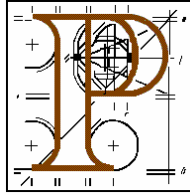


**An Bord Pleanála
Inspector's Report**



PL20.238803

Development: House, garage and septic tank.

Location: Bushfield townland, Castleplunket,
Co. Roscommon

Planning Application:

Planning Authority: Roscommon County Council

Planning Authority Reg. Ref. No.: 10/438

Applicants: Michael and Pamela Earley

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal:

Type of Appeal: Third Party

Appellants: An Taisce

Observers: None

Date of Site Inspection: 21/7/11

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The 0.310 hectares site is located in the townland of Bushfield, Co. Roscommon. The site is situated approximately 5km to the south-east of Castleplunket and 22km to the west of Strokestown. The site is served by a series of third class roads which is access off the R367 to the north. The road, on which the site is situated, is relatively narrow having a width of circa 5m. There are circa ten other properties located along the local road to the east of the site.
- 1.2 The site comprises the north-eastern corner of a larger open field. The northern boundary of the site adjoins the local road, it runs for 45m and is formed by a fence and hedgerow. The eastern boundary of the site is bounded by a mature high hedgerow. The site is relatively level it falls to the south.
- 1.3 The applicant's former home a two-storey dwelling adjoining a public house which has been damaged by fire is situated 100m to the north-west of the appeal site. The property is located on the western side of the public road and includes a number of agricultural buildings where a commercial business also operates from.

1.1 THE PROPOSED DEVELOPMENT

Permission is sought for a dwelling, detached garage and septic tank. Features of the scheme include the following;

- Site area of 0.310 hectares,
- Two-storey dwelling with a ridge height of dwelling 8.8m,
- Proposed floor area of dwelling 260sq m,
- Bord na Mona Platinum sewerage system,
- Connection to public mains water,
- New entrance onto local road.

1.2 THE PLANNING AUTHORITY'S DECISION

Internal Reports:

Area Engineer: No objection

Planners report: Further information was requested regarding the following issues.

1. Submit a revised site suitability assessment.
2. Submit land registry map with relevant folio details showing the applicants landholding.
3. Substantiate housing need in the context of the rural housing guidelines.

4. The proposed development is located with a proposed Natural Heritage Area (pNHA) Carrowreagh Turlough. It is the policy of Roscommon County Council to protect these designated areas. The applicants were requested to comment how the proposal will not adversely affect the pNHA.

Report dated 24th of March 2011: Following the submission of further information the planning authority was satisfied that the applicants housing need had been substantiated and also that the proposed revisions to the effluent treatment system would address potential impacts the development may have on the proposed Natural Heritage Area.

External Reports:

Department of Environment, Heritage and Local Government – It is noted that the location of the proposed development is situated within a location likely to impact on the Carrowreagh Turlough proposed Natural Heritage Area (pNHA) (Site Code 1624). Any planning consent should contain specific mention of conditions relating to the effluent treatment type and facility where the effluent treatment facility proposed will exceed the EPA requirements, as recommended and detailed in the further information by way of the report from L and S Consultant Civil Engineers. This is an important mitigation measure aimed at protecting ground water and sites of nature conservation in this area.

Submissions/objections/observations:

None received

Decision

The Planning Authority decided to grant permission subject to 16 no. conditions.

1.3 PLANNING HISTORY

None

2.0 APPEAL

A third party appeal was submitted by An Taisce on the 21st of April 2011. The content of the third appeal submission can be summarised as follows;

- The site is located within a proposed Natural Heritage Area, Carrowreagh Turlough. Turloughs are classified as Priority Habitat under the EU Habitats Directive.
- It is the opinion of An Taisce that an evaluation should have been carried out to establish whether the proposed Natural Heritage Area encompasses a Priority Habitat or whether it would warrant a Special Area of Conservation designation.
- It is the opinion of An Taisce that having regard to the location of the site within the designated area and also the effluence sensitivity of the site that screening should have been carried out by Roscommon County Council to

determine whether appropriate assessment under the Habitats Directive was required.

- Turloughs generated by underlying ground conditions create water table levels which fluctuate significantly. Therefore to satisfactorily assess the potential impact the proposed development would have on the turlough year round data on the watertable level would be required.
- The site characterisation form dated the 7th of March 2011 does not provide this. The site evaluation does not reflect the special vulnerability of the site and the variability of the ground conditions or the cumulative impact of the proposed effluent system in conjunction with other development.
- The site tests were carried out on the 4th of March 2011 this followed a month where there had been lower than average rainfall. Proper consideration of the proposed development should be taken having regard to the more variable rainfall patterns now prevalent in the county which includes periods of high rainfall concentration such as the rainfall event experience in November 2009.
- The justification for the proposed new dwelling is as a replacement dwelling for a fire damage property. The cover letter from L&S Engineers refers to a fire which occurred in the applicants existing house. The dwelling adjoins their business premise at Bushfield. The applicants are currently living in rented accommodation. No justification has been provided for the development of a new dwelling as a replacement for the existing residential accommodation.
- The windows of the fire damaged building have been boarded up, however the appellants consider that this would indicate that the building has maintained structural integrity and that it is therefore possible to repair to property and return it to habitable usage.
- A landholding map has been submitted however no explanation has been provided as to the site selection process and the rationale for the creation for a house plot on the proposed application site.
- The appellants have raised concern that the application site has been indicated on the plans as 'site A' and that as the house plot is rectangular that there is potential for developing a site B and further house plots.
- The information provided on the maps is considered deficient as it does not indicate the relationship between the landholding and the proposed Natural Heritage Area.

