



An  
Coimisiún  
Pleanála

Commission Order  
ABP-321901-25

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**Planning and Development Acts 2000 to 2024**

**Planning Authority: Roscommon County Council**

**Planning Register Reference Number: 2460552**

**APPEAL** by Ann Naughton care of Aidan Naughton of Portrunny, Ballymurray, Roscommon against the decision made on the 23<sup>rd</sup> day of January 2025 by Roscommon County Council to refuse a permission.

**Proposed Development:** Permission for the following: (1) demolition and removal of existing dwelling; (2) construction of a new single-storey dwelling; (3) decommissioning of existing septic tank and percolation area and installation of a new treatment system and percolation area; and (4) retention permission for existing sheds, and all ancillary site works at Fearagh, Ballymurray, Roscommon.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

1. The proposed development is in Rural Policy Zone A (Areas under Urban Influence) as set out in Table 3.1: Rural Area Types in the Roscommon County Development Plan 2022-2028. Based on the information submitted, the proposed development fails to satisfy the requirements of Policy Objective PPH 3.13 of the development plan, which requires applicants to demonstrate a social or economic link per Table 3.2 to the rural area in which they propose to build. The Commission is not satisfied that the applicant has demonstrated a rural generated housing need in accordance with the Sustainable Rural Housing Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the observed ground conditions on the site, the Commission is not satisfied that the wastewater from the proposed development can be disposed of in accordance with provisions of the Environmental Protection Agency Code of Practice 2021: "Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" as required by Section 12.12 (Wastewater Treatment) of the Roscommon County Development Plan 2022-2028. The proposed development if permitted would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. In the absence of a Natura Impact Statement (NIS) to enable the Competent Authority to undertake an Appropriate Assessment, based on the information submitted and on the precautionary principle, it cannot be concluded that the development would not have an adverse or significant impact on the integrity of the Natura 2000 network of designated sites and in particular the proximate Lough Ree Special Area of Conservation (Site Code 000440) and Lough Ree Special Protection Area (Site Code 004064). The proposed development is, therefore, contrary to Policy Objective NH10.7, Policy Objective NH 10.8 and Policy Objective NH 10.9 of the Roscommon County Development Plan 2022-2028 which seeks to protect designated sites and, furthermore, has the potential to contravene the EU Habitats Directive.

  
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**Tom Rabbette**  
**Planning Commissioner of An Coimisiún**  
**Pleanála duly authorised to authenticate**  
**the seal of the Commission.**

Dated this 20<sup>th</sup> day of June 2025.