



An
Bord
Pleanála

Inspector's Report PL 20 247448.

| | |
|--------------------------------|---|
| Development | Demolition of outbuildings and construction of six detached two story houses serviced by independent waste water treatment systems. |
| Location | Brideswell townland, Brideswell, Co. Roscommon. |
| Planning Authority | Roscommon County Council. |
| P.A. Reg. Ref. | 16/332 |
| Applicant | Ted and Brid O'Connell. |
| Type of Application | Permission |
| Decision | Refuse Permission. |
| Type of Appeal | Third Party |
| Appellant | Ted and Brid O'Connell. |
| Date of Site Inspection | 24 th January, 2017 |
| Inspector | Jane Dennehy. |

Contents

| | |
|---|----|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 4 |
| 3.1. Decision. | 4 |
| 3.2. Planning Authority Reports | 5 |
| 4.0 Planning History..... | 5 |
| 5.0 Policy Context..... | 6 |
| 5.1. Development Plan..... | 6 |
| 6.0 The Appeal | 7 |
| 6.1. Grounds of Appeal | 7 |
| 6.2. Planning Authority Response..... | 10 |
| 7.0 Assessment..... | 10 |
| 8.0 Recommendation..... | 15 |
| 9.0 Reasons and Considerations..... | 15 |

1.0 Site Location and Description

- 1.1. The site which has a stated area of 1.86 hectares is located within Brideswell, a small rural village in south Roscommon, with frontage onto the local road, (L7636) to the east of the junction with the R363 route circa 8 km to the north west of Athlone. At the western end of the frontage along with there is limestone walling there is an agricultural entrance and a small hard surfaced carpark and there are farm buildings and sheds on the land. The ground is relatively undulating, hummocky and low lying and comprises somewhat marshy and uneven pasture land which is divided up into small fields by stone walling and trees and hedgerows.
- 1.2. On the opposite, east side of the road at the northern end there is a primary school, (which has been extended) a handball alley which could still be in use and a well which is a recorded monument which has been subject to alteration and is surrounded by a mortared wall and gate (St Bridget's Well). Further to the south west, opposite the site on the east side of the road there is a small butcher's/grocery shop and two public houses. At the southern end on the approach to the village there is a small nursing home and some individual houses but there is no evidence of continuous road frontage development or clusters of houses. The village which has distinct rural characteristics and is within a rural landscape in which stone walls are a common feature, has not been subject to recent additional residential development and is and well maintained.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
- demolition of the existing farm buildings on the site,
 - relocation of the carpark,
 - construction of six detached houses, each serviced by independent waste water treatment systems comprising septic tanks with polishing filters for three houses (Nos 1, 3 and 4) and mechanical aeration systems and polishing filters for the other three houses. (Nos 2, 5 and 6.) (Water supply is to be provided from the public mains serving the area.)

- an access road, open space, and site development works.

2.2. The application is accompanied by a site characterisation form and an archaeological impact assessment report in which some mitigation requirements are recommended regarding the water treatment plant construction in the event of discovery of subsurface material. An appropriate assessment screening report has not been provided.

3.0 **Planning Authority Decision**

3.1. **Decision.**

By order dated, 4th November, 2016, the planning authority decided to refuse permission for three reasons which are reproduced below:

- 1 The proposed development being in an unserviced village, (such as Brideswell) conflicts with s 5.10.3 of the Roscommon County Development Plan, 2014-2020 which indicates that locations have ability to accommodate limited and small scale (typically individual) rural housing needs and associated policies of the due to scale layout design and overall concept resulting in an out of place development with potential to erode the rural character of the village.
- 2 The proposed development contrary to Policy 5.25 of the development plan which requires housing in rural to avoid urban sprawl and suburban type development. The layout and design fails to acknowledge the streetscape in the village and reflect the character of the unserviced rural settlement and enhance the rural setting.
- 3 The proposed development would give rise to undue concentration of individual effluent treatment systems in a concentrated area where the aquifer is classed as regionally important. The proposed development is a potential threat to the aquifer by creating adverse impact on the groundwater and could be prejudicial to public health and could create potential adverse impact on ground waters and has potential to be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in her report concludes that the proposed development, being a multi-unit development does not accord with strategic policies supporting the settlement strategy within the development plan relating to development in unserviced rural villages. The planning officer:

- notes the concerns of the environment section on the proposals for effluent disposal. (see s 3.2.2 below)
- indicates no objection to the proposed access and parking arrangements and,
- states that proposed development would fail to enhance and positively contribute to the built environment of the village and that the design and character is suited to large scale urban context and is contrary to S2.58 of the development plan which requires that development contribute in a meaningful way to a village core.