- The appellants consider that inadequate justification has been provided regarding the site selection and no consideration has been given to alternative site options which adjoin the existing house and business premise.
- Accordingly, the appellants request that permission be refused for the reasons set out above.

2.1 First Party Response

- None received

2.2 Planning Authority Response submission

- None received.

3.0 PLANNING POLICY

3.1 Development Plan

- The Roscommon County Development Plan 2008-2014 is the statutory Development Plan for the area. The relevant sections of the plan as they apply to this development are as follows;
- Section 6.3.3 - Rural Settlement Strategy – Rural Housing Strategy & Policies
- Section 6.3.4 - Rural Settlement Strategy – Rural Area Types
- Section 6.3.5 - Rural Settlement Strategy – Specific Policies
- Section 6.4 - Rural Design Guidelines

Map 22 – Rural Area Types indicates the three rural area types. Areas under Urban Influence, Stronger Rural Areas and Structurally Weak Rural Areas. The appeal site falls within an Area under Urban Influence. Planning policies in these areas seek to *'Ensure that Rural Generated Housing will be accommodated in the locality within which they arise and where the applicant comes within the development plan definition of need, subject to satisfying good planning practice in relation to site location, access, drainage and design requirements...'* (Policy 204).

Local Housing Need is defined in Table 27 of the Plan. Policy 209 defines ribbon development and states that this will be discouraged and that the Planning Authority *'will assess whether a given proposal will exacerbate such ribbon development, having regard to the following:*

- *The type of rural area and circumstances of the applicant.*
- *The degree to which the proposal might be considered infill development.*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development and*
- *Local circumstances, including planning history of the area and development pressures'.*

Designated Sites

- The site is located within the proposed Natural Heritage Area Carrowreagh Turlough – Site Code 001624

3.2 National Policy

The Sustainable Rural Housing Guidelines for Planning Authorities, April 2005

The above Ministerial guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development.

The site is located in a Structurally Weak Area as identified on Map No.1 – Indicative Outline of NSS Rural Area Types. It is stated that ‘the key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas’.

EPA’s Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses

This policy document provides guidance on the assessment of on-site wastewater disposal systems for single house. The government considers that the implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

4.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Rural Housing Policy
- Effluent treatment
- Proposed Environmental Designated Lands

4.1 Rural Housing Policy

4.1.1 With regard to compliance with rural housing policy the proposal should accord with the provisions of the Sustainable Rural Housing Guidelines and the provisions of the Roscommon County Development Plan 2008-2014, as it relates to settlement in rural areas. The appeal site is located in an area that is identified as being a Structurally Weak Area in the Sustainable Rural Housing Guidelines. Under the provisions of the Roscommon County Development Plan 2008-2014 and specifically Map 22 Rural Area Types the appeal site falls within an Area under Urban Influence. New residential development is restricted to cases where the applicants comply with the rural housing policy as set out in development plan. In Rural Areas under Urban Influence it is the policy to accommodate Rural Generated Housing needs in the locality within which they arise, subject to good planning practice.

- 4.1.2 The site is part of land holding owned by the applicants Michael and Pamela Earley. The landholding includes the former family home situated circa 100m to the north-west of the appeal site. The dwelling was damaged by fire in November 2009. It is presently unoccupied and the doors and windows have been boarded up. There are agricultural buildings to the north and south of the dwelling and a grain silo is located to the south. On inspection of the site, I observed that there was activity around these buildings. The applicant Mr Michael Earley is a licensed merchant for the sale of agricultural products by the Irish Agricultural Supply Industry Standards and it would appear that the business operates from this location.
- 4.1.3 The applicants require the proposed dwelling to replace their fire damaged home. Documentary evidence has been submitted with the application which indicates that the family are well established in the local community with their three children attending the primary school in Castleplunket. Also the family business is operating from Bushfield. The appellants have stated that the applicants have not supplied adequate justification for the proposed new dwelling as the building which has been fire damaged has maintained structural integrity and that it is therefore possible to repair to property and return it to habitable usage. While the external structure of the building is intact, it would appear that the dwelling has not been occupied since the fire in 2009 and therefore the applicants have a present housing need.
- 4.1.4 Accordingly, I consider that having regard to the information contained on file that the applicants comply with the housing need criteria set out in both the County Development Plan and the Rural Housing Guidelines. The applicants are intrinsically linked to the local area. As such I consider the applicants have demonstrated a rural housing need in accordance with the provisions set out in Table 27 of the Development Plan and the provisions contained in the Rural Housing Guidelines.

