



An
Bord
Pleanála

Inspector's Report
PL20.247820

Development	Construction of a house and garage and all ancillary works.
Location	Toberiheem, Ballydangan, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	16/408
Applicant(s)	John Nevin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Kenny
Observer(s)	None
Date of Site Inspection	15 th March 2017
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located in rural area to south of the M6 motorway between Athlone and Ballinasloe. The M6 corridor runs roughly alongside and south of the R446 through open fields. The site fronts onto a narrow access road/track which provides access to the farmland in the area and this runs parallel to the motorway and is accessed off a tertiary road that crosses over the M6 corridor (no access). I would describe the road network serving site as substandard between the motorway and the site given the alignment and stretches of restricted visibility, particularly near the junction with the tertiary road. At the time of inspection there were people walking along it.
- 1.2. The site is part of a small farm holding that traverses both sides of the M6. Family homes and the farm yard complex are located in the land north of the M6 and with access off the R446. There are no houses off the track on to which access is proposed.
- 1.3. There is one house visible about 350m to the south on the same side of the M50 and this is accessed from the tertiary road network. There is a high density of one-off dwellings on the road network some 400m south of the site and the area would appear to be under development pressure from both Ballinasloe and Athlone.
- 1.4. The site rises gently in a southerly direction and is elevated above the M6. Mutual views are apparent due to both the topography and the absence of trees or hedges along the front boundary.
- 1.5. There are no watercourses within the site although there is a drain/channel to the south west at a distance of about 30m. There are a few streams /water channels traversing and alongside the track route. The most significant is a large stream in the order of 100m from the site and this drains to tributaries of the River Shannon. There was evidence of nutrient rich waters in these channels as viewed from the access road fronting the site.
- 1.6. The excavation holes in the vicinity of the proposed percolation area reveal clay soil and no evidence of water as can be seen in the site inspection photographs. There is a small former quarry/borrow pit to the rear of the site where the ground level drops more steeply. An old eall marks the boundary at this point.

2.0 Proposed Development

- It is proposed to construct a detached single storey four bed house and detached garage with a combined stated floor area of 192 sq.m.
- The house is set back 72.5m from the edge of the road and the garage is set further at over 83m and a 5wide driveway with curved alignment is proposed from the entrance. This widens to a hardstanding area of about 35m in width to provide a parking and turning area inform of both the house and the garage.
- The applicant is a son of the landowner and the entire holding is outlined in blue in the submitted plans.
- The septic tank and percolation are located to the rear of the house near to southern boundary. The well is proposed outside the site but within the family landholding at a distance of 50m from the percolation area.
- Waste water treatment system – A site assessment form is submitted with the application. A septic tank system comprising septic tank and percolation area is proposed in accordance with EPA Code of Practice for such development. This will discharge to groundwater. This report confirms that there is no water course on or near the site nor was the site used as a quarry. The T value is 4.56 and the P value is 5.44. It is an R1 groundwater response area.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to grant permission subject to 10 conditions of a generic nature in relation to occupancy, access, drainage and finishes/landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report refers to the sparse population in the immediate environs but also the wider area which is relatively well populated. With respect to drainage, the dry ground and absence of water in the excavation are noted.
- The relevant sections of the current development plan are cited as being section 5.11 in relation housing in the countryside, Chapter 9 in relation to development management guidelines and standards, section 9.5 in relation to rural siting and design and section 9.5.1 in relation access and other ancillary works.
- The objections were fully considered in relation to access, amenity, road flooding, health and safety, road upkeep and noise from the M6.
- It is considered that the applicant meets the requirements of section 5.1 in respect of demonstrating a housing need in this area of urban influence.
- The road is considered to be in a reasonably good state of repair and capable of receiving traffic
- The site is considered to demonstrate suitable percolation and attenuation characteristics and subject to correct instalment the septic tank system should operate effectively.
- The extensive setback is deemed appropriate in the context of the M6 location. Visual amenity is not considered an issue.

3.2.2. Other Technical Reports

- It is stated that Environment Section and Athlone Municipal Co-ordinator were consulted regarding the issues raised in the objection
- Environment Section: Considering the high permeability of the soil a secondary treatment system is recommended. No objection subject to adherence to the EPA Code of Practice, supervision of construction and ongoing managing and maintenance agreement in place
- No report from Athlone Municipal Co-Ordinator.

