



An
Bord
Pleanála

Inspector's Report ABP-306043

Development	Single storey dwelling house with septic tank, percolation area and associated site works.
Location	Crancam, Drum, Athlone, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	19307
Applicant(s)	Mark Shine and Philippa Walsh
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	PJ and Bridie Watson
Observer(s)	None
Date of Site Inspection	16 th January 2020
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The subject site of .76 hectares is located about 6.5km southwest of Athlone town centre, and 3km from Athlone West suburb. It is also about 500-600m south of the M6 with an intervening Dublin Galway railway line. Drum is a small dispersed settlement to the west. The site is in a backland rural setting accessed off a predominantly residential cul-de-sac road with extensive ribbon development on its western side. The housing (which amounts to 10) on the access road is low density single storey with consistent building line setbacks. The road has a footpath but the intervening road (L2027) connecting the urban development of Athlone is rural in character and without footpaths and lighting.
- 1.2. The site is irregular in shape and incorporates a narrow entrance frontage and access track from the cul-de-sac and part of open fields which are used for horse grazing and some woodland. There are some mature trees as part of the older hedgerow and terrain and part of the newer residential boundaries in addition to scrub as part of the more recent earthworks which are described in the site characterisation form as part of ground level raising by 1.5m. The difference in vegetation is apparent on ground and from photographs.
- 1.3. The access road junction serving the development has restricted visibility due to the horizontal alignment of the L2027 local road as indicated by the extent of continuous white line along this local road in each direction at this junction and photographs from my site inspection.

2.0 Proposed Development

- 2.1. The proposed development consists of :
 - Construction of a single storey 5 bed dwelling of 266 sq.m.
 - Septic tank and percolation area
 - 4 car parking spaces
 - The 3.8m high house is contemporary in style and in a U format - arranged in flat roofed blocks around a courtyard.
- 2.2. The application is accompanied by a cover letter which includes:

- Statement of housing need by reference to the development plan and local association to Drum.
- Visual impact assessment and other considerations in site layout due to site context and site features.
- Design approach statement which refers to incorporation of energy efficiency and access to sunlight in a contemporary style.

2.3. **Unsolicited information was lodged on 24th July 2019** which clarifies landholding, access and road drainage and previous site works. The issues associated with backland development are addressed.

2.4. **Further information - received on 5th September 2019:**

- Trial open reopened and inspected
- Solicitor's letter outlining ownership of the land - a letter of consent from joint owners. Note: Information on residency and dwelling ownership is Redacted.
- Revised site layout with Landscape proposal for .8 acres of land around the dwelling the house is relocated to the north and driveway is reduced in length. The remaining land will remain agricultural and a meadow and flower garden is to be planted.

2.5. **Clarification of further information - received on 9th October 2019** include a signed letter of consent to restrictions on adjunct residents' landholding, - 7 signatories.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.2. Following the decisions to request further information and clarification of further information, the planning authority issued notification of its decision to grant permission by order on 1st November 2019 subject to 14 conditions.

Condition 1 – compliance with details submitted on 11th June, 5th September and 9th October 2019

Condition 2 - 7 years occupancy to applicant/ immediate family

Condition 3 - section 47 sterilisation of land agreement from residential development

Condition 4 - compliance with site layout details of 5th Sep

- Condition 5 – Irish Water agreement
- Condition 6 – entrance and sightlines requirements
- Condition 7 – entrance surface specification
- Condition 8 – road drainage protection
- Condition 9 - surface water collection and disposal
- Condition 10 – Effluent Disposal as per 11th June details
- Condition 11 – finishes to be agreed
- Condition 12 – landscaping details
- Condition 13 - Development Contribution €3600
- Condition 14 – two weeks notice of commencement

