History**

None on site.

5.0 Policy Context

5.1. Development Plan

Monaghan County Development Plan 2019-2025

- 5.1.1. The site is located within the administrative boundary of Monaghan County Council. The Monaghan County Development Plan 2019-2025 is the operative Development Plan for the area. The site is located on un-zoned lands outside of any settlement.

Chapter 2- Core Strategy

2.6 Rural Settlement Strategy

- RSO 1 - To support a balanced approach to the development of rural areas to retain vibrancy, to accommodate within the rural area people who are functionally or socially part of the rural community, and to direct urban generated housing demand into established rural settlements.

2.8 Rural Area Types

- 5.1.2. Two rural area types have been identified within the Monaghan County Development Plan as per the Sustainable Rural Housing Guidelines (2005). These rural area types have been identified as Category 1 – Rural Areas Under Strong Urban Influence and Category 2 – Remaining Rural Areas.

- 5.1.3. The site is located within Category 2 – Remaining Rural Areas. Section 2.8.2 of the Plan sets out the following guidance in relation Category 2 – Remaining Rural Areas:

“This area comprises all other rural areas outside of the settlements and the rural areas under strong urban influence. Within the remaining rural area, it is recognised that sustaining smaller community areas is important and as such it is considered appropriate to facilitate rural housing in accordance with the principles of proper planning and sustainable development. In these areas the challenge is to retain population and support the rural economy while seeking to consolidate the existing village network. This stability is supported by a traditionally strong agricultural economic base”.

- 5.1.4. The following objectives are of relevance:

- *RSO 4 “To maintain population levels in the remaining rural areas by accommodating appropriate rural development and to consolidate the existing town and village structure.”*
- *RSP 3 “To facilitate rural housing in the remaining rural areas subject to the relevant planning policies as set out in Development Management Chapter of the Monaghan County Development Plan 2019-2025.”*

5.1.5. Section 2.7 of the Plan relates to housing in Rural Settlements including Tier 5 and Tier 6 settlements. The following is noted in this regard:

“The Core Strategy of this Plan identifies a number of established settlements within Tier 5 and 6 of the settlement hierarchy in County Monaghan. These include Rural Community Settlements and dispersed cluster settlements that have existing congregation areas and services such as schools, shops, post offices, public houses and residential houses. It is recognised that these settlements have a role to assist in satisfying rural housing need within a structured low-density environment and provide a more sustainable pattern of development to the scattered one-off housing...The low-density residential development policy as set out in the Development Management Chapter is also open to consideration in those Tier 5 and 6 settlements which have public foul drainage systems”.

Chapter 3: Rural Housing Policy

5.1.6. The following policies are of relevance:

- *HSP 15: To require all applications for rural housing to comply with the guidance set out in Development Management Chapter.”*
- *Policy HSP 16: To ensure that rural housing applications employ site specific design solutions to provide proposals that integrate into the landscape and that respect their location in terms of siting, design, materials, finishes and landscaping.*
- *HSP 17: To require that new houses in the rural areas ensure the protection of water quality in the arrangements for on-site waste water disposal, ensure provision of a safe means of access in relation to road and public safety and ensure the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.*

- HSP 18: *Apply a presumption against extensive urban generated rural development, ribbon development, unsustainable, speculative driven residential units in order to safeguard the potential for incremental growth of the towns and their potential beyond the plan period, to utilise existing physical and social infrastructure and to avoid demand for the uneconomic provision of new infrastructure.*”

5.1.7. Section 3.6.1 relates to Siting & Design of Rural Housing and outlines that: *“it is vital that new rural dwellings integrate into the rural setting and essentially nestle into the existing traditional pattern of development without intruding on the unspoilt landscapes..... Developments that break a skyline or those that are elevated on a drumlin or otherwise considered as a prominent feature in the landscape will not be accepted. Similarly, new developments that require significant earth works such as cutting or filling to create a platform for the development or mounding to achieve integration will not be considered favourably”.*

Chapter 6: Heritage, Conservation and Landscape

5.1.8. Map 6.1 of the Plan relates to County Monaghan Development Constraints. The site is not located within a designated amenity landscape or within the path of a scenic route.

5.1.9. Section 6.2 of the Plan relates to Protection of Biodiversity including the Natura 2000 network. The following policies are of relevance:

- HLP 4: *No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).*
- HLP 5: *To recognise that nature conservation is not just confined to designated sites and acknowledge the need to protect non-designated habitats and landscapes and to conserve their biological diversity and provide ecosystem services.*

- HLP 6: *To support the implementation of any relevant recommendations contained in the National Biodiversity Plan, the National Pollination Plan and the National Peatlands Strategy.*

5.1.10. Section 6.4 of the Plan relates to the Landscape Character Assessment of Monaghan. Figure 6.1 of the Plan identifies the Landscape Character Types for Monaghan. The site is identified within a “Drumlin Farmyard” Character Area. The following policies are of relevance:

- HLP 8: *To ensure the preservation of the County’s landscapes, by having regard to the character, value and sensitivity of the landscape as identified in the County Monaghan Landscape Character Assessment (2008) or any subsequent versions when considering planning applications.*
- HLP 9: *To protect the landscapes and natural environments of the County by ensuring that any new developments in designated sensitive rural landscapes do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area. Any development which could unduly impact upon such landscapes shall be resisted.*
- HLP 16: *Any plan or projects that could have a significant adverse impact (either by themselves or in combination with other plans and projects) upon the conservation objectives of any Natura 2000 site will not be permitted.*

Green Infrastructure Policies

- GIP 6: *To contribute towards the protection and enhancement of biodiversity and ecological connectivity, including woodlands, trees, hedgerows, wetlands, rivers, streams, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive.*

Heritage, Conservation and Landscape Objective

- HCLSO 1: *To promote and encourage the conservation and preservation of the County’s natural environment, cultural heritage and amenities in accordance with legislation, plans and policies developed to specifically*

address these areas and to ensure a rich cultural landscape, healthy environment and the full provision of ecosystems services in the county.

Trees and Woodlands Policy

- *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.*

Chapter 8: Environment, Energy and Climate Change

5.1.11. Section 8.11 relates to Water Protection Policies. The following are cited in the grounds of appeal:

- *WPP 1: In assessing applications for developments, the Council will consider the impact on the quality of surface waters and will have regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021 and any subsequent local or regional plans.*
- *WPP2: In assessing applications for development, the planning authority shall ensure compliance with the European Communities Environmental Objectives (Surface Waters) Regulations, 2009 (S.I. No 272 of 2009) and the European Communities Environmental Objectives (Groundwater Regulations, 2010 (S.I. No. 9 of 2010).*
- *WPP3: To protect known and potential groundwater reserves in the county. In assessing applications for developments, the planning authority will consider the impact on the quality of water reserves and will have regard to the recommended approach in the Groundwater Protection Response Schemes published by GSI. The employment of the methodology identified in the 'Groundwater Protection Scheme Reports for County Monaghan public supply sources' (available at www.gsi.ie) and 'Guidance on the Authorisation of Discharges to Groundwater' (available at www.epa.ie) will be required where appropriate.*
- *WPP 4: To require submission of a water protection plan and detailed site drainage plans with all planning applications. Maps of sensitive areas waters,*

a Water Protection Plan Checklist (Appendix 7) and latest water body status information at www.catchments.ie will assist in the preparation of plans at application stage.

