



An
Bord
Pleanála

Inspector's Report PL20.249079

Development	Construction of two-storey dwellinghouse, garage, wastewater treatment system and ancillary works
Location	Lodgetown, Ballytoohey townland, Termonbarry, County Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	PD/17/254
Applicant(s)	Maura & Aidan Dolan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Eoin & Grainne O'Boyle
Observer(s)	None
Date of Site Inspection	27 th November 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in the Lodgetown area of Ballytoohey townland, approximately 750m to the south of Termonbarry village in east County Roscommon and 9km to the east of Longford town. Approximately 370m to the south of the site is the River Shannon and land levels drop gradually towards the river. The site sits between two dwellings on similar size plots to the appeal site and the immediately surrounding area is characterised by low-lying agricultural fields bordered by hedgerows and trees.
- 1.2. The appeal site comprises c.0.3ha of agricultural land and is located along a local road (L-60762) leading south from the N5 national road and Termonbarry village, terminating 130m to the southwest of the site at livestock pens and field gates. This local road serves 11 dwellings and agricultural lands. The site includes over 38m frontage onto the local road. Mature hedgerows mark the western roadside and rear boundaries of the site, while a post and wire fence marks the side boundaries of the site. A cattlecrush adjoins the northern side boundary. There is approximately a 3m drop in levels from the front to the rear of the site and an overhead electricity line traverses the rear of the site.

2.0 Proposed Development

- 2.1. In March 2017 planning permission was refused by An Bord Pleanála under Ref. PL20.247543 for development on the appeal site replicating the proposed development subject of this planning application and appeal.
- 2.2. The proposed development comprises the following:
- Construction of a four-bedroom detached dwellinghouse (c.274sq.m);
 - Construction of a domestic garage (c.49sq.m);
 - Installation of a wastewater treatment system;
 - Vehicular access off the local road;
 - Water supply from a private well;
 - All associated groundworks and landscaping.

- 2.3.** The planning application was accompanied by a Landscape Plan, a Site Characterisation Report and the consent of Michael Kelly, the landowner, to submit the application. During consideration of the application, the applicants submitted a rebuttal of the third-party objections to the proposed development via unsolicited Further Information.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a notification of a decision to grant permission for the proposed development with 12 conditions of a standard nature attached.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer (July 2017) reflects the decision of the Planning Authority. The Planning Officer noted the following:

- The applicants are considered to satisfy the local housing need policy of the Development Plan. Rural housing policy under the previous planning appeal (ABP Ref. PL20.1247543) appears to have been misinterpreted by An Bord Pleanála;
- Roscommon County Council (RCC) Environment Section are satisfied that the ground conditions on the site are suitable for the safe disposal of foul effluent from the proposed development;
- The proposed house design is considered to satisfactorily relate to adjoining properties and would assimilate satisfactorily into the local environment;
- The proposed development would have minimal negative impact on the residential amenities of the area.

3.2.2. Other Technical Reports

- Environment Section - conditions are recommended.

3.3. Prescribed Bodies

- Irish Water - no response.

3.4. Third-Party Submissions

- 3.4.1. Two submissions were received by the Planning Authority during consideration of the application; one submission from the residents of the adjoining property to the south and one submission from residents of a property adjacent to the north. The issues raised are covered within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. The Planning Officer's report states that a pre-planning meeting was held in March 2016 regarding development of the site. The subject application is the third recent planning application on the appeal site:

- Reg. Ref. 14/370 – Permission for a two-storey dwelling, domestic garage, proprietary effluent treatment system and percolation area was **refused** in May 2015 for two stated reasons:

R.1 - insufficient information as to whether site is suitable for the disposal of foul effluent by means of the proposed individual treatment system;

R.2 - dwelling would be visually obtrusive having regard to its size, scale and bulk.

- ABP Ref. PL20.247543 (RCC Reg. Ref. 16/338) – Permission for a dwellinghouse, gated entrance, garage and packaged wastewater treatment system with soil polishing filter was **refused** by An Bord Pleanála in March 2017 for two stated reasons:

R.1 – contrary to rural housing policy;

R.2 – concerns regarding the safe disposal of surface and wastewater generated.

