



An  
Bord  
Pleanála

## Inspector's Report

### PL19.246671

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<b>Development</b>	13 Dwellings with new Site Entrance
<b>Location</b>	Ballindarra, Riverstown, Birr, Co. Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	15/250
<b>Applicant(s)</b>	Jason Tooher
<b>Type of Application</b>	Outline Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David and Pauline O'Grady Eamon and Anne O'Meara
<b>Observer(s)</b>	None on file
<b>Date of Site Inspection</b>	20 <sup>th</sup> October 2016
<b>Inspector</b>	Sarah Moran

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## 1.0 Site Location and Description

- 1.1. The site is located on the eastern side of the settlement of Riverstown, which straddles the boundary between Co. Offaly and Co. Tipperary. The Little Brosna River runs through the centre of the village, c. 220m west of the site, forming the county boundary. Riverstown is accessed via the N52 Tullamore – Birr – Nenagh National Secondary Route, which forms the northern site boundary, within the 50 kph zone. The N52 also connects Riverstown with the outskirts of Birr, c. 1.5 km to the north east.
- 1.2. The site has a total stated area of 1.06 ha. It has an elongated shape with a narrow road frontage to the N52 at the northern boundary. There is a row of residential properties to the immediate west, which is accessed via Boston Lane off the N52. The rear boundaries of 4 no. properties on Boston Lane abut the western site boundary. Boston Lane currently forms the eastern extent of the built up area of the village. There are open agricultural lands to the south and west of the site. Levels rise gently away from the public road within the site. It is not in agricultural use and some areas have been cleared. There are mounds of spoil, now overgrown, inside the eastern boundary. There is an old stone wall and several mature trees inside the road frontage, with hedgerows and other vegetation along the other boundaries.

## 2.0 Proposed Development

Outline permission is sought for 13 no. detached houses. An indicative site layout and landscaping scheme are provided, also an indicative dwelling design. The existing front boundary wall is to be removed, with the stone reused to construct a new vehicular access to the N52. The proposal includes the provision of new pedestrian access to the village centre, to be agreed at full permission stage. The applicant submitted further information to the PA on 11<sup>th</sup> April 2016, comprising details of proposed pedestrian and lighting linkages to the centre of Riverstown village, also details of compliance with the Design Manual for Urban Roads and Streets (DMURS).

## 3.0 Planning Authority Decision

### 3.1. Decision

Offaly County Council requested further information on 15<sup>th</sup> October 2015 in relation to pedestrian and lighting links to Riverstown village, in accordance with the Riverstown Village Plan. The applicant was also asked to demonstrate how DMURS has been addressed in the proposed layout. The applicant's response was considered acceptable and the PA granted permission subject to 19 no. conditions on 5<sup>th</sup> May 2016. The conditions imposed are all considered to be standard for this type of development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Initial planning report, 12<sup>th</sup> October 2015. The development is considered to be acceptable in principle with regard to the residential zoning of the site. The proposed density and layout are acceptable. Requires further information as per the report of the Road Design engineer. The attached AA screening report concludes that there would be no likely significant impact on European sites and that AA is not required. The second planning report dated 28<sup>th</sup> April 2016 recommends permission subject to conditions.

#### 3.2.2. Other Technical Reports

- Offaly County Council Water & Environmental Services 11<sup>th</sup> September 2015. No objection subject to conditions / requirements.
- Offal County Council Area Engineer 6<sup>th</sup> October 2016. Requests further information in relation to pedestrian access to the village. Second report on the further information submission, 25<sup>th</sup> April 2016. No comment.
- Offaly County Council Road Design 7<sup>th</sup> October 2015. Requires further information in relation to detailed proposals for the provision of footpaths and lighting in accordance with the Birr Town and Environs Development Plan 2010-2016. Comment on further information submission, 26<sup>th</sup> April 2016. No objection subject to conditions.

### 3.3. **Prescribed Bodies**

- Transport Infrastructure Ireland 7<sup>th</sup> September 2016. PA to abide by official policy in relation to development on / affecting national roads.
- Irish Water, 15<sup>th</sup> September 2015. No objection.

### 3.4. **Third Party Observations**

The PA received third party submissions from the above named appellants, which raised concerns similar to those stated in the grounds of appeal. There is another third party submission by Chrissie Hogan, which objects to the development on the grounds that the observer's farmyard is located only 20 yards from the boundary, with concerns about complaints from future residents of the scheme in relation to farm activities.

