

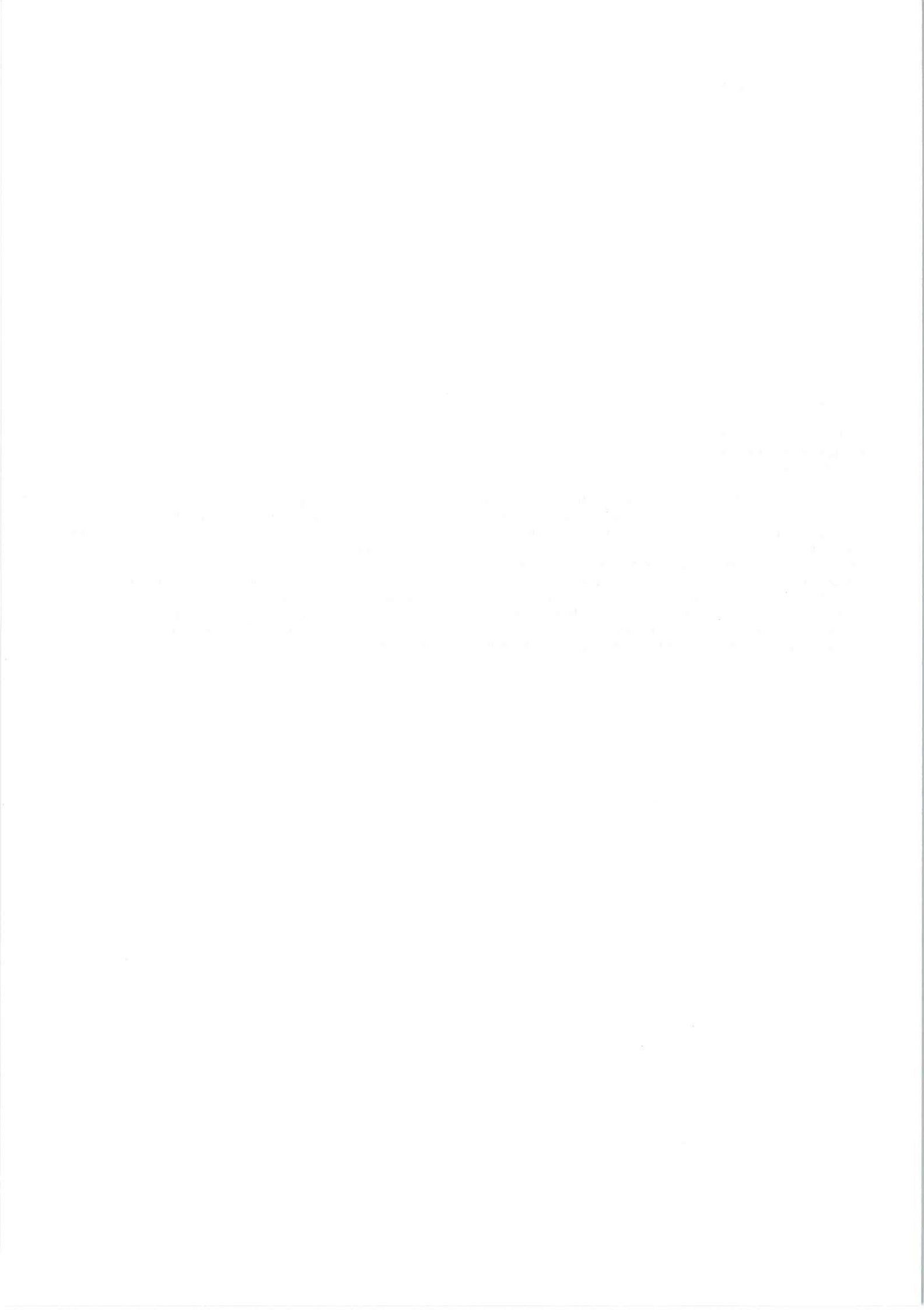
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From: tony [tony@tonybamfordplanning.ie]
Sent: 25 May 2018 17:29
To: !devplan
Subject: Final 24 May 2018 Submission Draft Monaghan DP .pdf
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Dear Sir/Madam

Re: Submission to the Draft Monaghan County Development Plan 2019-2025.