3.2.2. Other Technical Reports

The environment department's report indicates that the submitted application details are insufficient. It indicates a recommendation that two trial holes to be opened, a revised site layout drawing to show consistency with minimum separation distances to boundaries and features of interest having regard to the recommendations in the EPA Code of Practice for single houses and, specification details for the proposed mechanical aeration systems for three units.

No other technical reports are available on the file.

4.0 Planning History

- 4.1. P. A. Reg. Ref 09/174/ PL 235893: The planning authority decision to grant Permission for a residential development of twelve units and outline permission for a further eight units on the site was overturned following third party appeals on 31st

May, 2010 due to excessive size and scale and suburban character inappropriate for the village and seriously injurious to the amenities of the area. Condition No. 2 contains the requirement that a construction programme for a sewage treatment system and foul network to serve the village is to be established in advance of commencement of development and, occupation of the development is not permitted pending commissioning of the sewage treatment facilities.

- 4.2. PL 20 223928: The planning authority decision to grant Permission for a development of forty-eight units (with the exclusion of seven units omitted in a revised proposal) and a retail unit was overturned following appeal for reasons relating to inappropriate layout and design and failure to integrate into the existing built environment of the village.

5.0 Policy Context

5.1. Development Plan.

- 5.2. The operative development plan is the Roscommon County Development Plan, 2014-2020.

- 5.3. According to the settlement strategy set out in chapters 2 and 5, Brideswell is a Rural Settlement and Countryside Tier 4. (Sections 2.7 refers.) According to the policies for housing in rural villages, Brideswell is a, (category 2 – Unserviced (typically smaller village /village nuclei) Tier 4 Settlement. (Section 5.9 refers.)

- 5.4. According to sections 5.9 and 5.10 there is little or no need for residential schemes in these centres; where there are high vacancies in existing stock, schemes of three or more units will not normally be permitted and. some serviced centres have potential to relieve pressure for individual rural one off housing if it supports local community infrastructure and facilities.

- 5.5. Some other recorded monuments are within the vicinity of the site and village the closest of which is Holy Well, Building and Memorial Slab. (RO048-108) (St Bridget's Well)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An Appeal was received from Vincent Farry on behalf of the applicants on 24th October, 2016 which is considerable in detail and length and is accompanied by a hydrogeological assessment report. It includes an outline and discussion on the planning background and strategic policy context. It is argued that national and regional policy and statutory guidance provide for the maintenance and sustainability of viable rural communities in smaller settlements. It also includes a detailed outline and discussion on the settlement strategies within the Roscommon County Development Plan 2008 and the current Roscommon County Development Plan 2014-2020 the current extant plan. The case made in the appeal is outlined in brief below:

- The decision is contrary to those of An Bord Pleanála on the previous application for twelve units with individual on site effluent treatment systems. The proposed development comes within the development plan policy and provisions. It puts weight on the provision of fifty-eight percent of new housing by 2020 for the county in the small rural villages. Although targets are not set for individual Tier 4 settlements they are to absorb 1,435 new dwellings.
- The proposed development would not be prejudicial to public health. The hydrogeology report included with the appeal demonstrates that the proposal would have little effect on the aquifer due to well-drained soil and subsoil, depth to bedrock and absence of down gradient receptors within forty-five metres of the treatment systems. It confirms that nutrient concentrations in groundwater will comply with Drinking Water standards.

- With regard to Reason No 1 it is submitted that:

The overall principle of development in the village on the site was established in the prior grants of permission, especially the latter grant of permission. (PL 235893 refers.) Uncertainty about the delivery of the facilities included in the then serviced land initiative and potential

premature development was addressed in condition No 2 of the grant of permission. Since then, the planned provision of a sewage treatment plant to serve the village was abandoned and Brideswell was downgraded in the settlement hierarchy. The landowner must therefore, in the current application, propose a reduced number of units to those previously endorsed owing to the changed situation and individual regarding sewage treatments systems must be provided.