4.2 Effluent treatment

- 4.2.2 Having reviewed the Geological Survey of Ireland – groundwater data website the following information was available regarding the site. The National Draft Bedrock Aquifer map indicates that the site is located in an area classified as “Rkc” a regionally important aquifer which is karstified. Karst features including a number of swallow holes and a turlough are located immediately to the west of the appeal site. There is a stream to the south of the site and the area between the site and the stream is indicated on the O.S map as being liable to flooding. The Geological survey of Ireland mapping indicates that in terms of vulnerability the most northerly section of the site is located in an area classified as being extreme. The southern section of the site is located in an area classified as being of high vulnerability.
- 4.2.3 Originally a full site suitability report was not submitted with the application. In response to the further information L & S Consultant Civil Engineers submitted a revised site suitability assessment. It is proposed to install a Bord na Mona Platinum sewerage system 10m to the south of the dwelling. Tertiary treatment is proposed by installing two puraflo modules and the polishing filter is proposed 22m to the south-west of the dwelling. It is proposed to connect to the public water main which runs along the road to the north of the site.

- 4.2.4 The site characterisation form submitted indicates that the “T” test value recorded was 25.7. It was concluded in the site suitability report that the site should be suitable for a septic tank and percolation area and that the percolation area should be constructed in accordance with R2¹ of the groundwater response matrix of the EPA Guidelines. A soil polishing filter to treat effluent from a proprietary treatment system is proposed. It is concluded that wastewater must be treated to a very high standard due to the site being located within the proposed Natural Heritage Area.
- 4.2.5 The appellants raised concern regarding the seasonal nature of the watertable, which occurs at the site as they state that turloughs generate conditions where water table levels can fluctuate significantly. The appellants therefore contend that in order to adequately assess the potential impact of the proposed effluent treatment system it would be necessary to have data covering the entire year in relation to the watertable levels. The watertable level is indicated in the site suitability report at a depth of 1.10m from the ground surface. I would concur with the appellants that this watertable level is liable to significant fluctuations having regard to the location of the site within the karst area.
- 4.2.6 The Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses 2010 provides guidance on the provision of wastewater treatment and disposal systems for new single houses. Annex B of the publication refers to Groundwater Protection Response. It is stated that when choosing a site consideration should be had to any nearby groundwater sources and the vulnerability of the underlying groundwater. The Code of Practice sets out that the risk from on-site wastewater treatment systems is mainly influenced by its proximity to a groundwater source, the value of the groundwater resource and the depth of the water table. In relation to proposed site, it lies on a regionally important groundwater aquifer and within the area of Carrowreagh Turlough which is designated a proposed Natural Heritage Area. The depth of the water table is 1.10m however having regard to the hydrogeology of the area it is liable to significant fluctuations.
- 4.2.7 Although a secondary effluent treatment system is proposed it also requires the importation of soil to provide a polishing filter. Having regard to the sensitivity of the groundwater resource and the location of the site within the Carrowreagh Turlough and in the absence of an assessment of the cumulative impact of the proposed discharge on the groundwater quality in the area and also the lack of detailed information regarding the potential fluctuations in the water table level, I am not satisfied that the proposed development would not pose an unacceptable risk of pollution of groundwater resources.

4.3 Proposed Environmental Designated Lands

- 4.3.1 The site is located within the proposed Natural Heritage Area, Carrowreagh Turlough. According to the Site Synopsis (SITE CODE: 001624) the turlough itself features thin soils. The south-eastern area of the Turlough features a mix of flora including Yellow Iris, Tall Fescue and sedges. In the western side of the basin there is a wet grassland habitat featuring sedges. It is noted as being of local scientific value in the Site Synopsis. I note that the associated callows and turloughs of the River Shannon and River Suck are classified as

Priority Habitats under the EU Habitats Directive and are recognised as being of European and National importance. The Carrowreagh Turlough is located to the east of the River Suck and is within its catchment area it covers an area of 26.3 hectares.

- 4.3.2 The appellants have suggested that an appropriate assessment should have been carried out in relation to the proposed development. Having regard to Articles 6(3) and 6(4) of the Habitats Directive I note that an appropriate assessment is required where a plan or project is likely to have a significant effect on a Natura 2000 European Designated site. The proposed site does not lie within a Natura 2000 European site and accordingly an appropriate assessment is not required under the Legislative provisions.

5.0 RECOMMENDATION

I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommend that permission be refused for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The site of the proposed development lies on a regionally important groundwater aquifer and within the area of Carrowreagh Turlough which is designated a proposed Natural Heritage Area. There are already several properties in the vicinity of the site reliant on septic tanks/wastewater treatment systems which discharge to groundwater. Having regard to the provisions of the Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses 2010 and to the absence of an assessment of the cumulative impact of the proposed discharge on the groundwater quality in the area, the Board is not satisfied that the proposed development would not pose an unacceptable risk of pollution of groundwater resources and be prejudicial to public health.

Siobhan Carroll,
Inspectorate
27th of July 2011