3.3. Planning Authority Reports

3.3.1. Planning Report - 26th July:

- It is noted that the site is in an unserved rural area. It is accepted that the applicant has substantiated a rural generated housing need by way of documentary evidence demonstrating an intrinsic link to the area.
- It is noted that Road Design has confirmed taking in-charge of the cul-de-sac and that the access has been revised.
- It is noted that rights of way may exist over the lands to the level crossing 120m north west of the site.
- It is noted that the environment section has concerns regarding suitability of ground conditions for effluent treatment and disposal.
- The contemporary design is considered acceptable having regard to its human scale.
- While the house is located on an elevated part of the site, screening by way of undulating terrain and landscaping combined with height at 3.8m where the prevailing height is over 6m will result in development that is not visually obtrusive.
- **Further information** requested in respect of, trial hole inspection confirmation of ownership and tile,

3.3.2. Planning Report - 27th September 2019:

- The suitability of the site for disposal of effluent is noted
- While folio details of property ownership of the subject lands have been submitted along with a solicitor's letter stating part of the site subject to construction will be transferred to the applicant, further confirmation from owners is required which addresses restrictions on development.
- A lease indicates that that applicants are renting a dwelling.
- Landscaping details have been received and it is confirmed that the remaining lands will be used for agriculture.
- **Clarification of further information** was sought on 27th September 2019.

3.3.3. **Planning Report – 23rd October 2019:** This report addresses the issue of future development and accepts the signed consent by all registered owners of the property on future development. The site, following revised effluent treatment proposals and reports, is considered to be technically acceptable and the overall nature and scale is considered to not impact on amenities of the area or lead to devaluation of adjacent property. It is not considered to create traffic hazard or traffic inconvenience and would therefore be in accordance with the proper planning and development of the area.

3.3.4. **Other Technical Reports**

Environment Department Report: 26th September 2019

- This report refers to a previous site inspection to the same site on 3rd January 2019 in a previous application that was withdrawn (Detail in pouch at back of file). At that time the report stated: 'The level on this overall field seems to have been altered at some time in the past either by filling or site levelling. There appears to be little or no soil overburden on the site. However I could not be sure of this as no trial hole remained open for inspection. I could not ascertain where the SCR trial holes had been dug. The applicant should be requested to have a trial hole dug and left open for inspection.'
- Nothing had changed on inspection of the site on 28th June 2019. There were no trial holes. The observations from the previous report remain valid and due to the soil overburden it is difficult to see how a traditional septic could comply with EPA guidance.

- A subsequent trial hole inspection on 8th August 2019 revealed:
 - Water table at approx. 2.2 below ground level
 - No evidence of vegetation indicating poor soil permeability.
 - No surface water drain though possibly filled in
 - The mainly gravelly soil type evident displayed reasonable permeability but little topsoil as suspected in the trial hole.
- No objection in principle but reservations about a septic tank , accordingly it is recommended that

‘The installation of at minimum a packaged secondary treatment system with polishing filter and imported topsoil which should address the needs for disposal of wastewater in this site.’

3.4. **Prescribed Bodies**

The file was referred by the planning authority to Irish water, An Taisce, The Heritage Council and the Dep of Arts Heritage and the Gaeltacht. No responses were received.

3.5. **Third Party Observations**

Two submissions were lodged to the planning authority and referred to issues concerning access to drainage, rights of way, backland nature of development, impacts on adjacent properties, design, legal interest ad general unsuitability of development in a rural area.

4.0 **Planning History**

PA ref.18/580 refers to a withdrawn application for a dwelling house on the same site.

5.0 **Policy Context**

5.1. **National Planning Framework**

- 5.1.1. In relation to the Countryside (page 74) it is stated that : The Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of

rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities. It is recognised that there is a continuing need for housing provision for people to live and work in Ireland's countryside. Careful planning is required to manage demand in our most accessible countryside around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities. It is important to differentiate, on the one hand, between rural areas located within the commuter catchment of the five cities and our largest towns and centres of employment and, on the other hand, rural areas located outside these catchments.

5.1.2. It will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations.

5.1.3. Policy objective 19 aims to : 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;

5.1.4. In terms agricultural and rural enterprise it is stated (page 75) that: 'Ireland's natural resources are some of our greatest assets and through the development of the agriculture, food, forestry, tourism and renewable energy sectors, this will not only sustain rural employment, but also contribute to driving the national economy.'