Brideswell must contribute to the housing targets for the county. The development plan (Section 10.2) envisages clusters of 8-10 units in larger serviced villages but there is no numerical limit of smaller unserviced centres so the proposed development does not breach measurable controls. The downgrading in the hierarchy is solely due to the sewage constraint. Should the effluent treatment arrangements be satisfactory, it must be concluded that Brideswell can accommodate the proposed development. There is a difficulty in achieving the housing targets for Tier 4 settlements given the number of unserviced settlements within the category. It is open to the Board to query the exact way the 1,435 units allocation Tier 4 settlements and the countryside will be met if ten identified centres build clusters of 8-10 units and schemes of six units cannot be built in unserviced centres.

The planning officer report lacks any discussion on this issue or the number of units that would be accepted so there is a 'disconnect' with the development plan. Adopted policy expressly encourages residential development leading to the expansion of smaller centres with additional houses and requires schemes such as the proposed development to be accepted.

With regard to layout, the location is at the settlement core and not in the countryside. The planning officer assessment does not relate to the internal layout but it concerns itself with the relationship to existing village. The village is akin to a hamlet and design options such as a

tighter urban fabric are limited given the need for private treatment systems and it has not been clarified as to why the current proposal is out of character and fails to integrate with the village. The basis for rejection of the design of the houses themselves is also not apparent in the planning officer report. The proposal enhances the streetscape, consolidates the urban form creating sense of place at the village core and overcomes the reason for refusal relating to inward looking layouts of a prior proposal. (PL 223928 refers).

- With regard to Reason No 2 it is submitted that:

This second reason which is very similar to the first reason was included because the first refusal reasoning is on spurious grounds. A small pocket scheme is not urban sprawl especially if effluent constraints limit any other proposal type being formulated. The sole additional issue is based on the contention that the village is of historical importance and this is c. contested. The structures on the OS map that survive would not warrant statutory protection and are to be found in rural settlements throughout the countryside.

- With regard to Reason Three it is submitted that:

The proposed development would not be prejudicial to public health in that there is negligible risk to the underlying aquifer. The issues in the planning officer's reasoning are different from those within the Environment report regarding the ability of the groundwater to accommodate discharged effluent from the development. The hydrogeological report includes a detailed description of the geological characteristics, a modelling exercise, and predictions on impact on quality. The hydro-geological study in demonstrating that the aquifer is pollution free and has good water quality took the existing development at Brideswell all of which discharges to private systems into account. It concludes that the development is low risk having regard to EPA definitions. It addresses this matter and it can be concluded that the

development would have negligible impact on the quality of the underlying aquifer's waters. If the findings and recommendations in the hydrogeological report can be accepted, the overall proposed development is acceptable.

The hydrogeological report is based on a desk study, field assessment, including sampling of water from a disused well, and modelling exercises. Predicated waste water volumes calculated and thus the development was deemed to be in the Tier One – low risk category for assessment which was carried out in accordance with recommendations in the EPA Code of Practice. Simulations were carried out which were appropriate to the geological characteristics which indicated very low or negligible contamination risk to underlying aquifer and groundwater conditions

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issues considered central to the determination of the decision are:

- Strategic settlement and housing policy for the county
- Impact on character and amenities of the village - Layout and Design
- Arrangements for effluent treatment and disposal.

7.2. Strategic settlement and housing policy for the county.

7.2.1. As has been clearly explained in the planning officer report the strategic planning context and framework was changed following the development plan review and is markedly different within the current Roscommon County Development Plan, 2014-2020 which directs and guides consideration of the current proposal. Brideswell has been classified as a Tier 4 (b) settlement ('unserved rural village') in the settlement

strategy and, correspondingly it is not included among the settlements for which a public sewerage network and treatment plant is to be provided. Previously Bridewell had been included in the (then) Serviced Land Initiative for future provision of a public sewerage network and it was classified as a Tier 5 “smaller settlements”, providing for some quality driven residential development which respects the character of the village in the prior development plan, which has been superseded.