Section 1.0 Introduction and Background

Tony Bamford Planning (TBP) has been appointed by the Lough Bawn Trustees, (Lough Bawn House, Bawn, Co. Monaghan) to prepare this submission to the Draft Development Plan. The aim of the Lough Bawn Trustees is to maintain the amenity of Lough Bawn and the surrounding area, in balance with nature, sustainably for future generations. This submission to the Draft Monaghan County Development Plan 2019-2025. The submission is divided into four main sections:

- Section 2.0 General overview of Bawn
- Section 3.0 Proposed settlement strategy
- Section 4.0 Environmental Factors

Background

The Trustees have long held a specific policy preference for Bawn, which is shared by many of the residents in the area. They have made a number of submissions over the last 15 years in respect of myriad proposals for Bawn, including:

- 2004: Part 8 application for 12 residential units 04/8033
- 2006: Extension to Lough Egish Water Supply Scheme at Lough Black, Lough Bawn, Lisnakillewbane and Lisnakillewduff, ref: EL2049
- 2006: Draft Monaghan County Development Plan 2007-2013
- 2013: Draft Monaghan County Development Plan 2013-2019

Their aims are:

- (1) to protect the area from poorly planned and unsustainable forms of development, and
- (2) ensure any development takes full account of the area's sensitive landscapes, water bodies and green infrastructure, before it is granted planning permission.

Its review of this Draft Plan suggests that the area may still be vulnerable to unsustainable development pressures and in particular, commercial, multi-unit, housing development.

Section 2.0 General overview - Bawn

Bawn is located in south County Monaghan in the townlands of Drumcunnion and Lisinisky. It is located approx. 10km south-west of Cootehill, 5km north-east of Shercock and 9.5km south of Ballybay. The area is just under a kilometre from the Monaghan/Cavan border. The R162 runs on a north/south axis through the area, providing the main connection to Shercock (via the R192) to the south and Ballybay to the north.

Like most rural areas, Bawn is typically populated with one-off rural houses; some are standalone, removed from neighbouring plots, while others are in small clusters. The dominant feature of the area is the grounds, forests and lakes of Lough Bawn House.

There are two pNHAs at (1) Black Lough and Derrygooney Lough to the west of the R162 and (2) Black Lough and Lough Bawn to the east of the R162, both of national importance, while Lisinisky Marsh to the south, a site of county ecological importance.

Within the immediate area south of Loughbawn House is a vacated public house, along with the local handball alley (both old and new).

West of the former pub are a Catholic Church, on the L8000, and a council estate, on the opposite side of the road. This estate is suburban in character and layout. The eight units are serviced by two access roads, to the east and west of the development, which lead to undeveloped lands to the south, and a sewage pumping station to the east.

Protected Structures

Lough Bawn House is a Protected Structure. The house and demesne also benefits from a determination under Section 482 of the Taxes Consolidation Act 1997. The determination includes (i) Loughbawn House, associated yards and outbuildings, coach-houses, stables, gate-lodge, limekiln, keeper's lodge, rustic bridge, well (near ecclesiastical site), gates and gate piers, and (ii) the surrounding demesne (incorporating garden, parkland and lakes). Section 482 often just applies to built heritage structures themselves.



Figure 1.0: Lough Bawn S482 area.

It is unusual for an entire landscape to be so designated, and this reflects the environmental importance of the entire Lough Bawn demesne and its surrounding context, and the need to preserve that context for future generations.

National Monuments

There are a number of national monuments within the grounds of the demesne and in the Bawn area. These include: Ringfort, Cortober; Ringfort, Shantony; Crannog, Lisinisky and Shantony; Crannog, Lisinisky; Ringfort, Lisinisky; Crannog, Corhelshinagh; ecclesiastical site, Shantony. Their locations are illustrated on Figure 1.1.



Figure 1.1: Monuments

Wider designations in the Bawn area are included in Figure 1.2 below. In addition to the S482 designation and monuments, Figure 1.2 illustrates the many overlapping constraints in the Bawn area. Included are the following:

- Area of Secondary Amenity Value – Billy Fox Memorial Park and Environs
- Two views from Scenic Routes.
- Lisinisky Marsh and connected wetlands
- Drinking Water exclusion zone
- pNHAs