4.2. Surrounding Sites

4.2.1. The following applications relate to the field immediately to the north of the appeal site:

- Reg. Ref. 01/995 – Outline application submitted on behalf of Michael Kelly for two dwellings with sewerage treatment system and percolation area was applied for and outline permission was **granted** in January 2002 for a single-storey dwellinghouse only;
- Reg. Ref. 02/764 – Permission for dwellinghouse with detached garage and septic tank was **granted** (October 2002) to Martin O'Muire & Colette Mealy;
- Reg. Ref. 03/313 – Outline application submitted by Michael Kelly for a dwellinghouse with septic tank was **refused** (July 2003), due to the deficiency in width and alignment of the local road, and the proliferation of septic tanks with implications for the quality of water from wells.

4.2.2. The following applications relate to the site immediately to the south of the appeal site:

- Reg. Ref. 04/108 – Outline permission for dwelling with sewerage treatment system and percolation area was **granted** to Michael Kelly (March 2004) with a condition attached requiring the applicant to enter into a Section 47 Agreement to restrict / regulate the development or use of the land for a ten-year period;
- Reg. Ref. 04/2127 – Permission consequent for dormer-style dwelling was **granted** (January 2006) to Eoin & Grainne O'Boyle;
- Reg. Ref. 10/448 – Permission for a change of house type by Eoin & Grainne O'Boyle was **refused** (November 2010) for reasons relating to visual amenity, housing need and proximity to a centre with adequate housing supply;
- Reg. Ref. 10/622 – Permission for a change of house type was **granted** (March 2011) to Eoin & Grainne O'Boyle with an occupancy condition attached to the decision.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines for Planning Authorities

- 5.1.1. The Guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. Based on Map 1 of the National Spatial Strategy (NSS), which provides an 'Indicative Outline of NSS Rural Area Types', the appeal site is located within an area indicated within the Guidelines as being a 'Structurally-Weak Area', where the key objective is to accommodate demand for permanent residential development as it arises, subject to good practice, including amenity, drainage, heritage and road safety considerations.

5.2. Roscommon County Development Plan

- 5.2.1. The policies and objectives of the Roscommon County Development Plan 2014-2020 are relevant. Variation No.1 of the Development Plan came into effect in July 2017, primarily to incorporate policies and objectives relating to vacant site levies.

Rural Housing Policy

- 5.2.2. Termonbarry village and the countryside are identified within Tier 4 of the county settlement hierarchy. For the purposes of establishing rural housing policy, County Roscommon is divided into two distinct areas. Map 11 of the Development Plan identifies the appeal site as being located in a rural 'area under strong urban influence'. Based on Map 12 of the Development Plan, the appeal site is within 'Category C – Areas in Need of Regeneration' comprising most of North Roscommon, where individual housing developments will be facilitated in principle to meet rural-generated housing needs, as well as urban-generated housing needs on a site-specific basis. Policies and suitability criteria for rural area types are set out in Table 5.4 of the Plan.

- 5.2.3. The following other sections of the Development Plan are also relevant in consideration of the proposed development at this site:

- Section 7.6 – Landscape Protection;
- Section 9.2.3 – Wastewater treatment for single houses;
- Section 9.4 - Flood Risk Protection;

- Section 9.5 - Rural Siting and Design;
- Section 9.8 - Rural Residential Consideration.

Landscape

- 5.2.4. Objectives 7.37 to 7.40 of Section 7.6 to the Development Plan refer to landscape protection. The appeal site is within the 'Slieve Bawn and Feirish Bogland Basin' landscape character area, according to the Landscape Character Assessment of County Roscommon and falls within the 'river corridor' landscape character type. This area is of 'Very High Value' from a landscape perspective because of its nature designations and the sense of isolation.