- *WPP 11: Development which would have an unacceptable impact on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands will not be permitted.*
- *WPP 15: To protect waterbodies and watercourses from inappropriate development, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains. This will include protection buffers in riverine and wetland areas as appropriate.*
- *WPP 17: To contribute towards the protection of existing and potential water resources, and their use by humans and wildlife, including rivers, streams, groundwater and associated habitats and species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (SI No. 272 of 2009), the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (groundwater) Regulations, 2010 (S.I. No. 9 of 2010) and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same). To also support the application and implementation of a catchment planning and management approach to development and conservation, including the implementation of Sustainable Drainage System techniques (SUDS) for new development.*

Chapter 15: Development Management Standards

- 5.1.12. Section 15.16 of the Development Plan indicates that it is vital that any new buildings being proposed do not further erode the rural character of rural areas.
- 5.1.13. Policy RCP 1 of the Development Plan states that the Planning Authority shall seek:
“to only grant planning permission for a building in the countryside where it is demonstrated that the development will not cause a detrimental impact or further erode the rural character of the area. Any new buildings will be unacceptable where:

- *It is unduly prominent in the landscape.*
- *It results in build-up of development when viewed with existing and/or approved buildings and where it would detrimentally impact on the rural character of the area.*
- *It does not respect the traditional pattern of settlement within the area.*
- *It creates or adds to a ribbon of development except where it is considered infill or a replacement building.*
- *The impact of the ancillary works including the creation of visibility splays would damage the rural character of the area”.*

5.1.14. Policy RHP 1 of the Development Plan states that: *“applications for one-off housing in the rural areas shall demonstrate compliance with the design guidelines as set out in Table 15.4 “Design Guidelines for Rural Housing”.*

5.1.15. Policy RHP 4 seeks: *“To only permit a dwelling within 100m of an agricultural building where written consent has been provided by the owner/occupier of the agricultural unit. Written consent must be signed by both parties and witnessed by a solicitor or a peace commissioner.”*

5.1.16. Policy RHP5 seeks: *“To resist development that would create or extend ribbon development. A relaxation of ribbon development policy on regional and local roads will be considered where planning permission is sought on the grounds of meeting the housing needs of a landowner* or a member of his/her immediate family** where no other suitable site is available on the entire landholding***. The planning authority will apply an occupancy condition for a period of seven years in such cases. Where four or more houses plus a derelict dwelling or a derelict non-domestic building (that is mushrooms, poultry and agricultural buildings) exist within a 250m frontage on one side of the public road and have done so for a period of at least 10 years, a dwelling house on the site of the derelict building will be permitted, subject to the entire derelict building being demolished. The Planning Authority will apply an occupancy condition for a period of seven years in such cases. The infilling of gaps between houses will not normally be permitted. Exceptionally however where there is a small gap, enough to accommodate a single dwelling only, in an otherwise substantially and continuously built-up frontage, planning permission may be granted.”*

- 5.1.17. Section 15.17 relates to Housing in the Rural Area.
- 5.1.18. Section 15.16.1 Rural Accesses RCP 3 seeks: *To require that access to new developments in the countryside are positioned to minimise loss of hedgerow/tree, where possible follow alongside existing boundaries/hedgerows, follow the natural contours of the site and use existing lanes where practical.*
- 5.1.19. Policy RDP 18 of the Development Plan sets out the policy for domestic garages, stores, and outbuildings.
- 5.1.20. Policy RDP 24 outlines that: *“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”.*
- 5.1.21. Section 15.19 relates to landscaping. The following policies are cited in the grounds of appeal:
- *LCP 1: To require all planning applications to include a comprehensive landscaping plan commensurate to the scale of development on site in accordance with the specifications set out in Section 15.19 of Chapter 15 of the Monaghan County Development Plan 2019-2025.*
 - *LCP 2: Developments which necessitate the removal of extensive hedgerow and trees shall only be permitted in exceptional circumstances. In these instances, a comprehensive landscape plan must be submitted with the proposal which includes a replanting schedule along with the replacement of planting being lost.*
- 5.1.22. Section 15.30 relates to Appropriate Assessment. The following are of relevance:
- *AAP 1: All projects and plans arising from this plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary, that:*

1. *The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects);*
2. *The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of the Natura 2000 network; or The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of the Natura 2000 network.*

5.1.23. Section 15.27 sets out Road Access Standards.

5.2. Draft Monaghan County Development Plan 2025-2031

- 5.2.1. The Draft Monaghan County Development Plan 2025-2031 is currently being prepared by Monaghan County Council. The Plan is in the final stages of public consultation and submissions on the Proposed Amendments to the Draft Monaghan County Development Plan 2025-2031 were accepted by the 10th of April 2025. Monaghan County Council have confirmed that the indicative timeframe for the adoption of the Plan is the end of May 2025, and the Plan is envisaged to come into effect in July 2025.

5.3. National Planning Framework

5.3.1. Policy Objective 19 is of relevance to the proposed development. It requires the following:

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.*

5.4. Final Draft Revised National Planning Framework 2025

5.4.1. The Final Draft Revised National Planning Framework was approved by the Government in April 2025 and is due for approval by the House of the Oireachtas in the coming weeks. Chapter 5 of the Final Draft Revised National Planning Framework relates to Planning for Diverse Rural Places.

5.4.2. National Policy Objective 28 of the Final Draft Revised National Planning Framework reflects National Policy Objective 19 of the 2018 National Planning Framework.

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

5.5.1. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

- 5.5.2. The NBAP has a list of Objectives which promotes biodiversity as follows, Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature's contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives.

5.6. Sustainable Rural Housing Guidelines 2005

- 5.6.1. A number of rural area typologies are identified within the Guidelines including Areas under Strong Urban Influence, Stronger Rural Areas, Structurally Weak Areas and Predominately Dispersed Settlement Areas.
- 5.6.2. Map 1 of the guidelines provides an indicative outline of the NSS Rural Area types. The area east of Carrickmacross is located within "Areas under Strong Urban Influence" within Map 1.

"Rural areas under strong urban influence. These areas will exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network".