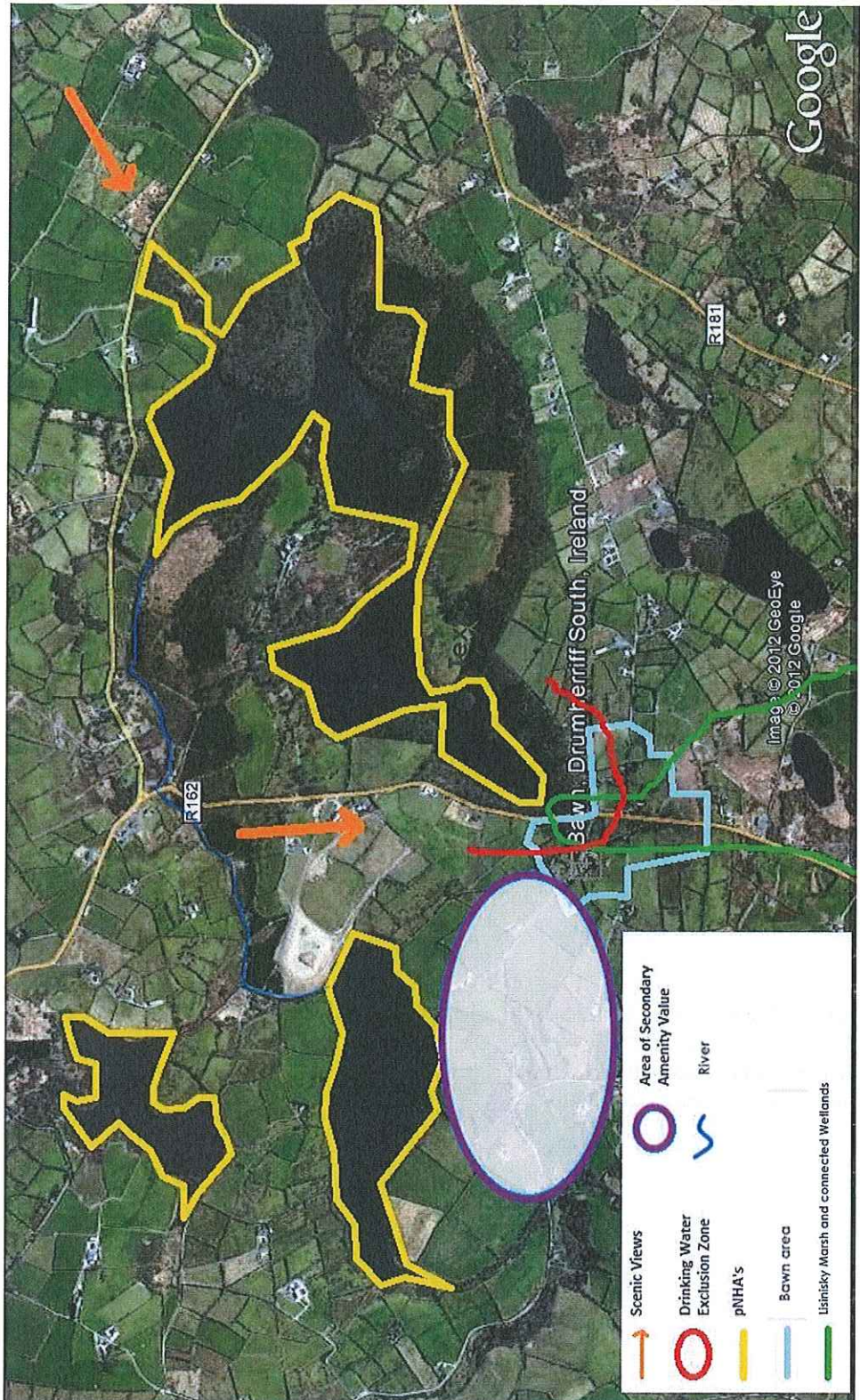


Figure 1.2: Environmental Designations: Bawn area

Section 3.0 Proposed Settlement Strategy

Our client's primary concern is protection of the area from inappropriate, unplanned, development. That is to say development that is unsustainable within a sensitive environment like Bawn. The strategy proposed by the Council for Bawn remains broadly aligned with the strategy in the 2013-2019 Development Plan, the key elements of which are summarised below, broadly divided under headings relating to Multi-Unit housing development and One off Housing.

The Settlement Strategy: Multi-Unit Housing Development

Page 30 of the Draft Plan notes that:

"Within the rural area there are dispersed rural communities which have small scale clustering around one or more focal point which may include a cross roads, a shop or a church. It is considered that there is scope for some additional dwellings which may consolidate existing focal points and utilise existing services in the area subject to normal planning considerations. It is anticipated that the majority of development taking place will be individual dwellings. Where a multi-unit residential development (more than 2 houses) is proposed in Tier 6 settlements the onus will be on the developer to justify the demand for housing proposed. Any development shall be centred on the focal point of the settlement and shall be subject to the satisfactory provision of infrastructure and services".