5.1.5. Section 6.6 identifies the issues associated with fragmented/leapfrog development including ribbon development and objective 33 aims to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.' It sets out key objectives for housing including the recognition that housing 'be located in our smaller towns,

villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.'

5.2. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- The site is located within an area designated as being 'Rural Areas under Strong Urban Influence' within these Guidelines.
- Section 3.3.3 deals with 'Siting and Design'.

5.3. Roscommon County Development Plan 2014-2020

5.3.1. Chapter 2 sets out the core strategy and settlement policy . section 2.3 sets out a settlement hierarchy and section 2.3.8 refers to one-off housing. The challenge of rural one-off housing is identified and it is council policy to restrict development in the more acutely affected areas to those with proven requirements to locate there.

5.3.2. Monksland/Bellanmullia is identified as a Tier 2 settlement area to the south west of Athlone and an integral part of the development of Athlone in its Gateway function.

5.3.3. Chapter 5 provides guidance on housing development. Sections 5.9 and 5.11 refer specifically to rural housing in the countryside. The site is within a Rural Area Under Urban Influence and within an area designated as Category B (table 5.3).

- Rural Policy Category B (Areas Under Urban Influence) constitutes the south Roscommon countryside ... under urban influence from the settlements of Roscommon Town, Athlone and Ballinasloe.... These areas are categorised by strong pressure for urban generated housing development as well as locally generated housing development.
- In this context it is considered that these areas be reserved for individual housing development which meets the rural generated housing need criteria set out in the 'Definition of Urban & Rural Generated Housing Need', (see Table 5.3).
- Table 5.3, Rural-Generated Housing Need: This is defined as demand for housing in rural areas generated by:
 - a. People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin...or

b. People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years...or

c. People employed locally whose work provides a service to the local community or people whose work is intrinsically linked to rural areas such as teachers in rural schools, or

d. People with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years or by the existence in this community of long established ties with immediate family members.

5.4. Table 5.4 sets out policies and suitability criteria for rural area types. In relation to Category B, it is stated

- To accommodate substantiated rural-generated housing need subject to good practice. New development should be clustered with existing family dwelling or farm buildings, except where inappropriate due to traffic safety, environmental considerations etc.
- To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community subject to compliance with normal planning criteria.

5.4.1. Chapter 9 sets out Development Management Guidelines and Standards.

5.5. **Natural Heritage Designations**

The nearest Natura 2000 site is Castlesampson Esker SAC (site code 001625) is about 3.1km to the north west. Ballynamonagh Bog and Corkip Lough SAC (002339) is further north. The Shannon Callows SAC (site code 00216) is east at a distance of around 5 km.

5.6. **EIA Screening**

Having regard to nature and scale of the development comprising a single house there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

5.7. Grounds of Appeal

John Madden Chartered Engineers have submitted detailed grounds of appeal on behalf of Mr and Mrs PJ Watson. These grounds are based on:

- The appellant owns parcels of land in two locations – one across the railway track and the other is adjacent to the proposed house site. Part of the appellant's land is covered in trees and cannot be accessed from the road except by walking a horse. The appellant has for 37 years utilised a right of way from the access road (serving the site) to across the railway track level crossing into his holding. The land over the railway line is landlocked and dependant on this right of way (aerial images and maps attached). This has not been adequately provided for as the house will block access to the holding.
- The site is served by a tertiary road in a rural area close to Athlone town and where ribbon development has contributed to a suburban effect. The proposed development will contribute to a demand for the uneconomic provision of public services as it will increase urbanisation in this unserved area.
- The backland nature of development is disorderly and un-coordinated. It is a large urban house and boundary screening such as in an urban area is inappropriate in the rural landscape.
- Unsafe access/roadway: the junction with the main road is substandard. The road in the vicinity of the proposed house site entrance is also substandard (Photographs attached)
- Unsustainable development by way of excessive density of suburban type development in a rural area. It constitutes leapfrogging due to the reinforcement of dispersed and fragmented settlement and it is contrary to the strategy of compactness. Section 6.6 identifies such development as costly.
- Drainage : The adjoining land is swampy and wetland. The appellant previously installed and piped an existing drain in the field to take away surface water . It is submitted there is no provision to access this land in the event of flooding. Hydrological surveying required. Photos of cracked walling indicates subsidence.