## 4.0 **Planning History**

### 4.1 **01/189 and 03/872**

Permission granted to M. Beaumont Campbell and M. Campbell for a house, garage and septic tank under 01/189. The same applicants were granted permission for modification to the permitted house under 03/872.

### 4.2 **05/1124**

Campbell Investments sought permission to develop 8 no. serviced sites and outline permission for 8 no. dwellings. Permission was refused for 2 no. reasons relating to (1) traffic hazard on a National Route and (2) contravention of County Development Plan due to development of unzoned land and disorderly backland development.

### 4.3 **06/1342**

Michael Campbell sought outline permission for 9 no. detached 2 storey houses and site works including the provision of a new roundabout at the site entrance.

Permission was refused for 3 no. reasons relating to (1) over-scaled and inappropriately located development; (2) location on unzoned lands, material contravention of the Offaly County Development Plan 2003; (3) prematurity pending the adoption of a village plan for Riverstown.

#### 4.4 **10/54 and 10/435**

Jason Tooher sought outline permission for 13 no. detached dwellings with new site entrance and associated site works. The application was withdrawn. The same applicant again sought outline permission for 13 no. dwellings under 10/435. The PA sought further information on 10<sup>th</sup> February 2011 in relation to archaeological assessment; surface water details; compliance with national roads policy; written approval from the NRA; vehicular entrance sight lines and other design details. The applicant withdrew the application on 1<sup>st</sup> September 2011.

### 5.0 **Policy Context**

#### 5.1. **Birr Town and Environs Development Plan 2010-2016 (Extended to 2020)**

5.1.1. The site is within the development boundary of the Birr Town Development Plan (TDP). The plan originally came into effect on the 15<sup>th</sup> February 2010 and has been extended to 2020. Variation no. 1 of the plan, adopted on 4<sup>th</sup> March 2013, includes two elements:

- Part A introduced a core strategy.
- Part B inserted the Riverstown Village Plan into the TDP.

In addition, associated variation no. 3 of the Offaly County Development Plan 2009-2015 (18<sup>th</sup> March 2013) provided for the removal of Riverstown Village Plan from Volume 2 of that plan.

5.1.2. The Core Strategy includes a reduced quantity of land zoned for residential development, with a sequential approach that identifies 'phased lands' which will not be considered for the development of multiple residential units within the lifetime of the plan. The lands designated for development are those closest to the town centre, lands close to Crinkle village and in Riverstown, including the subject site. Policy BCSP-05 states that residential development will be permitted on these zoned lands ahead of any other lands. Riverstown is designated as a Tier 5 settlement in the settlement hierarchy set out in Table 1 of the Core Strategy, with a 'village' settlement role. The stated strategic role is as follows:

*Villages are smaller settlements, many of which are very attractive and rural in character. The level of services provided will vary between settlements and will depend on the surrounding rural hinterland. Residential development in these settlements should be of appropriate scale and density.*

Table 2 of the Core Strategy provides targets for population and housing development for Riverstown as follows:

<b>Population 2006</b>	<b>Population Increase 2006-2016</b>	<b>Application of 336ha allocation (MRPGs)</b>	<b>Total Area (ha) of Residentially Zoned Lands available to 2015</b>
41	2	0.35	1.7

5.1.3 The Riverstown Village Plan relates to the area within Co. Offaly, i.e. east of the River Brosna. The bulk of the village is on the Tipperary side with the Offaly side having an estimated population of less than 60 persons. On the Offaly side of the River Brosna, Riverstown straddles the functional area of both Birr Town Council and Offaly County Council. The plan recognises that the bulk of services provision, development and growth will predominantly occur on the Co. Tipperary side of the village. The village designation of Riverstown within Offaly's settlement hierarchy allows for a very modest amount of development to take place over the lifetime of the plan. The subject site is within the settlement boundary of the village and is zoned for residential development with no phasing. Section 3.0(b) of the plan states that the promotion of infill development and redevelopment within the development boundary of Riverstown shall be consistent with the development standards for multiple housing developments provided in the Birr Town and Environs Development Plan.