3.3. Prescribed Bodies

No submissions

4.0 Planning History

None stated

5.0 Policy Context

5.1. Development Plan

5.1.1. Roscommon County Development Plan 2014-2020 governs the proposed development site.

- Chapter 5 refers to Housing
 - Policies 5.29-5.36(incl.) Rural Housing Policies
 - Table 5.3 Definition of Urban and Rural Generated Housing Need
 - Table 5.4 Policies and Suitability Criteria for Rural Area Types
- Map 7 Site located in area designated as 'Category B'- Areas under Urban Influence
 - "...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 and rural Housing Need' (See Table 5.3)"
- Chapter 9 Development Management Guidelines and Standards
 - Section 9.2 Wastewater Treatment
 - Section 9.5 Rural Siting and Design
- Core strategy: To curtail the undue proliferation of individual residential development (one off housing units) in the countryside in areas outside settlement centres that are experiencing development pressure save for developments permissible under the terms of the Sustainable Housing Guidelines

(as well as any local development curtailments devised within the context of the County Development Plan in the local context).

- **Policy 3.23** Facilitate the development of agriculture, agricultural practices and horticulture within the County while seeking to protect and maintain the bio-diversity and rural character of the countryside, wildlife habitats, water quality and nature conservation.

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

- The subject site is located within an area designated as being as 'Structurally Weak' within these Guidelines
 - Section 3.2.3 deals with 'Rural Generated Housing'
 - Section 3.3.3 deals with 'Siting and Design'

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within a designated site. The nearest designated sites are: Middle Shannon Callow SPA and River Shannon Callows SAC which are approximately 3.8km south east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The farm at 4.92 hectares is not able to support an additional family
- The site is remote from the parent's home and other family homes on the other side of the motorway. Consolidation of that cluster would be better planning than 'scattering' development further.
- The motorway and access road were built out of the public funds for access and not for housing – it is inappropriate to use public funds to unsustainable support unplanned housing. The road provides a safe place for walking.

6.2. Applicant Response

- The applicant confirmed compliance with the criteria for housing need in a pre-application meeting. It is submitted that the applicant has a housing need based on being born and raised in the area and this is the only suitable available site.
- The ground is dry and served by a newly constructed public road which has never been inaccessible by reason of flooding
- The appellant's reason for appeal is queried having regard to his home being 5km away and his lack of ownership of or legal interest in land in the vicinity.

6.3. Planning Authority Response

- None

7.0 Assessment

7.1. The issues in this appeal centre on:

- principle of development having regard to housing need and settlement strategy
- Traffic safety
- Wastewater drainage
- Appropriate Assessment

7.2. This appeal relates to a single house in a rural area which is structurally weak but also defined as 'Area under Urban Influence' and it is clear from the pattern of development that there is high demand for housing which is understandable given the proximity to both Ballinasloe and Athlone – significant urban centres.

7.3. The applicant is proposing to build a house within the family holding on which there are a number of family houses already clustered around the original farm to the north of the M6. There's no statement of need other than a desire to live within the family holding based on growing up in the area and help out on the farm. While the development plan policy lends support for family homes, I consider regard has to be had to the already permitted houses within what I consider to be a proportionally small holding and in an area at risk of urban pressure. I consider the application should demonstrate a more land based housing need for example actively engaged

in the farming of the land and while there is mention of assistance, there is no documentary evidence to meaningfully support this. Otherwise the logic of simply permitting hoses at infinitum to family members would result in a totally fragmented farm holding and suburbanisation of the area. In addition, the road and its proximity to the Motorway corridor at a distance of about 30m requires a considerable setting back of houses to provide a buffer from traffic noise associated with maximum speed limits and heavy traffic. In the context of a relatively small farm holding this is quite an inefficient use of land. This would undermine the protection of agricultural land as a rural resource which would be contrary to the provisions of the National Spatial Strategy and the settlement strategy for the county which seeks to control proliferation of one-off housing.

- 7.4. Notwithstanding the housing need issue, permission for a house is predicated on site suitability. In this instance I would have reservations about development along the access road (which I consider more of a track) serving the subject site. While I accept that sight lines of 70m can be provided I do not consider the road to be suitable for development on grounds of traffic safety and infrastructure investment. I note that prior to the M6 these lands would have been effectively landlocked – accessed through the farm holding from the R 446. The access track is for the purpose of accessing farmlands and not to permit additional sporadic housing. This would be the first permission on a road that I consider to be substandard. This is particularly so in the vicinity of the junction with the local road where it is tightly curved. Ultimately, permission is likely to generate a demand for services that require cabling and vehicular access and the provision of services which would be uneconomical in this remote location.
- 7.5. The applicant has given no details as to likely future need for houses on the lands and in the event of permission for this and the pressure for development in the area as evidenced by the extent of housing in the surrounding tertiary roads indicates an inappropriate precedence is likely to be set for other similar developments.
- 7.6. A septic tank and percolation area is proposed however the Environmental Division has identified deficiencies in the system as proposed and recommended a secondary treatment system in light of the permeability levels. This has been dealt with by way of condition in the decision of the planning authority. I would have some reservations about the feasibility of adherence to the EPA standards having regard