- Urban style non-essential urban generated development: Development should be directed into priority settlement areas. It will lead to a reduction in the visual and environmental quality of the agricultural landscape and conflict with preservation of the rural character and future development of agriculture.
- The house is massive in size and scale and contrary to the rural house design guidelines. It is out of character with other houses.
- Septic tank discharge and pollution risk: There are a high number of septic tanks in the areas.
- Waste material on site. No analysis of ground.
- Contrary to the provisions of the development plan regarding housing need as housing should be for farmers and people with a rural background who are inclusively part of the rural environment and whose occupation is prominently based in the rural community. These conditions are submitted to have not been met.

5.8. **Planning Authority Response**

None.

5.9. **Applicant's Responses**

5.9.1. James O'Donnell Planning Consultancy Services have responded to the grounds of appeal and address the matters of

- Grounds for Dismissal: It is submitted that the appeal is vexatious and simply based on land access issues which are civil in nature. It is submitted that the appellant's home will be unaffected by the development as it is 345m to the east.
- Site location and context: It is explained the house is proposed in an area where there is an established cluster in dispersed settlement of Drum/Summerhill. The access road has a footpath and lighting
- Planning application : The steps in the lodgement of the proposal and further information is outlined. It is explained that the house was relocated northwards in FI.
- This is appended with affidavit regarding land ownership, alleged trespass, employers' letter

5.9.2. Detailed response to grounds:

- The site not unsustainable development: The proposed development pattern is described as consolidation as it is adjacent to a housing cluster and therefore exceptional circumstances apply.
- Services include a public water supply, local footpath and lighting. Social services include Drum parish hall and St. Brigid's Church 1.6km to the south west and schools to the east. Growth in such an area accords with the core strategy and settlement policy that assign 58% of population growth to village/countryside areas.
- As an individual case on its own merits it has been deemed to be compliant with chapter 5 criteria by the planning authority.
- There would be no unreasonable additional demand on services particularly for a rural generated house.
- There are widespread examples of a similar pattern of setback development.
- Section 9.11 criteria for backland development is being complied with
- Overlooking is not an issue given the height separation distance, fenestrations and existing and proposed vegetation.
- The house has been designed with emphasis on assimilation and orientation.
- The existing roadway is long established and has operated safely and without incident by reference to the RSA safety Statistic 2005-2016. The planning authority did not raise this as an issue.
- The road condition is adequate and if substandard would not have been taken in charge by the local authority.
- The house location will not interfere with any drainage networks.
- There is no history of flooding nor is the house in any recorded flood risk area
- The applicant's need is rural generated and permission accords with guidelines which state on page 1 that 'People who are part of the rural community should be facilitated by the planning system in all rural areas including those under strong urban based pressures.'

- This is not ribbon development as it is not continuous frontage development. Appendix 4 of the Ministerial Guidelines refers to use of setbacks to overcome problems associated with ribbon developemtn.
- The applicant complies with the CDP criteria for rural generated housing need. The applicant grew up 300m away. As the family had no land the applicant purchased the site in 2008 to live in the area. He is an entrepreneur in the rural energy sector and a letter from his current employer is attached and explains his role in the management of rural expansion of its services.
- The proposal complies with the NPF policy 19.
- The planning authority report states that the applicant has provided documentary evidence to demonstrate an intrinsic link to the area and is satisfied a local housing need has been established.
- Employment is stated to be rural based.
- The rural design guidelines have been complied in this architecturally informed high quality, energy efficient and contemporary design, which is submitted to respond to its setting, maximise solar gain, respect amenity and provide shelter.
- The house complies with page 40 of the rural design guidelines. It is simple well-proportioned and sits comfortably in the landscape, takes account of weather and sunlight.
- With respect to pollution risk the applicant proposes a Proprietary Treatment system and this is acceptable subject to a secondary treatment system with polishing filter and imported topsoil. The applicant has no objection to conditions in this regard.
- There is no history of dumping on the land and trial hole excavation revealed no evidence of such. An attached affidavit gives some clarity of the history of the land.
- The concern that the house will block access to farm holdings is not a planning issue