- 5.6.3. The guidelines refer to the indicative nature of the Map and state that further detailed analysis of different types of rural areas would be carried out within the Development Plan process.
- 5.6.4. Section 2.3 of the Guidelines relates to strengthening Rural Villages and Towns. This outlines that: *"Planning authorities need to ensure that cities, towns and villages offer attractive and affordable housing options to meet the housing needs of urban communities and persons wishing to live in urban areas. This will assist in mitigating excessive levels of pressure for urban generated development in rural areas, especially those closest to the environs of cities and towns".*

5.7. Regional Spatial and Economic Strategy Eastern and Midland Region 2019-2031

5.7.1. Section 4.8 of the RSES relates to towns, villages and the countryside. The RSES outlines that *“support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth”*.

5.7.2. The RSES outlines that:

“The NPF and RSES make a distinction between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments. In such areas a more flexible approach based primarily on siting and design will apply.

Core strategies for county development plans shall identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and over spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline and protect the rural resource for rural communities”.

5.7.3. The following Regional Policy Objectives are of relevance:

- *RPO 4.80: Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*
- *RPO 4.81: In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing*

in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.8. Natural Heritage Designations

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

- Proposed Natural Heritage Area: Spring and Corcrin Loughs (Site Code 001671) c. 4.8km to the southwest
- Proposed Natural Heritage Area: Monalty Lough (Site Code 001608) 6km to the southwest
- Proposed Natural Heritage Area: Drumcah, Toprass And Cortial Loughs (Site Code 001462) 7.9km to the southeast.

5.8.2. There are no Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's) within 15km of the site. The closest designated Natura 2000 site is Dundalk Bay SPA (Site Code 004026) located over 16km from the site.

5.9. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted in respect of the notification of decision of Cavan County Council to grant outline permission for the development. The following provides a summary of the grounds of appeal:

- The appeal site is located opposite the appellant's dormer dwelling and at a much higher ground level.

- The appellants are not satisfied that the concerns raised within their submission on the application were properly, thoroughly or correctly assessed by Monaghan County Council.

Section 3 of Appeal – Planning Policy Context - Compliance with National, Regional and Development Plan Policy

Rural Need

- The proposal is deemed to constitute urban generated housing which is stated to be contrary to National, Regional and Development Plan policies in terms of compliance with rural housing needs.
- The appeal outlines that the proposal is contrary to NPO 19 of the National Planning Framework and Section 4.8 of the Regional and Spatial Economic Strategy for the Eastern and Midland Region 2019-2031.
- The appeal outlines that the proposal is contrary to the guidance set out within Section 3.6 of the Monaghan County Development Plan and various rural housing policies (HSP 15, HSP 16, HSP 17, RSO 4, RSP 2, RSP 3).
- The appeal refers to the requirements of Section 2.7 of the MCDP which relate to the designation of Tier 5 and 6 rural settlements as an alternative to scattered one-off housing.
- Rural Landscape: The appeal questions the compatibility of the site with the rural landscape in accordance with the guidance set out within Section 6.4 and Policies HLP 8, HLP 9 and HSP 16 of the Development Plan.
- Hedgerows: In terms of existing hedgerows the appeal refers to the provisions of Chapter 6 of the MCDP and compliance with the following policies and objectives of the Plan (Policies GIP 6, HLP 5, RCP 3, TWP 1 – which collectively seek to protect and enhance biodiversity and ecological connectivity by minimising the loss of trees and hedgerows and Objective HCLSO 1 which relates to the conservation and preservation of the County's Natural Environment).
- Landscaping: Detailed Landscaping proposals are required in accordance with the provisions of Section 15.19 and LCP 1 and LCP 2 of the MCDP.

- Water Quality: The appeal refers to the provisions of the MCDP which relate to protecting water quality levels and compliance with the River Basin Management Plan including Section 8.4, 8.6 and Policies WPP1, WPP2, WPP3, WPP4, WPP11, WPP15 and WPP 17.
- Access: The appeal questions the compliance of the development with Section 15.16.1 and Policy RCP 3 of the MCDP.
- Layout and Design: The appeal question compliance of the development with Section 3.6.1 and Policies RCP 1, RDP 24, RHP 1 and RSP 3 of the MCDP.
- Ecological Sites: The appeal questions compliance of the development with AAP 1 and HLP 4.
- Development Plan: The appeal refers to the Draft Monaghan County Development Plan 2025-2031 which was under review at the time of appeal. It is stated that the provisions of the Draft Plan primarily reflect those of the operative plan. The appeal is submitted under the provisions of the Monaghan County Development Plan 2019-2015.

Applicant's Qualification and Rural Housing Need

- The appeal outlines that the applicant has a long term residency at Knockbridge, Co. Louth. The proposed development will constitute a second rural home for the applicant which is not made clear in the application documentation. This issue also has not been interrogated by MCC.
- Part B of the application form is not available on the public file and it is unclear what category the applicant applied for the property under.
- The appeal outlines that it is assumed, on the basis of the applicant's response to question 7 of the application form, that the applicant is applying under Category a. The applicant is required to provide sufficient documentary proof that she qualifies in accordance with Section 2.8.1 of the MCDP.
- The appeal questions the applicant's "genuine local housing need" based on the length of time she may have previously lived in the area in accordance with NPO 19 of the National Planning Framework (NPF) or the Regional and Spatial Economic Strategy (RSES). The appeal outlines that showing a

historic connection to the rural/local area is not the same as demonstrating a demonstratable social or economic need to qualify for a rural dwelling.

- The applicant is not employed in agriculture, horticulture, forestry, bloodstock, tourism, rural enterprise and has not provided a site-specific justification to live in the area. There is no justification in the application for the development of the site in a rural area and why the applicant's accommodation needs can not be accommodated in nearby towns, villages or designated Tier 5 and 6 centres.
- The appeal outlines that applicant does not currently live within Co. Monaghan and cross refers to the requirements of Section 3.6 of the MCDP.
- The development is speculative in nature and is contrary to Policy HSP 18 of the MCDP.
- The concerns raised within the appellant's submission on the application were not addressed within the applicant's FI response.

Adverse Impact on Landscape and Visual Amenity

- The site is located within Landscape Character Area (LCA) 9 Carrickmacross Drumlin and Lowland Farmland. Section 6.4 of the Plan outlines that the drumlin landscape of Monaghan creates a unique rural landscape that requires special attention when creating and designing rural housing.
- There is limited information within the application demonstrating compliance with Section 3.6.1 or Policies HLP 8, HLP 9 and HSP 16 of the MCDP. The appeal outlines that the proposed dwelling will sit 7.15m approx. above the adjoining road level making the development highly visible and exposed. The decision to develop a dwelling on the side of a drumlin is contrary to Development Plan policies and specifically prohibited in Section 6.3.1 of the MCDP.
- The proposed landscaping at site boundaries underscores the visual prominence of the site.
- The proposal will result in a physically isolated residential property which bears no relationship or connection with the existing pattern of surrounding development and is contrary to the requirements of Section 3.6.1 of the MCDP.