- 7.2.2. The implementation of the prior grant of permission was conditional, (according to Condition No 2) on completion of construction and commissioning of the sewage treatment plant and network that was included for the village in the serviced land initiative and is of note that the Inspector in his report did not indicate that any provision, temporary or permanent for private systems would be acceptable to him.
- 7.2.3. Separately, it appears that there are no serious concerns as to rural depopulation in the area, it being noted that there is a modern school which has been recently extended and no obvious evidence of vacant dwellings in the village.
- 7.2.4. It is considered that the proposed development would respond to urban generated housing demand, given the proximity to Athlone, Ballinasloe, Tuam, Roscommon, the M6 and other places of employment. It would provide for six additional households and total occupancy of circa thirty-two persons. This would be in direct material conflict with the strategic settlement and associated policies and objectives for Tier 4 (b) settlements – ‘unserviced rural villages’. There is no evidence that the development would reduce pressure for rural generated housing need whereby single houses for occupation by members of the rural community could be accommodated in the village according to development plan policy
- 7.2.5. There is no basis on which the prior grant of permission can be taken to establish automatic acceptance of the current proposal. It does not justify favourable consideration of the current proposal because of the changed strategic planning context referred to above whereby the village is not to be provided with public sewerage facilities is downgraded in the settlement hierarchy with little scope for positive consideration of proposals for additional residential development. Thus, the proposed development would be contrary to the current strategic policy objectives.

- 7.2.6. The case made in the appeal that Brideswell must contribute to the delivery of development to meet the targets for the county is not accepted. The subject site is not zoned for development and as a Tier 4 (b) settlement – (unserved rural village) has no allocation within the core strategy for additional housing development and no existing or future planned public services. The provisions within section 10.2 of the development plan provide for small clusters in served villages (Tier 4 (a) settlements). While there is no specified numerical limit on units that can be provided in the smaller Tier 4 (b) settlements development in clusters is excluded. Permissible development is confined to individual units that accommodate rural housing need and ameliorate pressure for rural housing development in the countryside with no more than three ‘multi-unit’ developments being open to consideration according to section 5.10.3 and Objective 5.27.
- 7.2.7. The argument in the appeal as to where and how the full distribution of the estimated number of 1,435 dwellings to be provided for Tier 4 settlements is reasonable and it is accepted that it is arguable that there is lack of clarity as to how, where and over what timeframe (ie. the duration of the plan period or longer) the total units are to be allocated and delivered within the county. Nevertheless, it is not accepted that this argument offers any justification for favourable consideration of the current proposal in that it is clear that Brideswell is not an intended location for urban generated housing developments that are suburban in character such as the proposed six detached house cluster. The cluster of six units in the current proposal is not within the scope of the policy that allows for provides single house development within such settlements providing for rural housing need and ameliorating pressure for rural house development outside village nuclei.
- 7.2.8. The planning officer’s view that the proposed development, having regard to the provisions of section 5.10.3 of the development plan is contrary to the Roscommon County Development Plan, 2014-2020 is supported.

7.3. **Impact on character and amenities of the village - Layout and Design.**

- 7.3.1. It is considered that the proposed development would be out of character with the rural context and setting of the village which can be regarded as a nucleus around the shop of two pubs and a few dwellings along the roadside but no continuous road

frontage development. The village not a dense an intense consolidation of development in a confined space and as such it is unobtrusive in the rural landscape. A consolidation of a settlement is in the interests of sustainable development but the strategic objectives for Brideswell is for to remain an unserved and unaltered small rural village with no expansion. As such there is no scope or for insertion of a small cluster of large detached houses that is distinctly suburban in layout and design characteristics and unrelated to the established rural village environment in which it could not be compatibly integrated. An addition of six large houses to the settlement is a significant addition, given the very limited number of existing dwellings within the village.

- 7.3.2. Furthermore, the planning officer has commented on the failure of the scheme to address and provide for a street frontage that would be expected in consolidation or infill in an established settlement. As previously stated, there appear to be no case for intensification and consolidation of Brideswell which is unserved and distinctly rural in character. The stone walls subdividing fields and on the boundaries, are a striking feature. The planning officer's view that the proposed development conflicts with section 5.25 of the development plan can be supported.