5.10. Observations

None

6.0 Assessment

6.1. Issues

6.1.1. It is proposed to construct a dwelling on a large backland site to the rear of a cluster of ribbon development in a rural area about 6km from Athlone town centre. The issues centre on:

- Principle of a Rural housing: need and settlement pattern
- Siting, layout and design
- Wastewater Treatment System
- Traffic safety
- Appropriate Assessment

6.2. Principle of rural housing

6.2.1. Development Plan policy seeks 'to accommodate substantiated rural-generated housing need subject to good practice'. In this regard 'applicants are required to provide documented evidence in support of claims for Rural-Generated Local Housing Need'.

6.2.2. The applicant submits he is compliant with rural housing need as defined in table 5.3 (a) and (b) of the development plan and the planning authority has accepted this. The specific details submitted as further information clarifying ties to the area have been redacted by the planning authority in its correspondence. However, in the response to the appeal, it is clarified that the applicant is an employee of a Dublin based company and he has been living there for an unspecified time. He appears to have left the family home in 2011 but has lived in rented accommodation in recent months in the area and has been involved in various rural business enterprises in neighbouring counties. The employer has intentions of expanding its service to the midlands area and states that future remote working could be accommodated in managing this network. I consider there is a basis to question if there is a sufficient case that he complies with the rural generated local housing need policy of the development plan by reference to the National Planning Framework.(NPF). While it is clear that the applicant has family connections and a history of residency and schooling in the Drum area, I consider the nature of employment more properly defines the need as being urban generated. The applicant's work is Dublin based

but flexible and is not tied to this specific location such as a rural land-based activity. Similarly the solar energy enterprises are scattered with typically infrequent on-site visits and not tied to this site location. In determining an economic need, notwithstanding the Dublin based employers letter and future plans, I do not consider remote working for a Dublin based business to be such as to warrant the construction of a new rural dwelling on the site and the applicant in these circumstances in my view does not strictly comply with the definition of rural-generated housing need.

- 6.2.3. I accept that the family ties and schooling are social connections and may be interpreted as constituting a housing need and indeed the Board may lean towards this, there are nevertheless other factors to consider. The guidance is quite clear that the siting and design must also accord with good planning practice and that development must be considered within the wider strategic framework. For example, National Policy Objective 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- 6.2.4. Taking a stringent approach, regard could be had to the location and the potential to undermine the consolidation of viable settlements (which in this case could be Monksland in Athlone West (tier 2), Roscommon) for economic provision of services as part of regional gateway consolidation or other designated settlement areas.
- 6.2.5. I also refer in particular to Section 6.6 of the NPF which identifies the issues associated with fragmented/leapfrog development including ribbon development and objective 33 aims to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. The NPF also sets out key objectives for housing including the recognition that housing 'be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.' The National Planning Framework objective of managing the growth of areas that are under strong urban influence to avoid over-development would essentially be undermined.
- 6.2.6. There is also the issue of compromising the agricultural use of the land and in this regard I refer to page 75 of the NPF which recognises the importance of protecting

rural agricultural based economy and preventing overspill development while protecting the rural landscape and environment. The proposal would, in my judgement conflict with objectives in the National Planning Framework in this regard.

- 6.2.7. The nature of the house provision at this location would I consider, run contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, as the appellant's 'rural' housing need is open to question and moreover, is within an area of the county that is under significant development pressure for one-off housing, i.e. an Area Under Strong Urban Influence, close to Athlone town. The applicant's needs could be met within this nearby town.
- 6.2.8. While further information may clarify social needs in more detail and the Board may wish to seek further information in this regard, there are however more substantive issues that point to an inherent conflict with proper planning and sustainable development in this case.