- Insufficient information is provided within the application in relation to the design, materials and finish of the property and impact on the character and setting of the area. The proposal is deemed to be contrary to Policies HLP 8, HLP 9 and HSP 16 of the MCDP in this regard.
- The submitted site section illustrates substantial cut and fill on site to accommodate the development. This is contrary to Section 3.6.1 of the MCDP which prohibits significant earthworks.

Excessive Removal of Mature Hedgerow

- The appeal refers to the proposal to remove hedgerow along the southern site boundary to accommodate the development and replacement with a 1.4m high timber and post rail fence
- A comprehensive landscaping plan is not provided for the site in accordance with the requirements of Policies LCP 1 and LCP 2 of the MCDP.
- The proposed boundaries would take decades to mature resulting in a visually exposed development.
- Existing site boundaries are defined by Hawthorn which is the predominant boundary treatment in the rural area. Landscaping proposals illustrate the removal of existing boundaries and their replacement with a mix of Blackthorn, Whitethorn, Beech and Hazel, which are not characteristic to the area, rather than Hawthorn. The proposal is contrary to Section 15.19 of the Plan in this regard which seeks “*replacement of an equal amount of similar hedgerows*”.
- The loss of the existing mature hedgerow will result in the loss of local biodiversity. The proposal is deemed contrary to Section 15.19 and Policies GIP 6, HCLSO 1, HLP 5, LCP 1, LCP 2, RCP 3 and TWP 1 and should be refused on this basis.

Potential Impacts on Water Quality

- Geological Survey Ireland (GSI) maps illustrate that the proposal straddles lands defined as being at high and extreme risk.
- The site is located within a Sensitive Surface Water Area 23 as identified in Map 8.1 and Table 8.1 of the MCDP.

- The proposal seeks to install a wastewater treatment plant and percolation area at the lowest point of the site which will be within the extreme risk zone.
- The Water Protection Plan Checklist submitted in support of the application does not provide detailed or meaningful assessment of environmental risks or site limitations in relation to waste water and surface water proposals. The lack of detailed information or specifications of the proposed WWTS and percolation area does not reassure that proper containment, appropriate treatment and disposal will be achieved. The existing ditch to the front of the applicant's property is not included in the watercourse map. This ditch discharges to Drumanny Lough to the east and Fane River to the north-east.
- Insufficient information in relation to compliance of SUDS measures and WPP 17 of the MCDP.
- The appeal raises concerns in relation to the impact of the proposal on local water quality on the basis of limited information on file. The appeal outlines that MCC erred in not considering this issue in more detail given the sensitivities of the appeal site's underlying groundwater and proximity to an open watercourse.
- The proposal is deemed contrary to Section 8.6 of the MCDP and Policies HSP 17, WPP1, WPP2, WPP 3, WPP 11 and WPP 15 and should be refused on this basis.

Proposed Vehicular Entrance and Road Safety

- The appeal questions compliance with required sightlines at the proposed site entrance in light of the presence of hedgerows outside the site boundary to the west and an ESB pole to the east which may interfere/obstruct sightlines.
- The proposal is reliant on cutting back and maintaining hedgerows to the western of the site which is outside of the applicant's control. The applicant has no consent to carry out such works.
- In the absence of consent the entrance is deemed unsafe and not in compliance with Section 15.16.1 and Policy RCP3 of the MCDP.

Lack of Appropriate Assessment

- The appeal refers to the presence of an open ditch along the opposite side of the L45012 which forms part of the wider hydrological network of interconnected streams which discharge to the Drumanny Lough to the east, the Fane River to the north-east and Inniskeen Public Water Scheme. The appeal outlines that this watercourse represents an indirect hydrological pathway/conduit to sensitive surface water and to the Natura 2000 site network.
- The appeal outlines that the River Fane discharges to the Dundalk Bay Special Protection Area (Site Code 004026) and the Special Conservation Area of Mooretown Blackrock (Site Code 00455).
- The conclusion of the planning authority on Appropriate Assessment that there are “no significant pathway connectors in the vicinity” is deemed incorrect by the appellant. The appeal outlines that the PA’s assessment was furthermore based on assumption rather than proof that the proposed waste water and surface water proposals would be compliant with relevant standards. The appeal raises concern in relation to the cumulative impact of existing and the proposed wastewater treatment plants in the vicinity, in an area where groundwater is at high and extreme risk of contamination, on designated sites. The proposal is deemed contrary to Policies AAP 1 and HLP 4 of the MCDP in this regard.

Non-Compliance with Development Management Standards

- The appeal raises concern in relation to the physical and visual dominance of the proposal and outlines that the proposal is contrary to Sections 15.8.1 and 15.13.3 and Policies HSP 15 and HSP 16 of the MCDP which relates to private amenity space and garage size/design.
- The proposal, by reason of its siting at 7.15m above the public road, will impact on the amenity of residential proposals and is therefore deemed contrary to Section 15.13.7 and Policy RDP 24 of the MCDP. The proposal is stated to result in overlooking of the appellant property and loss of privacy to their front garden and north facing rooms.
- The appeal refers to the impact of the development and new rural dwellings on the rural character of the area. No information was submitted in

conjunction with the application to demonstrate compliance with Section 15.16 and Policy RCP 1 and Policies HSP 16, HLP 8, HLP 9, HLP 16, EHP 1, Section 15.16.1 and Policy RCP 3 of the MCDP.

- All rural housing proposals, including those for outline permission, are required to be in compliance with the provisions of the MCDP.
- The appeal refers to the provisions Section 15.17 of MCDP which relates to integration of development into the rural landscape and Table 15.14 which relates to design guidelines for rural houses in relation to Site Study, Orientation, Passive Housing, Scale, Form, Proportions, Materials, Detailing and Boundaries. In the absence of assessment of the proposal against these standards the development is deemed contrary to Policy RHP 1 of the MCDP and should be refused permission.

Conclusion

- The appeal outlines that the applicant does not have an existing social or economic need to live rurally and refers to the lack of regard to viability of smaller towns and rural settlements within the context of the NPF and the RSES.
- The development is contrary to numerous policies and the Development Management Standards of the MCDP.
- The proposal would set an undesirable precedent for further forms of inappropriate and non-compliant development within the area.
- The Board is requested to overturn the decision of Monaghan County Council and refuse permission for the development.