Wastewater

- 5.2.5. Section 9.2.3 of the Plan addressing wastewater treatment for one-off housing states that new systems will be required to be assessed in a site-specific basis.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal was submitted on behalf of Eoin & Grainne O'Boyle, the residents of the adjoining house to the south. The primary issue set out in the grounds of appeal is that the proposed development is identical to the development refused planning permission by An Bord Pleanála under Ref. PL20.247543 and the subject application does not overcome the two previous reasons for refusal. The issues raised can be summarised as follows:

Wastewater Treatment

- Planning history for the site documents several concerns regarding the concentration of wastewater treatment systems in this area and the ability of the ground to cater for the hydraulic loading from the treatment system;
- Observations and comments by applicants' geologist do not confirm if the ground conditions can suitably cater for the proposed wastewater system. There is a higher water table at times throughout the year evidenced by appellants' photographs and the presence of rushes on the site;

- Hydrogeological observation previously prepared in support of an appeal by the appellants under ABP Ref. PL20.247543 concludes that the proposed system and existing ground conditions do not conform to the EPA Code of Practice and therefore the proposed development should be refused;
- Proposed dwelling could accommodate eight people, however the wastewater treatment system is designed for a population equivalent (pe) of six;
- Seasonal variation in soil percolation with an inability during some periods for wastewater to migrate to soils, which would result in ponding and would significantly impact on the amenities of local residents;

Traffic Safety

- Planning Authority has previously refused permission under Reg. Ref: 03/313 on an adjoining site due to the deficiency of the road network;
- Condition No.3 attached to the permission in relation to sightlines and road safety is not enforceable;
- Road cannot accommodate two-way traffic and the accumulation of bins at the top of the road is a road safety and amenity issue;

Rural Housing Policy

- Planning history for neighbouring sites identifies the need to ensure new development only serves a specific housing need;
- Applicants are prospective buyers of the site and are teachers in Longford with no functional need to live in this rural area and they do not meet local housing need criteria;
- Development Plan Maps 11 & 12 identifying rural housing are contradictory and misleading. The appeal site sits in two diametrically opposed area categories (Map 11 - area under strong urban influence and Map 12 - area in need of regeneration);
- The electoral area within which the appeal site falls experienced a population increase of 20% between 2006 and 2011 and there is adequate wastewater and housing capacity in Termonbarry to accommodate additional population;

Local Amenities

- Proposed house is 1m higher than appellants' dwelling and is on higher ground, and as such would be over dominant and would result in overlooking of the appellants' property;
- Proposals would result in ribbon development pattern, contrary to advice in rural housing guidelines and would be visually obtrusive;

Other Matters

- Under Reg. Ref. 04/108 the applicant was required to enter into a Section 47 Agreement due to the deficiency of the road network and views from the Shannon. This agreement on the appeal site is still in place;
- Drainage by means of soak pits on waterlogged lands is impractical and Condition 4 cannot be enforced;
- There is no evidence that a potable water supply can be obtained;
- Concerns with regards to the timelines involved in the assessment of the application by the Planning Authority.

6.2. Applicants' Response

6.2.1. The response of the applicants to the grounds of appeal can be summarised as follows:

- The grounds of appeal largely reflect issues raised in the appeal under ABP Ref. PL20.247543 (Planning Ref. 16/338), the majority of which were found to be without merit by the Planning Authority and An Bord Pleanála;
- An Bord Pleanála interpretation of rural housing policy is at variance with that of the Planning Authority and the Board should revisit their interpretation;
- Other applicants for housing in the 'Category C' rural housing area are not affected by the An Bord Pleanála interpretation of rural housing policy;
- An Bord Pleanála was afforded an opportunity to respond to the Planning Authority regarding rural housing policy during preparation of the Draft County Development Plan (a copy of letter from RCC in this regard is appended to the response submission);

- The percolation tests and the site suitability report were undertaken by qualified individuals and a critique prepared by a leading expert of the site assessment undertaken by the appellants' representatives accompanies the response;
- The Environment Section was satisfied that the site is suitable for wastewater treatment;
- Applicants fail to see how the submission from the appellants' representatives regarding wastewater treatment and site suitability should take precedence over the expertise of their representatives, including the reports appended to the response and the opinion of the Environment Section;
- Applicants' representatives are willing to engage further with An Bord Pleanála on wastewater treatment and they fail to see how the site could be unsuitable for wastewater treatment in the manner proposed based on the results of the tests undertaken, the credibility of those who tested and assessed the site suitability report and as the trial holes would have been closed in January 2017 when the Inspector for the previous appeal visited the site;
- Applicants have gone to great lengths to ensure a high-quality scheme and to consult with neighbours regarding the proposed development.