## **5.2. North Tipperary County Development Plan 2010**

5.2.1. The Co. Tipperary side of Riverstown is within the jurisdiction of the North Tipperary County Development Plan, which was amended by Variation No.1 in 2011 and Variation no. 2 in 2015 following a decision in 2011 by the DoECLG to amalgamate North and South Tipperary County Councils. The lifetime of the plan was extended and it is to remain in effect until a new Regional Spatial and Economic Strategy is

made by the Southern Regional Assembly. Riverstown is designated as a 'Settlement Node' in the settlement hierarchy set out in Chapter 3 of the Plan. The settlement plan for the village aims to facilitate low density, high quality housing appropriate to the village location. Low density rural clustered style development is promoted on residentially zoned sites.

### 5.3. Natural Heritage Designations

5.3.1. The following European sites are located within 15km of the proposed development:

Site Name	Site Code
River Little Brosna Callows SPA	004086
Middle Shannon Callows SPA	004096
All Saints Bog SPA	004103
Dovegrove Callows SPA	004137
Slieve Bloom Mountains SPA	004160
River Shannon Callows SAC	000216
All Saints Bog and Esker SAC	000566
Sharavogue Bog SAC	000585
Ballyduff / Clonfinnane Bog SAC	000641
Kilcarren – Firville Bog SAC	000647
Redwood Bog SAC	002353
Ridge Road, SW of Rapemills SAC	000919
Lisduff Fen SAC	002147
Island Fen SAC	002236
Liskeenan Fen SAC	001683

## 6.0 The Appeal

### 6.1 Grounds of Third Party Appeals



6.1.1 The appeals have been submitted by (1) Eamon & Anne O'Meara, who live immediately across the road from the site and by (2) David and Pauline O'Grady, who are residents of a house on Boston Lane to the immediate west. The rear of their property abuts the western site boundary. Both appeals raise similar issues, which may be summarised together as follows.

#### 6.1.2 Principle of Development

- The development is speculative in nature. The principle of a residential development is well established at this location due to the residential zoning of the site, therefore there is no need for an outline planning application.
- The development represents a fractured approach to the development of Riverstown. The settlement should be developed in a comprehensive, sequential manner with due regard for lands zoned for development on the Tipperary side of the village. Any development should be part of a plan for both sides of the village. Details from Tipperary County Council Riverstown LAP are provided. A scheme of 85 no. houses at Farmleigh on the Tipperary side of the village was not completed. Only 22 no. units were constructed and these are not all occupied at present.
- The site is particularly sensitive due to its gateway location to Riverstown. Adequate information on house design and layout is necessary. The development has a linear layout to maximise the potential of the site, however a more sympathetic layout would be necessary to maintain the integrity of the village approach. Full details of house type and design are necessary given the sensitive nature of the site.
- The appeals are accompanied by a map of Riverstown, which indicates currently vacant houses, including the Farmleigh housing development on the western side of the village.

#### 6.1.3 Impacts on Visual and Residential Amenities

- The linear nature of the development, on rising lands, to the rear of the existing long-established dwellings would have a significant impact on their residential amenity.

- The linear layout is suburban in style and out of keeping with the sensitive village context.
- The site is elevated relative to the public road and large mounds of spoil are visible. Further concerns about visual impacts.

### 6.1.3 Traffic Impacts

- Traffic entering and exiting the development will give rise to a traffic hazard due to the high level of daily traffic on the N52 at the site entrance; the location of the entrance on the inside of a bend where sightlines are restricted; the speed at which much of the traffic surveyed would appear to be travelling and the absence of traffic mitigation measures.
- The site layout indicates 70m sightlines taken from a point 2.4m back from the nearest roadside edge. The sight line is 65m measuring from the near side of the road.
- The site is located on the busy N52 route, within the 50 kph zone, however many vehicles exceed the speed limit at this location as they leave the village. The traffic data lodged with the application, dating to 2010, indicates that 71.6% of the traffic travelling south exceeded the speed limit at the point where the survey was undertaken, with 20.7% travelling at speeds over 60 kph. 63% of the traffic travelling north from Birr exceeded the speed limit with 20.6% travelling at speeds over 60 kph.
- There is no report or road safety audit accompanying the traffic data. There is no information regarding forward sight stopping distances for traffic entering and exiting the site. Traffic levels are likely to have increased since 2010 when the traffic surveys were undertaken. An up to date survey would be necessary to fully consider potential impacts on the N52.