Appendices

The following Appendices are attached to the appeal response:

- Appendix 1: Submission Acknowledgement Letter MCC
- Appendix 2: Louth County Electoral Register

6.2. Applicant Response

A response to the third-party appeal was submitted by Genesis Planning Consultants on behalf of the applicant. The following provides a summary of the key points raised:

Planning Policy Context

- The proposal is consistent with National Policy Objectives 15 and 19 of the National Planning Framework, which sets out the approach that Planning Authorities are required to facilitate rural housing based on statutory guidelines and plans. The NPF sets out a distinction between rural areas under urban influence and rural areas elsewhere.
- The Sustainable Rural Housing Guidelines, RSES and Monaghan County Development Plan all accord with the objectives and approach aforementioned under the NPF. There is no conflict between the NPF and the MCDP.
- The applicant is an established member of the local community, and the principle of the development is consistent with overarching national planning policy for rural housing.
- There is a clear policy direction within the Sustainable Rural Housing Guidelines which outlines that people who are established as an intrinsic part of the rural community should be facilitated for rural housing.
- The proposed development aligns with the policy objectives of the RSES including RPO 9.3.
- The appeal outlines that the proposal is in accordance with the Guidelines on Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities. The appeal cross refers to the Appropriate Assessment carried out by Monaghan County Council. It is stated that the AA is correct and informed the decision-making process.
- The site is located outside a designated local needs area as defined under Section 2.8.1 of the MCDP and not subject to additional eligibility criteria and restrictions.

- The Planning Authority had assessed the proposed development and concluded that a dwelling is acceptable for the site subject to permission consequent which will include details of layout, siting, height and external appearance. The Site Section Drawings submitted in support of the application detail how a single storey house integrate with the surrounding environment.
- The appeal response cross refers to the site assessment report prepared by BER services which demonstrates that the site can accommodate a wastewater treatment system in accordance with relevant EPA and development plan standards.
- The Environmental health Officer's Report had no objection to the proposed development subject to conditions. Condition no. 5 of the PA's decision set out particulars for a proposed wastewater treatment system.
- No issues arise in terms of the proposal impacting third party dwellings or residential amenity as detailed in the FI response.

Applicant's Qualification and Rural Housing Need:

- In terms of Rural Housing Need the appeal response outlines that the site is located in a rural area where rural housing is permitted. The site is not within a local needs area.

Impact on Landscape and Visual Amenities:

- Outline permission does not require full design details. Subject to a grant of permission, design particulars will comply with best practices in rural siting and design, ensuring the development successfully integrates into the landscape.
- The assertion that the development will require significant cut and fill is speculative. Any necessary land modifications will be assessed in a future planning application. The Planning Authority did not raise concern in relation to excessive earthworks in granting permission for the development.

Hedgerow Removal:

- The appeal response outlines that hedgerow removal proposals and landscaping proposals were deemed acceptable by the planning authority. The Planning Authority acceptable that the proposed hedgerow removal was not excessive and will be adequately replaced, long term landscape integration will be achieved through native replanting.

Potential Impacts on Water Quality:

- In terms of impact on water quality, the appeal response cross refers to the report on file from the Environmental Health Officer which raises no objection to wastewater treatment proposals. The Site Suitability Assessment concludes that drainage is good, and percolation tests have been undertaken. The submitted Water Protection Plan Checklist adheres to recommended guidance.
- While the site is located in an area of high/extreme groundwater vulnerability, the system's design follows best practice to prevent contamination.

Proposed Vehicular Entrance and Road Safety:

- The proposed sightlines are compliant with the standards set out within Table 15.5 of the MCDP. The concerns raised within the appeal in relation to hedgerow interference and impact on roadside ESB pole are not substantiated with evidence. Sightlines were deemed acceptable to MCC.

Lack of Appropriate Assessment:

- The appeal response cross refers to the AA carried out by the Planning Authority and conclusions set out therein. The Planning Authority's decision did not overlook any environmental safeguards or development plan provisions including AAP 1 and HLP 4.

Non-Compliance with Development Management Standards:

- Monaghan County Council raised no concerns in relation to non-compliance with development management standards. A grant of outline permission was issued subject to conditions.
- The development is in accordance with the policies set out within Chapter 15 of the Development Plan.

Other Matters

- Draft Monaghan County Development Plan 2025-2031 – This broadly reflects the policies and objectives of the 2019 Development Plan as it relates to rural housing.

Conclusion

- The Board is requested to grant outline permission for the development in accordance with MCC's decision.

6.3. Planning Authority Response

Monaghan County Council provided a response to the grounds of appeal. This confirmed that the Planning Authority had no further comment to make on the application.

7.0 Assessment

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

- Principle of Development
- Layout, Design and Impact on Visual Amenities
- Impact on Residential Amenity
- Site Access
- Impact on Water Quality

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

7.2. Principle of Development

7.2.1. The appeal outlines that the principle of the proposal is contrary to national, regional and local rural housing policy. The appeal questions the applicant's need for a rural property in the area, which is outside of any designated village or rural settlement

and relates to information deficiencies within the application in relation to the applicant's compliance with local need. I consider the issues raised in turn as follows.

Development Plan Provisions

- 7.2.2. The existing operative Development Plan for the area is the Monaghan County Development Plan 2019-2025. I note the reference within the grounds of appeal to the preparation of the Draft Monaghan County Development Plan 2025-2031 which is currently at the final stages of preparation with an indicative adoption date of May 2025. I have assessed the proposal in accordance with the provisions of the existing operative Plan, namely the Monaghan County Development Plan 2019-2025 (MCDP).
- 7.2.3. The site is located in a rural area to the northeast of Carrickmacross in the townlands of Cloghoge & Tievadinna. The Monaghan County Development Plan 2019-2025 defines 2 no. types of rural areas, namely "Areas Under Strong Urban Influence" and "Remaining Rural Area". The Core Strategy Map, Map 2.1, identifies that the lies within the 'Remaining Rural Area' (Category 2 – Rural Area Type). As such Policy Objective RSP 3 'Rural Settlement Policy' applies in this instance, which seeks: *"To facilitate rural housing in the remaining rural areas subject to the relevant planning policies as set out in Development Management Chapter of the Monaghan County Development Plan 2019-2025."*

Local Need

- 7.2.4. The planning application and appeal documentation outlines that the applicant is an established member of the local rural community. The appeal outlines that insufficient information has been provided within the application in relation to the applicant's compliance with local needs criteria. The appeal outlines that information included within Part B of the application form has not been included with the application.
- 7.2.5. I note that Part B of the Monaghan County Council's Planning Application form relates to applications for rural housing within Category 1 Rural Area - "Areas Under Strong Urban Influence". The appeal furthermore refers to the requirements of RSP 2 of the MCDP which sets out criteria under which applications for rural housing will be considered. Policy RSP 2 of the MCDP relates to Category 1 Rural Areas "Rural

Areas Under Strong Urban Influence”. The site is not located within a Category 1 rural area and therefore the provisions of Policy RSP 2 of the MCDP and Part B of the Planning Application form do not apply. I am satisfied that there are no information deficiencies within the application in this regard.