Objective SH06 seeks:

"To support the viability of dispersed rural communities and seek to encourage the growth of Tier 6 settlements generally in the form of single dwellings".

According to Table 2.4 (page 34) Tier 5 and 6 settlements will absorb 473 units up to 2025, the second highest total after Monaghan Town. Carrickmacross will absorb only 314 units. In other words, the rural areas of County Monaghan are expected to carry a large burden of new housing development.

As something of a counterbalance to this Policy CSP5 aims to:

"Preserve the character of Tier 5 and Tier 6 rural settlements by restricting the scale of development permitted within them and to ensure integration with the rural character of the area and the satisfactory provision of infrastructure services".

Page 38 notes that low density residential development is open to consideration in tier 5/6 settlements which benefit from public foul drainage systems:

"Otherwise, permitted development within these settlements will be on the basis of individual wastewater treatment systems, on minimum site areas of 0.2 hectares (0.5 acres). This is considered necessary in order to protect the environment and preserve a degree of consistency in design and scale".

With regard to applications for residential development in Tier 5/6 settlements, page 38 and 39 (Section 2.7.1) require the following is to be demonstrated:

- *The developer has provided evidence to the satisfaction of the planning authority that there is a demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement.*
- *The proposal contributes to the sequential development of the settlement from the centre outwards and/or represents an infilling of the existing settlement footprint.*

Objective RS02 seeks:

To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out in Section 2.7.1.

Policy RSP1

1. *a) To require applications for development within the rural settlements to submit an assessment of the development site relative to the location, visual impact and other normal planning considerations including the ability to consolidate the settlement, enhance the existing character and strengthen a sense of identity and distinctiveness for the settlement.*
2. *b) To only permit residential development and local level services such as small convenience shops, schools, post offices which are appropriate in scale and nature to these settlements.*
3. *c) To consider applications for serviced sites in accordance with Policy RDP5 as outlined in Development Management Chapter in those Tier 5 and 6 settlements which have capacity within existing public foul drainage systems. In all other instances, the application site must be 0.2ha and be served by an individual waste water treatment system which can be installed in accordance with EPA Code of Practice.*
4. *d) Identified rural settlements within the rural areas under strong urban influence shall not be required to demonstrate a rural generated housing need.*

The primary point we wish to make, is that a policy of continuing to actively encourage multi-unit housing development, in ever more dispersed locations, detracts from the wider objectives, now expressly stated in the National Planning Framework, of bolstering the population and viability of small towns and villages (Tier 4 settlements and upwards). We consider this in more detail in the next section which considers one off housing.

Lastly, in this section we note that the Development Plan does not define what a Tier 6 community is in any measurable form, either quantitatively or qualitatively. So, in effect, a developer could pick any rural area as possible location for private housing development.

This approach is entirely unacceptable and given the inevitable impacts arising from new housing on flora and fauna and water bodies, and especially, highly sensitive, rural area such as Bawn, one has to question how such an open ended policy is consistent with the aims of the protection and *improvement* objectives of the Habitats Directive, the Water Framework Directive, the Draft Plan's Landscape Strategy and indeed all other draft policies designed to protect and improve the inherent qualities of rural areas.

Rural Area Types – One off Housing

Under the Draft Plan the rural area is classified into two broad area types, with the purpose of controlling the persons eligible to live in certain areas:

- (1) Category 1 – Rural Areas under Strong Urban Influence
- (2) Category 2 – Remaining Rural Areas.

The aim of Category 1 areas is to restrict new housing to those with a need to live in such areas. It presents a series of tests at pages 42 and 43 which we will not review here. The Category 2 area is more proactively disposed towards development. Bawn is located in this area.

Within Category 2 areas:

"..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".

Objective RSO4 aims to:

"To maintain population levels in the remaining rural areas by accommodating appropriate rural development and to consolidate the existing and village structure".

Policy RSP3

"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".

Page 57 of the Plans require that rural housing complies with the following policies:

"Policy HSP16: 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.

Policy HS17: 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.

Policy HS18: Apply a presumption against extensive urban generated rural development, ribbon development, unsustainable, speculator 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".

Therefore, the proposed strategy for Category 2 areas, is that one-off housing will continue to be allowed without any form of needs test.