6.3. Siting, layout and design.

- 6.3.1. The proposed site is located to the rear of a continuous line of dwellings that turns the corner from the access road and along the Local road L2027 and effectively backs onto the site on two sides.
- 6.3.2. The proposal seeks to develop a house on a most irregular site configuration behind and upslope of existing houses which are for the most part modestly scaled single storey dwellings. The site levels on the submitted plans indicate a level of 49mOD whereas the housing to east is at around 45mOD but rises to the south. The site is part of a larger tract of agricultural lands that are used for grazing and these lands partially intervene, but due to vegetation and slight undulation, not all surrounding houses are visible. The proposed dwelling site delineation is such that it would be surrounded by parcels of agricultural lands that are been actively used by the appellant.
- 6.3.3. The nature of this proposed development is in my judgement completely disorderly and haphazard. The applicant describes the proposed development pattern as consolidating a cluster rather than extending ribbon development and therefore restrictions on ribbon development do not apply. While I accept it is not side by side and setback in a consistent format, the development of this backland site is not consolidation within the meaning of settlement strategies and housing design

guidance which promote an efficiency of land as a resource. Instead, this serves to consolidate random haphazard development that would undermine a strategy of consolidation in an orderly and co-ordinated manner. For example, the sequential approach as advocated in the "Sustainable Residential Development in Urban Areas -Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009 promotes this concept. While I accept that this is a rural area, the continued pattern of extremely low density independently serviced sites backing onto each other in a piecemeal arrangement constitutes haphazard development and would set an undesirable precedent for developing the residual surrounding lands.

- 6.3.4. This in turn has significant potential to conflict with farming and undermine its viability and subsequently generate demand for housing sites where it would be costly to provide social and physical infrastructure. The site is located in an area which is remote and isolated from other areas of consolidated residential development and its development is not in line with the orderly expansion of the settlement. The absence of connecting footpaths and excessive walking distance to the services and the absence of public transport to the town centre would result in development that is excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.
- 6.3.5. In terms of site layout, the house has a footprint of 266 sq, and wraps around a courtyard on three sides which presents an even bigger massing in distant views. And while I note design measures to create an innovative single level dwelling, I consider the elevated level of extensive flat roofed structure, even at a height 3.8m, accentuates its visibility. Measures to screen such extensive boundaries in addition to the extensive hardsurfaced apron and driveway of over 250m would contribute to the suburbanising effect and irreversible altering of the rural landscape.
- 6.3.6. Having regard to the topographical characteristics of this site, the layout of the development and the scale of the development, the proposal is likely to result in the loss of privacy of some of the more exposed established rural properties to the east and south that enjoy a relatively open aspect to the rear.

- 6.3.7. This pattern of development would ultimately be contrary to the concept of proper planning and sustainable development in the delivery of rural housing due to its location and adverse impact on neighbouring lands and properties.
- 6.3.8. While I note that the planning authority has given considerable weight to mitigation measures in the form of landscaping, letters of consent and to the family ties to the area I do not consider this is to be wholly appropriate in the context of seeking to provide sustainable development into the future. The proposed development, due to its siting and consequential adverse impacts for the established property together with fragmentation of agricultural land is unsustainable, constitutes piecemeal and disorderly development and a grant of permission for it would set a most undesirable precedent for further development of this nature in the area.

6.4. **Effluent Disposal**

- 6.4.1. The proposed development seeks to develop a wastewater treatment system on a site that has been raised and that is alongside grazing land and also behind a row of established dwelling houses on lower ground and which judging by their size have independent wastewater treatment systems. Some may also have wells but there is a mains water supply in the area. The aquifer category is locally important and the Ground water protection response is R1. The EPA Code of Practice (CoP) indicates that the site falls within the R(1) response category where an on-site system is acceptable subject to normal good practice. The nearest water body is stated be a lake at 220m east. This is not apparent on maps and would appear perhaps to relate to swampy ground. The reports of the environment division of the planning authority demonstrate reservations regarding the capability of drainage due to indications of poor soil permeability notwithstanding the water table. The reporting engineer made repeated visits to determine the suitability of the site for wastewater disposal. Ultimately the concerns of the planning authority have necessitated the requirement for a complex treatment system that includes importing topsoil.
- 6.4.2. The accompanying site suitability assessment indicates the site has already been raised by 1.5m in the year 2000 and is now fully settled but there is no obvious topsoil. It is proposed to use the raised ground as a polishing filter. However the Planning authority requires installation at the very least a package secondary