Rural Settlement Hierarchy

- 7.2.6. The appeal refers to the location of the site outside of any designated rural centre and the requirements of Section 2.7 of the MCDP which relates to the designation of Tier 5 and 6 rural settlements as an alternative to scattered one-off housing. The appeal furthermore refers to national and regional policy provisions which seek to support the vitality and viability of rural town and villages. The National Planning Framework seeks, for rural areas outside of those under urban influence, to facilitate single houses in the countryside but includes the proviso *‘having regard to the viability of smaller towns and settlements’*. This is reflected in Regional Policy Objective 4.81 of the Regional Spatial and Economic Strategy Eastern and Midland Region 2019-2031 and within Objective RSO 4 of the MCDP which seeks *“To maintain population levels in the remaining rural areas by accommodating appropriate rural development and to consolidate the existing town and village structure.”*
- 7.2.7. The Sustainable Rural Housing Guidelines also state that in these areas, rural housing proposals should be accommodated, subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.
- 7.2.8. The site is located c. 6km to the northeast of the Tier 2 Centre of Carrickmacross. The site is located outside of the rural area designated as Under Strong Urban Influence of this centre. The nearest designated rural centres to the appeal site as identified on Map 2.1 “Core Strategy Map” include the Tier 4 settlement of Inniskeen village located c.5km to the southeast and the Tier 5 settlement of Lisdoonan to the c. 7 km to the east. The Plan seeks to support the vitality and viability of these settlements while facilitating rural housing in the remaining area subject to compliance with relevant development plan guidance. According to recent Census data, Inniskeen had a population of 1,052 in 2016 and 1,182 in 2022. In this regard I see no evidence to suggest that this settlement is in rural decline.

- 7.2.9. I furthermore note the requirements of RSO 1 of the MCDP which seeks to “accommodate within the rural area people who are functionally or socially part of the rural community, and then to direct urban generated housing demand into established rural settlements”. In this regard I note that the application documentation outlines that the applicant is an established part of the rural community. I recommend the inclusion of an occupancy condition in the instance that the Board is minded to grant outline permission.

Conclusion

- 7.2.10. In conclusion, given the location of the site, and the applicable policy (RSP 3) I note that there is no requirement to demonstrate rural need for the dwelling house. The site is not in an area under urban pressure and, as such, there is no restrictive approach to the development of single houses in this area, in accordance with the development plan, National Planning Framework or the Sustainable Rural Housing Guidelines. I consider that the principle of the proposal is acceptable subject to consideration of design, layout, amenity, access and environmental considerations as detailed further in this assessment.

7.3. Layout, Design and Visual Impact

- 7.3.1. The first party appeal raises concern in relation to the siting of the proposed dwelling on an elevated site and its impact on the visual amenity of the area. The appeal outlines that the proposed dwelling is 7.15m above the adjoining road level making the development highly visible and exposed and refers to significant cut and fill on site to accommodate the dwelling. The appeal outlines that the proposed development is not in compliance with the provisions of the MCDP in relation to rural housing design including Section 15.16, Policy RCP 1, Policies HSP 16, HLP 8, HLP 9, HLP 16, EHP 1, and Policy RCP 3.
- 7.3.2. Policy RCP 1 states that *the council will only grant planning permission for a building in the countryside where it is demonstrated that the development will not cause a detrimental impact or further erode the rural character of the area. Any new building will be unacceptable where;*
- *It is unduly prominent in the landscape*

- *It results in build-up of development when viewed with existing and/or approved buildings and where it would detrimentally impact on the rural character of the area.*
- *It does not respect the traditional pattern of settlement within the area.*
- *It creates or adds to a ribbon of development except where it is considered infill or a replacement building.*
- *The impact of the ancillary works including the creation of visibility splays would damage the rural character of the area.*

7.3.3. The appeal site is located within a rural area designated within the “Drumlin Farmyard” Character Area as identified within the Monaghan County Development Plan. The site is not located along a designated scenic route or within a designated the path of a scenic view. On-site inspection I do not consider that the site forms a prominent feature in the landscape and is screened by existing field boundaries to the east and west. The existing character of development in the vicinity of the site is defined by rural houses along both sides of the local road. While the site is elevated from the local road to the south, the proposed dwelling does not sit on the highest elevation of the site, with the site elevation rising behind the proposed dwelling, forming a backdrop to same. The application seeks outline permission for a single storey with a maximum height of 5.5m. I do not consider that a single storey dwelling of the scale proposed would detract from the rural character of the area.

7.3.4. Policy RHP 1 states that ‘Applications for one- off housing in the rural areas shall demonstrate compliance with the design guidelines as set out in Table 15.4 “Design Guidelines for Rural Housing”. Table 15.4 sets out a number of criteria that should be considered including a site study, orientation, energy efficiency, scale, form, proportions, materials, detailing, boundaries and features. Policy HSP16 seeks to ensure that rural housing applications employ site specific design solutions to provide proposals that integrate into the landscape and that respect their location in terms of siting, design, materials, finishes and landscaping.

7.3.5. In considering the criteria set out in Table 15.4 I am satisfied that the siting, orientation, scale and form of the dwelling is acceptable. In terms of site boundaries, I note the presence of established boundaries to the south and west of the site. The appeal raises concerns in relation to the removal of hedgerows at the site

boundaries and planting of non-native species and the development is deemed contrary to Policies GIP 6, HLP 5, RCP 3, TWP 1 of the MCDP. These policies are detailed in Section 5 of this report and collectively seek to protect and enhance biodiversity and ecological connectivity by minimising the loss of trees and hedgerows and Objective HCLSO 1 which relates to the conservation and preservation of the County's Natural Environment. I furthermore note the objectives of the National Biodiversity Action Plan (NBAP) 2023-2030.

- 7.3.6. I refer to the requirements of Condition no. 4 of MCC's notification of decision to grant outline permission for the development which outlines that trees and hedgerows defining site boundary shall be retained apart from those required to provide sightlines. I am satisfied that the proposal would not result in excessive removal of existing hedgerows and boundary treatment in this regard. I consider that the proposal can take advantage of existing boundary treatment and field boundaries to integrate it into the landscape. I recommend that this condition is attached in the instance that the Board is minded to grant permission for the development.
- 7.3.7. The appeal refers to the provisions of Section 3.6.1 of the Development Plan which outlines that: "new developments that require significant earth works such as cutting or filling to create a platform for the development or mounding to achieve integration will not be considered favourably". In this regard it is stated that significant cut and fill is proposed to accommodate the development. I refer to the proposed Site Section Drawings submitted in response to MCC's request for further information. I do not consider that the level of cut and fill as indicated on these drawings would provide a significant level of intervention to the landscape.
- 7.3.8. The appeal refers to information deficiencies within the application in relation to the design and finish of the proposed dwelling and compliance with the requirements set out within Table 15.4 of the MCDP. In this regard I note that the application is for outline permission and final details relating to compliance with the requirements of Table 15.4 of the MCDP will be detailed and considered within any subsequent planning application.
- 7.3.9. Overall, I am of the view that there will not be any significant adverse impacts on the character of the landscape resulting from the proposed single storey dwelling and

the proposal would not be unduly dominant on the surrounding rural landscape or contrary to the provisions of the MCDP.