This form of "everything for everybody" planning remains prevalent in the Development Plan. It is by its nature unsustainable and poor planning and at variance with the Habitats Directive and the Water Framework Directive and not least the foundation stone of the Planning Act. Incredibly, we continue to have a position where rural areas farthest from Urban Centres are somehow acceptable locations for anyone to seek a new house, yet areas under the greatest urban pressure (that is to say closest to the main urban centres) have restrictions placed upon those who can gain permission for new house. That form of thinking is entirely detrimental to the rural area.

Our client shares concerns about sustaining rural communities but this must be done by the creation of genuine centres with greater critical mass. "Everything for everyone" planning dilutes this objective.

If Council's encourage people to live and build outside existing communities, they must ensure the infrastructure (roads, services etc) are in place to support this development and indeed they must also assess the impacts this has on the creating greater critical mass in existing, established and well populated urban centres, including villages and small towns.

The recently adopted **National Planning Framework (NPF)** has a number of objectives designed to allow for sustainable and better planned rural development. These include objectives 18b and 19 which are geared towards encouraging new houses in small towns and villages.

Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with

appropriate infrastructure to attract people to build their own homes and live in small towns and villages (objective 18b).

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 (objective 19).

These two objectives are particularly important. They both point to a significantly more substantial role, as matter of National importance, of villages and small towns (Tier 4 upwards) as oppose to scattered rural communities, as locations for new housing development.

In the first instance Objective 18b seeks to develop a programme for new homes in small towns and villages. Objective 19, which, in this plan, applies to the Category 2 areas, seeks to balance siting and design criteria as the main test for one off houses, with the viability of small towns and rural settlements. The NPF justifies this approach as follows:

A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities and in overall terms, will need to be related to the viability of smaller towns and rural settlements.

This arises because in some locations, almost all recent single housing in the countryside has been developed privately, with social housing provided largely in settlements. In many parts of rural Ireland, where a significant majority of housing output is in the countryside, this has contributed to spatial and social imbalance and the decline in population of smaller settlements. As a result, many key services have closed, in part due to population decline, leaving more marginalised and vulnerable citizens without access to those services.

The NPF makes it clear that the viability of small towns and villages needs to be considered in the development of rural housing policy. In other words, and arguably for the first time, National Planning policy is providing that villages and small towns are more sustainable locations than the countryside, for housing. Council's therefore must develop strategies for encouraging moves to these areas, which in turn will support rural services for all. **It is our opinion, that the proposed rural housing policy in the Draft Plan does not accord with the National Planning Framework and is premature pending a programme for housing in small towns and villages and specific consideration given to the health of those settlements. At the moment the Draft Development Plan fails in both respects.**

Recommendation TBP 1a – Multi-Unit housing development

As with the current plan, settlements in Tier 1-5 are named at Table 2.2 including settlements like Latton. Communities in Tier 6 are not named or defined. This leaves a substantial policy vacuum for which there no measurable, quantitative or qualitative criteria. In other words, what constitutes a Tier 6 community is not defined in the Draft Plan.

To ensure the Development Plan is consistent with the National Planning Framework, any developer must first prove that there are no locations that are suitable, viable and available in villages and small towns in upper tiers of the Settlement Hierarchy. We would recommend therefore that at Section 2.7.1 includes additional tests:

- (1) For developments of two or more houses or sites, the applicant must satisfy the Planning Authority that it has investigated potential locations for these housing developments in small towns and villages. The applicant must provide evidence that there are no other sites that are suitable, viable and available in these locations.*
- (2) Where the applicant has satisfied the Planning Authority that no sites are suitable, viable and available in small towns or villages, the applicant shall provide evidence the location in which they are proposing their development is an appropriate rural community. The applicant must*

demonstrate that new housing developments, whether purposefully designed or service sites will have access to a range of local services within the immediate local area and within walking distance, including schools, shops, churches, post offices and formal recreation space.

Recommendation TBP 1b – One off housing development

Our client accepts that one off housing, in rural areas will continue to be a reality for the foreseeable future. However, the NPF is clear that rural housing must be balanced with ensuring the viability of the small towns and villages (Tier 4 and upwards).

To this end, we make the following recommendation:

- (1) The Council must consider in greater detail as part of their amendments to the plan, the current viability of their small towns and villages. It must consider including a test similar to that in item 1 of TBP 1b. This would require an applicant for a development in any rural area (whether Category 1 or 2) to provide evidence that there are no sites that are available, viable and available, in small towns or villages.*

Section 4.0 Environmental Factors

Surface and Ground Water Protection

The Draft Plan places significant weight on the protection of surface and groundwater. Pages 147 – 159 of the Plan indicate the significance of the extent of the poor water quality in the County. In terms of surface water quality page 148 notes that pressures on water quality include urban wastewater, agriculture, unsewered properties, landfills and the extractive industry, hard surface run-off, siltation, alien invasive species, use of pesticides and drainage.