to the sensitivity of receiving waters and the location of the percolation area 4m from the site boundary where the ground falls and there is a possibility of rock outcropping in the apparent excavated ground/ small quarry to the south. I note the loading is based on 6 persons. There may be limited room for increasing the percolation area over the longer term in the event of intensification of use and problems with the percolation area. While these issues may be remedied through further clarification and in this regard I accept that the site is large and may accommodate revised layout, there is a wider strategic issue of septic tank proliferation. There is a substantial stream to the south and west of the site at a distance of about 100m but a tributary is less than 50m. From my inspection I noted evidence of eutrophication of the waters. Based on the quite high level of one-off houses to the south of this stream and also further east which would appear to be in the same river catchment, I have concerns regarding increasing the existing density of unserviced development in the vicinity of the site. In this context the proposed development by itself and also by the precedence it would set would result in an excessive concentration of development served by waste water treatment units in the area and thereby pose a risk of pollution and degradation of environmental quality arising from discharge to the groundwater. I therefore do not consider that the Board can reasonably conclude that the proposed development would not, be prejudicial to public health. I consider the receiving environment could be reasonably described as environmentally sensitive and the provisions of policy 5.42 of the development should apply whereby housing should be prohibited in such areas. Taking a precautionary approach permission should therefore be refused on these grounds.

7.7. Appropriate Assessment

7.7.1. The site is not located in a Europe site. The nearest sites are the Middle Shannon Callows SPA and River Shannon SAC and the conservation objectives are as follows:

- Middle Shannon Callows SPA (004096) Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

Bird Code	Common Name	Scientific Name
A038	Whooper Swan	<i>Cygnus cygnus</i>
A050	Wigeon	<i>Anas penelope</i>
A122	Corncrake	<i>Crex crex</i>
A140	Golden Plover	<i>Pluvialis apricaria</i>
A142	Lapwing	<i>Vanellus vanellus</i>
A156	Black-tailed Godwit	<i>Limosa limosa</i>
A179	Black-headed Gull	<i>Chroicocephalus ridibundus</i>

- Middle Shannon Callows SPA (004096) Objective: To maintain or restore the favourable conservation condition of the wetland habitat at Middle Shannon Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
- River Shannon Callows objective SAC (00216): 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:

Code Description

- 6410 *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)
- 8240 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)
- 8240 Limestone pavements*
- 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)*

* denotes a priority habitat

Code	Common Name	Scientific Name
1355	Otter	<i>Lutra lutra</i>

7.7.2. While there is no watercourse within the proposed development site, it is hydrologically connected via the stream and channels less than 20m away at the nearest point and generally downgradient of both the house site and the percolation area. The waterfowl and wetland habitats of conservation interest are particularly dependant on water quality. The sources of pollution are likely to be effluent discharge and also construction works and post construction run-off having regard to the extensive hard-surfacing. While the construction related issues are likely to be mitigated by standard conditions I am not satisfied that the proposals for the effluent treatment are sufficiently evidence based to rule out likely significant effects of the development on the above sites, by itself or in combination with other development. I therefore am not satisfied that an Appropriate Assessment can be screened out. If the Board is of a mind to consider a grant of permission, a NIS should be sought.

8.0 Recommendation

8.1. I recommend a refusal of permission based on the following reasons and considerations.

9.0 Reasons and Considerations

- 1 Having regard to the location of the site with an area designated as “Structurally Weak” in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in a ‘Category B’ rural area, designated as being under urban influence, as set out in Table 5.3 of the Roscommon County Development Plan 2014-2020, and based on the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the applicant has sufficiently established a rural generated housing need for a dwelling at this location. The proposed development would, therefore, be contrary to the said Ministerial guidelines and the said development plan which are considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development would by itself and the precedence it would set for other residential development constitute a traffic hazard by reason of intensification of substandard road unsuitable for housing development. Furthermore, it is considering that proposed development in the remote rural area would lead to demands for the uneconomic provision of public services and infrastructure in an unserved rural location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 3 Having regard to the evidence of eutrophication of water channels that are tributaries of the River Shannon and down gradient to the site it is considered that the proposed development would constitute an unacceptable risk of groundwater pollution connected with the disposal of wastewater. Furthermore, 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 waste water treatment plants in the area. The proposed development would, therefore, be prejudicial to environmental and public health.

Suzanne Kehely
Senior Planning Inspector
10th April 2016