7.4. Impact on Residential Amenity

- 7.4.1. The third-party appeal raises concern in relation to the siting of the proposed dwelling on an elevated site to the north of their property and raises concerns in relation to level differences and associated overlooking and impact on privacy associated with the development. The appellant's dwelling is located to the south of the appeal site at the opposite side of the local road.
- 7.4.2. Policy RDP 24 of the MCDP outlines that: *"Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted"*. The impact of the proposed house on the amenity of the adjoining property is of relevance in this regard.
- 7.4.3. The proposed dwelling as detailed within the application drawings is single storey with a maximum ridge height of 5.5m and is south facing. The dwelling is set back over 75m from the appellants properties. On the basis of the separation distance and the nature of intervening development which includes the LT45012, existing boundary treatment and the proposed landscaping I am satisfied that no overlooking or loss of privacy will occur. I am satisfied that the proposal do not represent a scale or format of development which would significantly impact on the residential amenity of existing property in the vicinity.
- 7.4.4. The appeal raises concern in relation to the lack of detailed drawings within the application in relation to the design of the development and location of window openings etc. In this regard I note that permission is sought for outline permission. Any subsequent application for full planning permission will have details of window openings etc. and will be assessed in accordance with development plan provisions.

7.5. Site Access

- 7.5.1. Access to the dwelling is proposed via the creation of a new vehicular entrance from the LT 45012 to the south of the site. The site is currently served by an existing gated agricultural entrance to the southwest of the site. The LT 45012 runs in a straight alignment along the appeal site boundary and serves existing residential

properties in the vicinity. Table 15.5 of the Monaghan County Development Plan sets out the following minimum requirements for visibility splays - 50m at a setback of 2.4m.

- 7.5.2. Visibility splays of 50m at 2.4m from the road edge are illustrated within the Site Plan (General Layout) in accordance with Development Plan requirements. The appeal outlines that the required sightlines require the ongoing maintenance of 3rd party boundary treatment to the west of the site and the necessary consent is not in place to ensure maintenance of sightlines. The appeal furthermore refers to the presence of an ESB service pole to the east of the site. The applicant's appeal response confirms that the proposed sightlines are achievable within the application site boundaries. On site inspection I do not consider that the existing boundary treatment in the vicinity would provide a significant obstruction to achievement of sightlines. I note the presence of ESB poles in the vicinity of the site and consider that the relocation, if required, would be a matter for consultation with the relevant body in the instance of a grant of permission.
- 7.5.3. The appeal furthermore raises concern in relation to the removal of extensive hedgerow on site to facilitate the proposed site access and outlines that the proposal is contrary Policy RCP 3 of the MCDP in this regard which seeks that new access point minimise loss to tree/hedgerow boundaries. I refer to the requirements of Condition no. 4 of the MCC's notification of decision to grant outline permission for the development which outlines that only applicable portion of roadside hedgerow shall be removed to provide sightlines. I recommend the inclusion of this condition in the instance that the Board is minded to grant outline permission for the development. I am satisfied that the development will not result in significant boundary removal in this regard.
- 7.5.4. In conclusion, I am satisfied that sightlines can be provided at the proposed site entrance in accordance with Development Plan Standards and I do not consider that the proposed vehicular entrance will require significant removal of existing boundary treatment. I do not recommend that permission is refused on the basis of traffic hazard or contravention of Policy RCP 3 of the MCDP on this basis.

7.6. **Impact on Water Quality**

- 7.6.1. The 3rd party appeal raises concern in relation to the impact of the proposed wastewater treatment plant and surface water proposals on water quality in the area. The appeal outlines that the site is located within a sensitive surface water area and an extract/high risk groundwater area. The proposal is deemed contrary to the provisions and requirements of Section 8.6 of the MCDP and Policies HSP 17, WPP1, WPP2, WPP3, WPP 11 and WPP 15 in this regard. These policies are detailed in Section 5 of this report and collectively seek to safeguard water quality (including groundwater and watercourses) and outline that developments which have an unacceptable impact on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands will not be permitted.

Wastewater

- 7.6.2. The proposed development includes the installation of a Secondary Treatment System and soil polishing filter. The Site Characterisation Form submitted with the application identifies the category of aquifer as 'Poor Aquifer', with a vulnerability classification of 'extreme'. Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems identifies an 'R2¹' response category i.e. 'acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised'.
- 7.6.3. The Site Characterisation Form indicates that a trial hole with a depth of 2.0m recorded clay gravel with cobbles and boulders throughout. In relation to the percolation characteristics of the soil, a subsurface percolation test average T value of 9.67 and a sub-surface percolation test result of 5.28min/25mm was returned. These are both within the range as set out in the EPA Code of Practice (which requires a percolation value of at least 3, but not greater than 50 (for a septic tank) or between 3 - 90 to 120 (for varying types of secondary treatment systems). No surface water tests were carried out.
- 7.6.4. The report concludes that the site is suitable for the installation of a secondary or tertiary treatment system, discharging to ground water. The recommended treatment

system is a Secondary Treatment System and soil polishing filter namely a Tricel Novo Package Plant and Gravity Soil Polishing Filter

- 7.6.5. Having regard to the site percolation test results, and the supporting documentation accompanying the application, I consider it has been demonstrated that the site can accommodate a wastewater treatment system as recommended in the Site Characterisation Form, subject to the system being installed as recommended and in line with the EPA Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10), 2021. Having inspected the site and having read the Site Characterisation form, together with the large area of this site I concur with the Planning Authority that subject to normal safeguards it should not be prejudicial to public health and/or give rise to any environmental pollution including water pollution. I note that the Environmental Health Officer has not raised objection to the proposed system subject to conditions.

Surface water drainage

- 7.6.6. Surface water is identified as draining to soak pits on site. I note the presence of a watercourse to the south of the site at the opposite side of the local road. I refer to the requirements of Condition no.3 of MCC's notification of decision to grant permission for the development which outlines that no surface water from the site shall outfall to the public road. In the instance that the Board is minded to grant outline permission for the development, I recommend a condition be attached requiring the applicant to agree the detailed specification of the surface water drainage system with the Planning Authority.

Conclusion

- 7.6.7. In conclusion, on the basis of the information set out within the application I do not consider that the proposal will result in negative impacts on water quality of groundwater or waterbodies in the vicinity of the site or contrary to development plan provisions which seek to protect water quality. I note that the proposal has been assessed by the Environment Section in MCC and no objection to the principle of the development is raised on grounds of impact on water quality subject to conditions.