6.3. Planning Authority Response

6.3.1. The Planning Authority responded to the grounds of appeal and this can be summarised as follows:

- Planning Authority reaffirms their interpretation and stance regarding rural housing policy, as outlined in their Planning Report on the application, and are satisfied that the applicants' proposed development complies with same;
- Planning Authority reaffirms the position outlined in their Planning Report on the application, with regards to the suitability of the site to cater for the proposed development via an individual wastewater treatment system, including the fact that there is an unsaturated layer of 0.3m topsoil;

- Proposed development cannot be considered to conform to the definition of ribbon development and would not unduly impact on the residential amenities of neighbouring residents;
- Planning Authority is satisfied that the achievable sightlines at this location are adequate to serve the development;
- The Section 47 agreement sterilizing the subject landholding for ten years has expired;
- Roads Department has no objection, subject to conditions.

6.4. Observations

6.4.1. None

7.0 Assessment

7.1. Introduction

- 7.1.1. In March 2017 planning permission was refused by An Bord Pleanála under Ref. PL20.247543 for development on the appeal site replicating the proposed development subject of this planning application and appeal. Permission was previously refused on the appeal site for two reasons, primarily relating to the proposals being contrary to rural housing policy and concerns regarding the safe disposal of surface and wastewater generated. Matters relating to proposed access, design (including amenities), layout and visual impact were previously assessed and adjudicated upon by An Bord Pleanála under Ref. PL20.247543, and these matters did not form part of the Board's reasons for refusing the previous identical development. Having reviewed all the submissions on the application and the appeal and visited the site, I am satisfied that the proposals would not result in traffic hazard, nor would this have undue impacts on local amenities considering the site and development context. Accordingly, I do not intend revisiting these matters in detail within my assessment below.
- 7.1.2. Given the recent refusal for an identical development on the appeal site, my assessment also addresses whether or not there has been a material change in

circumstances that would warrant a reversal of the Board's previous decision. Having regard to this and the previous reasons for refusal of development, I consider the key issues for assessment in determining the subject appeal are as follows:

- Rural Housing Policy;
- Wastewater Treatment.

7.2. Rural Housing Policy

7.2.1. Reason for refusal No.1 of the Board's previous decision stated that the development would be contrary to policy contained in the Sustainable Rural Housing Guidelines and to Development Plan policy 'to reinforce and support the existing and/or emerging network of towns, villages and other settlements in rural areas'. The Planning Authority and the applicants consider that housing need criteria of the Development Plan is satisfied and that the proposed development is not contrary to rural housing policy, which they both consider to have been misinterpreted by An Bord Pleanála in the previous appeal. The grounds of appeal assert that there appears to be some confusion as to which rural area the appeal site is situated in, which has implications as to whether or not the applicants would be required to meet a local housing need. The assessment below reviews the proposed development with respect to rural housing policy.

Rural Area Type

7.2.2. Based on Map 1 of the National Spatial Strategy (NSS), which provides an 'Indicative Outline of NSS Rural Area Types', the appeal site is located within an area indicated within the Guidelines as being a 'Structurally-Weak Area', where the key objective is to accommodate demand for permanent residential development as it arises, subject to good practice, including amenity, drainage, heritage and road safety considerations. Section 5.11 of the Development Plan outlines policy with regards to 'housing in the countryside'. From the outset of this section, the Plan states that it is a Council aim 'to direct new rural housing to towns and villages'.