### 6.1.4 Water Supply

- The development cannot connect to the Ballindarra Group Water Scheme. The GWS remains private at present and has not yet transferred to Irish Water. The scheme was not designed to meet the current demand and would not have capacity to cater for the proposed development.
- A letter attached to the appeal states that members of the Scheme are not permitting any new connections at present due to concerns over water pressures

in the area. The applicant has not provided any details regarding connection to the public water main.

## 6.1. Applicant Response to Appeal

6.2.1 The main points made may be summarised as follows:

- The applicant has complied with a request by the Roads Department of Offaly County Council to provide 70m sightlines at the vehicular entrance. The applicant is satisfied that this sight distance can be achieved at the site. He has agreed to purchase a section of land at the north western end of the site to further improve the sight distance and provide a more satisfactory pedestrian link to the village. A letter from the adjoining landowner is submitted in support of this statement. It is the responsibility of the local authority to enforce the speed limit in the 50 kph zone. The 70m sight distance was deemed to be acceptable by the PA in granting permission.
- The appellants David and Pauline O'Grady obtained planning permission for their dwelling in 2010, for which they indicated sight distances of 70m at the same location, a copy of the relevant site layout is submitted.
- The application does not propose to connect to the Ballindarra GWS. The applicant has consulted the Senior Engineer of Offaly County Council and proposes to connect to the public water main, with a new sewer connection to the watermain 770m from the existing connection at High Street, at his own expense. The applicant is willing to facilitate members of the GWS to connect to this new water main. A watermain layout is submitted and a Water Services report from the file 10/435.
- The proposed layout responds to the site shape and boundary profile. The houses are arranged against a backdrop of mature trees and hedgerows in order to minimise the visual impact of the development and maintain the privacy of adjoining dwellings. The layout includes generous public and private open spaces and is low density. The scheme has been designed to minimise impacts on residential amenities. The individual houses will be designed in accordance with the specifications of the site purchasers and will be subject to separate future planning applications. Adjoining residents will have the opportunity to comment on such proposals.

- The applicant has sought outline permission as the best way to facilitate the development of the site and to allow for individual design proposals to meet the needs of future occupiers of the scheme. A speculative approach would involve constructing pre-determined house types.
- The site is within the Co. Offaly side of Riverstown and complies with the requirements of the Offaly County Development Plan. Both the Offaly and Tipperary LAPs are consistent in their approach to Riverstown. The development is of a high standard and is sympathetic to the rural village environment. The applicant has consulted with the statutory receivers of the Farmleigh housing scheme, which state that the properties are vacant due to circumstances other than a lack of housing need, a letter from same is submitted.

### 6.3 Planning Authority Response

6.3.1 The PA states that the Ballindarra Group Water Scheme is a private group water scheme. There is no other comment.

## 7.0 Assessment

7.1. The following issues are relevant to the consideration of this case:

- Principle of Development
- Design, Density and Quality of Residential Development
- Roads and Traffic Issues
- Drainage and Water Supply
- Part V
- Appropriate Assessment

These issues may be considered separately as follows.

### 7.2. Principle of Development

7.2.1 The site is located within the development boundary of Riverstown, within the area of the Birr Town Development Plan 2010-2016 (extended to 2020). According to Variations nos. 1 and 2 of the TDP, which provide for the development of

Riverstown, the site is zoned for residential development with no phasing to apply. TDP policy BCSP-05 is to permit residential development in town centre and village core areas and residentially zoned lands identified on the land use zoning maps as being required up to 2016 subject to all other planning considerations being met and in accordance with ministerial guidelines, ahead of residential development on any other lands. The proposed development is considered to be acceptable in principle on this basis.

7.2.2 I note that the appellants have raised concerns that the development would result in a fractured pattern of development in Riverstown, also that a recent housing development at Farmleigh on the Co. Tipperary side of the village was not completed and has unoccupied residential units. The subject site is zoned for residential development and immediately adjoins the built up area of the village. The development is also generally in accordance with the overall objectives of the Riverstown Settlement Plan within the North Tipperary County Development Plan 2010, that applies to the Co. Tipperary side of the village. The completion of another permitted residential development is a separate matter and outside the scope of this appeal.