8.0 AA Screening

- 8.1. I have considered the application for outline permission for a dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in a rural area to the northeast of Carrickmacross Co. Monaghan. The site is located over 16 km from the nearest Natura 2000 site at is Dundalk Bay SPA (Site Code 004026) and there are no significant pathway connectors in the vicinity. An existing drainage ditch/watercourse runs to the south of the site at the opposite side of the local road.
- 8.3. The proposed development is described in Section 2 of this report. In brief the development seeks outline permission for a dwelling, wastewater treatment plant and associated site works.
- 8.4. The submissions from the appellant, applicant and Planning Authority are summarised as Section 6 of my Report. The 3rd party appeal raises concern in relation to the potential impact of the proposal and associated wastewater and surface water proposals on the water quality of the area and designated Natura 2000 sites including Dundalk Bay SPA (004026) and Dundalk Bay SAC (00455). The proposal is deemed contrary to Policies AAP 1, HLP 16 and HLP 4 of the MCDP in this regard. These policies are cited in Section 5 of this report. Policy AAP 1 relates to the requirement for AA Screening and Policies HLP 16 and HLP 4 outline that projects which could have a significant adverse impact on any Natura 2000 site individually or cumulatively with other plans or will not be permitted.
- 8.5. In considering the grounds of appeal I note that, there is a considerable distance from the site to a European site, the closest such site being, Dundalk Bay SPA and SAC (Site Codes 004026, 00455) which are approx. 16km from the site (and approximately 30km via watercourses). In terms of surface water run-off from the site at construction phase of the development I consider that works associated with this construction would be minor and undertaken in accordance with standard construction management practices. I do not consider that this would require any measures that required to avoid or reduce impacts to downstream Natura 2000 sites. Even if these standard construction measures should not be implemented or should they fail to work as intended, the potential indirect hydrological link represents a weak ecological connection, in my view, given the distance to the Dundalk Bay SPA

and SAC (distance of over 16km). As such, any pollutants that should enter the drainage ditch(es) watercourses to the south of the site will be subject to dilution and dispersion, rendering any significant impacts on water quality within the Dundalk Bay SPA and SAC or any other designated Natura 2000 site unlikely.

8.6. The proposed wastewater treatment system discussed above will be designed in accordance with the EPA guidelines on the treatment of domestic wastewater and is adequately removed from existing watercourses (Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021). Consequently, deleterious effects on either surface or groundwater in the vicinity of the site, or at distance from it, are unlikely. Notwithstanding this, in the absence of any mitigation measures, having regard to the effect of dissipation, dilution and biodegradation, of potential pollutants in their movement through soil/water at a distance of over 16km from the Dundalk Bay SPA and SAC (and approximately 30km via watercourses), significant adverse effects on water quality in the European site are unlikely.

8.7. Monaghan County Council's AA Screening concludes that: *"Having regard to the context and the development as proposed, and the activities associated with the development proposal both during and post construction works, it is taken that it is not necessary for an Appropriate Assessment to be carried out in relation to this development"*.

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

8.9. The reason for this conclusion is as follows:

- The small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening report/determination by LPA

8.10. I conclude, 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.

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

9.0 Recommendation

I recommend that outline planning permission is GRANTED for the proposed development in accordance with the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the provisions of the Monaghan County Development Plan 2019-2025, in particular policy RSP3, which states that in the 'remaining rural areas' of the county rural housing proposals will be facilitated subject to other relevant planning policies, and the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and the National Planning Framework (2018), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not constitute a traffic hazard or be prejudicial to environmental or public health. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. This outline permission relates solely to the principle of a single storey dwelling on this site and it shall not be construed as giving consent to the following matters:

(a) The overall site layout and design of the development.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, if permitted by way of a separate application for permission consequent, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:
 - i. A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
 - ii. A site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways and sewage treatment system. The proposed wastewater treatment and disposal system shall be located, constructed and maintained in accordance with details submitted to the planning authority on the 10.04.24 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) " – Environmental Protection Agency, 2021.
 - iii. The finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,
 - iv. Full details of the layout, siting, height, design and external appearance of the house.
 - v. Full details of cut and fill on site to accommodate the development.

- vi. A Landscaping Plan for the site which retains the existing trees and hedgerows defining the site boundaries and reinforces these with native planting.
- vii. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.
- viii. Provision of visibility splays at the proposed site entrance in accordance with Development Plan standards.

Reason: In the interest of clarity and to enable the application for permission consequent to be fully assessed.

- 4. Details of the design of the house shall be submitted by way of a separate application for permission consequent and shall incorporate the following requirements:
 - i. The house shall be single storey of low profile and reflect the traditional vernacular,
 - ii. The ridge height shall not exceed 5.5 metres above the finished floor level,

Reason: In the interest of visual amenity and to protect the character of the rural area.

- 5. Surface water proposal on site shall be provided in accordance with the detailed requirements of the Planning Authority. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

- 6. At the permission consequent stage, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with

the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Stephanie Farrington
Senior Planning Inspector

17th of April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321754-25		
Proposed Development Summary	Outline permission for a dwelling house, a domestic garage, a domestic wastewater treatment system, a new site entrance with all associated site development works		
Development Address	Cloghoge & Tievadinna, Castleblayney, Co. Monaghan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class (10)(b) of Schedule 5 Part 2 (i) Construction of more than 500 dwelling units; May also include: Class 1(a) of Part 2 (rural restructuring / hedgerow removal); Class 10(dd) of Part 2 relating to private roads in the form of driveways.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	<p>The subject development seeks outline permission for 1 no. dwelling house with detached garage, wastewater treatment system and associated site works, on a site of 0.45ha. It falls well below thresholds for mandatory EIA, namely construction of 500 dwelling units.</p> <p>Class 1(a) of Part 2 (rural restructuring / hedgerow removal); the development will entail boundary removal to facilitate sightlines. Boundary removal would be well below the threshold of 4km. Any re-contouring is well below 5 hectares and no farming related activities whatsoever.</p> <p>Class 10(dd) of Part 2 relating to private roads in the form of driveways. The proposed driveway amounts to less than 50m and is far less than the threshold of 2,000 metres.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321754-25
Proposed Development Summary	Outline permission for a dwelling house, a domestic garage, a domestic wastewater treatment system, a new site entrance with all associated site development works
Development Address	Cloghoge & Tievadinna, Castleblayney, 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 is for a dwelling house and a waste water treatment system. There are existing dwelling houses and farmyards in proximity to the site. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>There are no environmental implications with regard to the size, design, cumulation with existing/proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.</p>
Location of development	The development comprises a single house. There are no environmental sensitivities in terms of geographical areas

(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 zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		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 zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance.
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).		Development comprises a single house, there is not likely to be significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	√
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)