Ground water quality is generally good in the county. Discharges to groundwater must have regard to the EPA's Guidance on the Authorisation of Discharge to Groundwater (2011).

With regard to the River Basement Management the Draft Plan (page 148) notes:

The River Basin Management Plan 2018 - 2021 (RBMP) is being developed for Ireland. Previously Monaghan was located within two catchment regions, North Western International River Basin and Neagh Bann. The plans for these catchment regions expired in 2015 and their objectives were not achieved. The process for preparing the next RBMP plan is well underway and it will be published in early 2018. The RBMP covers the entire geographical area of the Republic of Ireland. The plan will encompass a new approach to catchment management and include selected waterbodies for action. It also includes a more detailed scientific explanation for water quality related issues and has identified those water bodies which are at risk of not meeting their Water Framework Directives (WFD) objectives. A programme of measures and objectives for County Monaghan will be identified as part of the plan.

The River Basement Management Plan requires priorities to be set with higher priority given to the rivers, drinking water sources, high status water bodies, special protection area and at risk waterbodies and a “no deterioration” objective applies to all water bodies.

Section 8.5 (page 149) requires that all proposed development is accompanied by a Water Protection Plan for which a checklist is provided in Appendix 16 of the Plan.

The need to prepare Water Protection Plans (which the Plan notes will require professional advice) applies to all development, including one off housing. This is not cross referenced or easily deciphered in the sections of the Plan dealing directly with housing in rural areas.

Recommendation TBP 2

All rural applications including those for one or more houses, irrespective of their location must prepare a Water Protection Plan which must be submitted with the planning application. This should be stated clearly in Section 2 of the Draft Development Plan with specific reference to housing, whether once off or multi-unit.

Heritage, Conservation and Landscape

This is a substantial topic covering many subject areas including: monuments, archaeology, architecture, flora and fauna, habitats, landscapes, geology, heritage gardens, parklands and inland waterways.

Pages 87-126 of the Plan presents extensive policies and objectives for the protection of all these assets. It is not intended to interrogate these policies here save to note the existence of many sensitive heritage assets in the Bawn area.

In addition, we note that there are a number of studies and polices that have a direct bearing on new development:

- With regard to the Landscape, new development should not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area (Policy HLP8, page 92)
- With regards to pNHAs Lough Bawn House Loughs area listed in Table 6.3. This is one of a number of assets that are of national importance. Development will be resisted where it would result in the deterioration of these habitats (Policy HLP13, page 105)
- Where it is proposed to infill or degrade a wetland an Ecological Impact Assessment will be required (Policy WLP2 – page 116).
- Minimise Loss of trees and hedgerows and encourage retention of mature trees, hedgerows and woodlands in new development (Policy TWP1 – page 117)
- Control of the spread of invasive species and the inclusion of plans to manage such and control invasive species will be required (Policy ISP2 – Page 118)
- Development within the vicinity of a Protected Structure will complement and be sympathetic to it (Policy BHP6 – Page 120)
- Visual Impact Assessment to assess impacts on Archaeological Monuments (Policy RMP4 – Page 124)

Recommendation TBP3

There is little, clear and explicit recognition of these importance aspects, of what is essentially the varied heritage of the County's *rural area*. That is a major omission and must be remedied. An additional, clear reference must be made in the Settlement Strategy as follows:

Any new development in rural areas, including one off housing and multiple unit development, must be accompanied by a Landscape and Visual Impact Assessment; Ecological Impact Assessment and Biodiversity Management Plan; Cultural and Heritage Impact Assessment; Tree Survey, Tree Impact Assessment and Management Plan; Invasive Species Management Plan; Landscape Plan which is certified to ensure that no invasive or non-native species are proposed; and, a desk-top Archaeological Assessment. Cumulative Impacts must also be assessed where considered necessary.

Such documentation is almost certainly necessary to properly assess new forms of development.

Lough Bawn House

We would note that Section 6.19 of the Plan (Page 125) does not reference the Lough Bawn House Demesne in the list of Historic Houses/Demesnes in County Monaghan.

Recommendation TBP4

Include Lough Bawn House Demesne in the list of Historic Houses/Demesnes in County Monaghan.

I trust this is in order.

Yours faithfully



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