7.4. Arrangements for effluent treatment and disposal.

- 7.4.1. The applicant has submitted a comprehensive hydro geological report on geological conditions, water quality, inclusive of results of sampling at an adjacent wells and existing development within the village all of which is serviced by private effluent treatment and disposal systems. The 'Tier 1' assessment which is based on a conceptual modelling exercise is persuasive in demonstrating the assimilative capacity of the groundwater bodies at the location to accept the effluent from the six proposed sewage treatment systems.
- 7.4.2. The hydrogeological Tier 1 modelling is based on the data available within the site characterisation form, site visits and the water samples. It is understood the underlying bedrock is karstified limestone and the aquifer is classified as regionally important and with moderate vulnerability but found to be extreme beneath the site.

Servicing on a permanent basis by a concentration of three septic tank and three mechanical treatment and disposal systems for the six dwellings over a regionally important aquifer where the limestone is karstified potentially poses a risk to contamination of groundwater, is contrary to good planning practice and environmental management. However, a comprehensive case has been presented in the appeal submission to demonstrate that the proposed development would not give rise to undue risk of contamination of waters and risk to public health.

7.5. **Appropriate Assessment Screening**

7.5.1. The development proposed is a cluster of six detached houses is to serviced by individual treatment plants with a combined design capacity for a 32 pe on a greenfield site comprising a number of small fields divided by stone walls along with some trees and hedgerow, some sheds and a small surface carpark at Brideswell, a small rural village which is serviced by several individual mechanical and conventional effluent treatment systems.

7.5.2. Brideswell is not located within or adjacent to the areas of any European sites. The nearest **European** sites are five kilometres or more from the site are the Ballynanna Bog and Corkip Lough SAC (002339), The CastleSampson Esker SAC (001625) and the LoughCroan Turlough SPA (004139 and Lough Croan Furlough SAC (006100)

There is a watercourse with a flow from south west to northwest circa 500 metres to the south east of the site which links with some other small streams as far as the Cross River. Which is circa 1.5 km to the north east. The closest well is disused and the nearest four wells in use are in excess of the minimum separation distances specified in the EPA Code of Practice (2009).

7.5.3. A development permanently serviced by three septic tank and three mechanical treatment and disposal systems for the six dwellings over a regionally important aquifer where the limestone is karstified and potentially poses a risk of contamination of groundwater and stormwater at construction and operational stages.

7.5.4. Having regard to the nature and scale of the proposed development including the design of effluent treatment and disposal arrangements and the distance from

European sites no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8. Recommendation

- 8.1 It has been concluded that the reasons for refusal of permission due to conflict with the strategic settlement strategy provided for in the current county development plan and inappropriate development that fails to integrate satisfactorily with the character of the small rural based village should be upheld but that the third reason relating to potential adverse impact of the use of the six effluent disposal and treatment systems on the underlying regionally important aquifer could be set aside. It is recommended that the appeal be rejected and permission refused based on the draft reason set out below:

9. Reasons and Considerations

- 9.1 Brideswell is a Tier 4, an “unserviced, (typically smaller) village/village nuclei” Category 2 settlement within Tier 4 of the settlement hierarchy having potential to relieve pressure for rural housing development according in the settlement strategy in the Roscommon County Development Plan, 2014-2020. It is the policy of the planning authority according to section 5.10.3 and Policy Objectives 5.25 and 5.27 of the said plan not to provide for large numbers of houses without access to basic services in Category 2, Tier 4 villages and village nuclei in which multi-unit developments in excess of three units will not normally be permitted but consideration will be given, on a case by case basis to the ability of the village to accommodate limited and small scale (typically individual) rural housing needs in which the unique character of the small village is not altered by out of place development contributing to urban sprawl and suburban type development. It is considered that the proposed development of a cluster of six detached houses suburban in character, design and layout and serviced by individual private effluent

treatment and disposal systems in Brideswell which is a small settlement with a distinct rural character would materially contravene the settlement strategy and these policy objectives of the development plan and would be contrary to the proper planning and sustainable development of the area.

JANE DENNEHY
Senior Planning Inspector
27th January, 2017