wastewater treatment system and raised polishing filter and also importation of topsoil.

- 6.4.3. Firstly, I consider the siting of an additional waste water treatment system in this location immediately behind established housing on two sides and the necessity to significantly engineer a treatment proposal for this site that is likely to require ongoing maintenance, indicates a potential risk of pollution that runs contrary to sustainable development.
- 6.4.4. Secondly, I also have concerns about the impact of the raised ground, by itself, and combined with the effluent discharge and flow. The submissions on file raise issues of land drainage in the area and previous drainage works. It would appear from maps and lower lying land that the land has a high watertable and poor drainage capability which would possibly explain the importation of overburden on the lands. I would have concerns about the impact on drains on the site or landholding and on the long term impacts on immediately adjacent lands. The isolated approach to addressing ground conditions without a hydrological understanding of the site and context is of concern.
- 6.4.5. In these circumstances I am not satisfied that an additional independent wastewater treatment system at this location which contribute to proliferation of such systems, would not give rise to pollution and would therefore be prejudicial to public health.

6.5. **Site Access**

- 6.5.1. The proposed entrance is via an existing surfaced access road terminating at the site frontage and from which a long entrance driveway of more than 250m is proposed. Concerns are expressed about the structural integrity of the public access road by reference to the collapsed walls, cracks and also the underlying ground conditions in the area. While these concerns are, not unreasonable and may have some base, they are not insurmountable. I note the road has been recently taken-in-charge and that any serious failing could be reasonably addressed in the interest of public safety. I also accept that there is a low volume of traffic on this access road and consider the entrance by itself would not give rise to a traffic hazard.
- 6.5.2. The more serious issue in my judgement relates to the intensification of a substandard junction with a tertiary route along which there is a proliferation of one-

off housing and where standard speed limits apply at the periphery of a large town. This is quite a poorly aligned narrow stretch of the road as evidenced by extensive use of a continuous white centreline on the road and very limited roadside margins. The increased vehicular traffic turning movements onto and off this road at this location would I consider cause a significant traffic hazard at a point where traffic speeds are not restricted and where the road alignment is poor and sightlines are restricted. The proposed development would therefore be prejudicial to public safety.

Appropriate Assessment

- 6.5.3. The Castlesampson Esker SAC (European Site No. 001635) is approx. 7km north of the appeal site and is the nearest. The conservation objective of this Esker is 'to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected': 3180 turloughs*; 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)*. While I have raised concerns about the drainage capability and concentration of wastewater treatment systems, I consider that having regard to the scale of development and absence of a pathway and separation distances from Natura 2000 sites that it is reasonable to conclude that on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

7.0 Recommendation

- 7.1. It is recommended that permission be refused for the reasons set out hereunder.

8.0 Reasons and Considerations

1. The site of the proposed development is located within 'Strong Rural Areas under Significant Urban Influence' as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion. Having regard to the open and elevated terrain in a backland setting, together

with the site configuration with an extensive driveway and siting of the house relative to the neighbouring dwellings, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would seriously injure the residential amenities of the adjacent dwelling, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would constitute piecemeal and disorderly development and set an undesirable precedent for other development located development in the vicinity and would conflict with the agricultural use of land. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by independent wastewater treatment systems/septic tanks in the area. Furthermore, having regard to the soil conditions, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where sightlines are restricted in both directions.
4. Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Roscommon County Development Plan 2014-2020, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute

to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely

Senior Planning Inspector

5th May 2020