### 7.3. **Design, Density and Quality of Residential Development**

7.3.1. The design and layout of the development have been considered with regard to the guidance provided in the DoEHLG document *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)* (2009) and the guidance provided in section 14.1 of the Birr Town and Environs Development Plan 2010-2016 (extended to 2020).

7.3.2. The indicative layout provided in drawing no. OP.001 submitted with the application indicates 13 no. houses arranged around a central open space with a play area, with additional marginal public open spaces inside the road frontage and along the eastern site boundary. The spoil mounds on the eastern side of the site are to be levelled and reused for landscaping. The landscaping plan indicates that existing vegetation on site boundaries is to be retained and enhanced, ref. drawing no. OP.002. The central public open space is well overlooked and is mostly useable,

however ground levels rise sharply towards the eastern boundary. The public open space provision is stated as 26% of the total site area, i.e. well in excess of the 15% recommended for green field sites in the DoEHLG Guidelines. There is ample private open space to the rear of individual houses, with satisfactory rear garden depths to the eastern site boundary shared with individual residential properties on Boston Lane. Adequate car parking is provided, including 6 no. visitor parking spaces.

- 7.3.3. The site has a sensitive location on the N52 at the eastern approach to Riverstown village, which has an undeveloped, rural character. It is currently screened from the public road by an old stone wall and by a row of mature trees inside the road frontage. The development involves the removal of the wall and trees along the road frontage, in order to achieve sight distances at the vehicular entrance. The layout indicates that stone from the existing wall would be used to construct a new boundary and that some of the mature trees would be retained. The first house within the scheme is set back c. 25-30 m from the road frontage, with an intervening open space, which would reduce visual impacts on the N52. The houses would be located on the lower side of the site, which some screening from the higher ground levels and hedgerow at the eastern site boundary. I note that the application does not include a tree survey indicating the quality / health of existing trees and whether it is feasible to retain the existing trees on the site. There is a risk that many trees would be removed to facilitate the scheme. The loss of the trees and stone wall along the front boundary is unfortunate, however, it is difficult to see how the site could be developed otherwise given the necessity of achieving adequate sight distances on the N52. Section 5.4 of the Riverstown Village Plan notes that the presence of an attractive and comprehensive network of old stone walls and mature hedgerows within Riverstown contributes significantly to the attractiveness and rural character and distinctiveness of this village. There is a policy to preserve and protect these stone walls and hedgerow, insofar as is possible, within new developments. Any new boundaries are to comprise native hedgerow planting, or stone walls which consist of stone found in the locality. The proposed new entrance is in accordance with this requirement. On balance, given that the site is zoned for residential development, I consider that the design and layout are a satisfactory response to the shape and contours of the site and that, subject to adequate landscaping, the scheme would present a positive aspect to the eastern approach to Riverstown.

- 7.3.4. The only adjacent residential properties are those located along Boston Lane to the immediate west of the site, 4 of which abut the site boundary. The proposed houses inside this boundary all have rear gardens with adequate depths to prevent substantial overlooking and overshadowing. A condition requiring rear garden depths of 11m in accordance with the DoEHLG guidelines could be imposed if the Board are minded to grant permission. In addition, the existing trees along the boundary are to be retained, providing some screening. Individual house layouts would be considered on their merits with regard to impacts on residential amenities when full planning permission is sought. However, in general, I do not consider that the proposed layout would result in significant adverse impacts on residential amenities.
- 7.3.5. Section 5.6 of the Riverstown Village Plan states that no maximum or minimum residential densities are specified in the plan. There is to be a moderate level of residential development, as provided for in the Core Strategy adopted as Variation No.1 of the TDP. The development of 13 no. houses on a 1.06 ha site would result in a density of c. 12.3 houses per hectare. Section 6.12 of the DoEHLG guidelines states that densities of less than 15-20 dwellings per hectare may be appropriate at the edge of smaller towns and villages, in order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas. Such lower density development should not represent more than 20% of the total new planned housing stock of a village and should ensure the definition of a strong urban edge with a clear distinction between urban and open countryside. The development therefore has a lower density than that recommended in the Guidelines.
- 7.3.6. To conclude, I consider that the layout, design and density are broadly in conformity with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), DoEHLG, 2009, also the general guidance for residential developments provided in the Birr Town Development Plan. The development achieves a reasonable balance between the need to make the most effective use of a residentially zoned site and that to achieve a satisfactory aspect to the eastern approach to Riverstown and avoid any significant adverse impact on residential amenities.

## 7.4. Roads and Traffic Issues

- 7.4.1. The site is located on the N52 National Secondary Route, within the 50 kph zone associated with Riverstown Village. The N52 carriageway is narrow at this point (c. 7m according to the layouts submitted) and there are bends to the east and west of the site access. Access to the scheme would be via a simple priority junction to the N52, with warning signs at the eastern and western approaches, c. 70m from the access. This type of junction is appropriate for a location where a local street meets an arterial road (national route), with low traffic flows, ref. section 4.4.3 of the *Design Manual for Urban Roads and Streets* (DMURS), and is therefore considered to be suitable in this case. The DMURS guidance for a priority junction is a minimum stopping sight distance (SSD) of 45m at a 50 kph design speed, with a maximum 'X' distance of 2.4m along the minor arm from the continuation of the line of the nearside edge of the major road. The proposed layout indicates sight distances of 70m in both directions at an 'X' distance of 2.4m, ref. drawing no. JT10-01 submitted with the application. This sight distance is acceptable with regard to the guidance on forward visibility and visibility splays provided in DMURS section 4.4.5, given that the site is located in the 50 kph zone. However, I note that the eastern sight distance includes lands within the adjoining landholding, outside the site boundary. The applicant has not submitted any agreement from the adjoining landowner regarding the use of this area. There is a hedgerow along the relevant road frontage, which would have to be removed to achieve the stated sight distance. I am therefore not satisfied that adequate sightlines can be achieved at the proposed vehicular entrance. In addition, Birr TDP policy BTEP 08-14 is to ensure that developments that generate significant traffic movement as a result of the use proposed are subject to a Traffic and Transport Assessment especially where national routes are involved and a Traffic Impact Assessment. The application included details of traffic surveys carried out in Riverstown in August 2010, however these would now be out of date. The application therefore does not provide any substantial analysis of potential traffic impacts on the N52.
- 7.4.2. The site is located in a transition zone at the edge of a rural settlement. There is no footpath or other pedestrian facilities between the site and the village centre at present. According to Section 2.3 of the Riverstown Village Plan, it is desirable that



provisions be made to provide a network of new footpaths and public lighting, in line with future development, where feasible. The applicant submitted a proposal to provide a new footpath along the public road to the west of the site, with associated lighting. Exact details are to be agreed with the PA at planning approval stage. The footpath extends as far as the adjacent house on the N52 to the immediate west of the site and does not include any works at N52 / Boston Lane junction or beyond. A letter of consent from the adjoining landowner to the north west is submitted. The proposal was acceptable to Offaly County Council Roads Section, which states no objection in a comment on file dated 26<sup>th</sup> April 2016. I consider that the design is a reasonable response to the need to improve pedestrian connections with the village centre and is satisfactory on this basis.

- 7.4.3. The internal roads layout of the scheme includes the provision of a footpath, grass verge and street trees, which enhance its overall appearance, provide a sense of place and help to achieve traffic calming. Car parking is provided within individual house layouts and additional visitor parking areas are provided. There is a turning circle at the end of the scheme. The layout is considered to be generally in compliance with the requirements of DMURS, subject to the submission of a detailed roads layout, indicating materials, finishes and planting as part of any application for planning approval on foot of outline permission.
- 7.4.4. To conclude, while the internal layout and pedestrian proposals are generally acceptable, I consider that there are substantial inadequacies in the application regarding the provision of an acceptable access to the N52 and potential traffic impacts on the National Secondary Route.

## **7.5. Drainage and Water Supply**

- 7.5.1. The site does not currently have any connection to the public sewer or water supply. The application includes connection to the public water supply and sewer, with surface water outfall to the River Brosna. The Birr TDP states that the existing Birr public water supply network covers the full Plan area, with the source of drinking water coming from the Camcor River and abstraction points are at Kinnitty and Springfield Bridge, Birr. The Riverstown Village Plan states that Riverstown is currently served by a Public Group Water Supply Scheme, with the water for the

scheme provided by the Birr Public Scheme. All new developments are to connect to the public supply scheme where it is feasible to do so. Permitted development will be contingent on on-going improvement works and the provision of an adequate water supply. With regard to waste water, the village is served by a pumping station owned and operated by North Tipperary County Council, with effluent from the station being treated by Birr public waste treatment facility.

- 7.5.2. The proposed foul and surface water drainage arrangements appear to be acceptable to the PA with regard to the technical reports on file. However, the third party appeals raise concerns about the proposed water supply. It is submitted that the existing Ballindarra Group Water Scheme, which serves houses in the vicinity, does not have capacity to cater for the development. The appeals are accompanied by a letter from the secretary of Ballindarra GWS, which states that the Scheme is privately owned and that its members have agreed not to permit any new connections for the foreseeable future. The submission by Irish Water dated 15<sup>th</sup> September 2015 states no objection. The comment on file of the Area Engineer, dated 6<sup>th</sup> October 2015, confirms that the site is served by a Group Scheme, with the mains 8m from the development. The report of Offaly County Council Water & Environmental Services, dated 11<sup>th</sup> September 2015, states:

*“As the watermain crossing the site is in the possession of Ballindarra GWS, the applicant will have to obtain permission for a connection.”*

- 7.5.3. The applicant’s response to the appeal states that the application does not propose to connect to the GWS. It is submitted that the development proposed at the subject site under reg. ref. 10/435 included a connection to the public water main, which was deemed acceptable by Offaly County Council. The submission includes the layout proposed under 10/435, indicating a connection to the public watermain at High Street on the southern outskirts of Birr, c. 700m north east of the site. The report on the 10/435 file by Offaly County Council Water Services Section, dated 12<sup>th</sup> January 2011, states that the watermain shall be extended for a distance of approx. 770m from the existing public water supply on High Street to the proposed development. I note that the 10/435 application was subsequently withdrawn by the applicant. The PA response to the appeal states that the Ballindarra GWS is a private Scheme but offers no further comment.

7.5.4. Having regard to the above, it would appear that the applicant is not able to provide a connection to the public water supply to the satisfaction of the PA, notwithstanding the grant of permission for the proposed development. Any connection would be contingent on permission from the Ballindarra GWS, which is not forthcoming. While the previous proposals submitted under 10/435 are noted, permission was never granted for that development. It is therefore considered that the proposed water supply is not acceptable.

#### 7.6. **Part V**

7.6.1. The application includes a signed statement by the applicant that he is aware of the provisions of Part V of the Planning and Development Act, 2000 (as amended) and proposes to comply with same in line with the preferred option of the PA. This is acceptable, full details of Part V compliance would be necessary for planning approval on foot of outline permission if granted.

#### 7.7. **Ecology and Appropriate Assessment**

7.7.1. The AA screening carried out by the PA is noted. Having regard to the relatively small scale of the proposed development, and to the distance to relevant designated sites, no AA issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### 7.8. **Conclusion**

7.8.1. The proposed development is acceptable in principle with regard to the provisions of the Birr Town Development Plan 2010-2016 (extended to 2020). However, having regard to the above assessment, it is considered that the application for outline permission is deficient with regard to (1) the provision of safe vehicular access to the N52 and (2) connection to the public water supply. It is open to the Board to request the applicant to submit further details on these matters under section 132 of the Act. However, I note that the PA requested further information on the vehicular access and that the applicant commented on the proposed water supply in his response to the appeals. He therefore has already had the opportunity to address these matters.

## **8.0 Recommendation**

8.1. In view of the above, it is recommended that permission be refused based on the following reasons and considerations.

## **9.0 Reasons and Considerations**

1)

It is noted that the sight distance to the east of the proposed vehicular access to the N52 crosses third party lands. The applicant has not submitted details of any permission or agreement from the adjoining landholder regarding the removal of vegetation along that section of the road frontage, which would be necessary to achieve the stated sight distance. The Board is therefore not satisfied that adequate sight distances can be achieved at the vehicular entrance to the development, in accordance with the requirements of the Department of Transport, Tourism and Sport Design Manual for Urban Roads and Streets. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2)

The applicant has not demonstrated that a connection to the public water supply can be achieved as the watermain crossing the site is in the possession of Ballindarra private Group Water Scheme and applicant does not have permission to connect to the Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Sarah Moran

Senior Planning Inspector

27<sup>th</sup> October 2016