7.2.3. In setting out the approach towards the location of rural housing, the Plan sets out the need to firstly establish areas with regards to their capacity to absorb individual housing developments and secondly to establish suitability criteria for prospective developers of rural housing. To identify rural housing 'capacity' areas, two steps are

followed, the first of which identifies areas based on 'recent population change'. Map 11 of the Development Plan locates the appeal site in a 'rural area under strong urban influence' based on recent population change. The Plan clarifies that 'rural areas under strong urban influence' are:

- 'areas within commuting distance of larger towns, where urban-generated housing in the open countryside is increasing and population growth has been significant in recent years. As shown in Map 6, these include the rural areas surrounding Monksland/Bellanamullia, Roscommon Town, Athleague, Lanesborough, Termonbarry and Roosky, as well as the rural areas around Boyle and Carrick-on-Shannon'.

7.2.4. Following on from Map 11, the Plan assesses the broad economic factors impacting the County and concludes that suitability criteria should be tailored for three distinct rural area types, each of which will have a different approach to rural settlement policy. For the purposes of identifying the suitability criteria for rural housing on the appeal site, Map 12 locates it within an 'Area in Need of Regeneration – Category C', which largely comprises the northern half of the County. Individual rural housing which meets the definition of an 'urban-generated' housing need on a site-specific basis and a 'rural-generated' housing need will be facilitated in principle in this area.

Housing Need

7.2.5. Definitions of rural and urban-generated housing need are set out in Table 5.3 of the Plan. Rural-generated housing need is defined as the demand for housing in rural areas by four groups of people including, 'those employed locally whose work provides a service to the local community or those whose work is intrinsically linked to rural areas such as teachers in rural schools'. Urban-generated housing need is defined as 'persons principally living and working in urban areas, including second homes'. It is not stated within the Planning Authority report, whether or not the applicants would specifically fit into either the definition of urban or rural-generated housing need.

7.2.6. Information provided by the applicants within the application states that they have lived in Termonbarry for ten years and they work as primary school teachers in County Longford. The applicants do not outline what part of County Longford the schools that they teach in are located. I am satisfied that on the basis of the

information and evidence provided that the housing need of the applicants cannot reasonably be defined as rural-generated and the proposed development must therefore be assessed as an urban-generated house, as was also the case in the previous appeal relating to this site.

Site-Specific Basis

- 7.2.7. The Plan sets out that urban-generated housing needs will be accommodated in towns and villages and in principle on a site-specific basis in rural areas within 'Rural Policy Area Category C'. The Plan outlines that 'urban-generated housing offers few benefits to local communities when introduced, though it has been argued that such development can incrementally increase the population base of structurally-weak peripheral locations such as parts of rural north Roscommon'. As illustrated on Map 11 accompanying the Plan, the population of the Termonbarry Electoral Division (ED) increased recently. Census data reveals that this ED experienced a population increase of 75% from 2001 to 2011 with a further increase of 12% over the 2011-2016 period. Census data also reveals that exclusive of holiday homes, the small area which the appeal site is located within comprised 20% vacant housing in 2016. The appeal site is not in a peripheral or a rural part of the County in need of an incremental increase in population.
- 7.2.8. The Development Plan aims to 'direct new rural housing to the towns and villages in the County' and to 'reinforce and support' villages such as Termonbarry. It would appear contrary to this aim and various rural housing policy statements within the Development Plan to allow for the proliferation of urban-generated housing into the countryside, particularly in this area immediate to Termonbarry village. Furthermore, I fail to see a 'site-specific basis' for allowing an urban-generated housing need to be accommodated on the appeal site, in close proximity to a Tier 4 village, which the Plan aims to reinforce and support.
- 7.2.9. In conclusion, there is no site-specific basis for allowing an urban generated house on the appeal site and it is, therefore, in the interests of the proper planning and sustainable development of the area that the proposed development is refused planning permission, as it would be contrary to rural housing policy and stated aims of the Roscommon County Development Plan 2014-2020.

7.3. Wastewater Treatment

- 7.3.1. Section 9.2.3 of the Development Plan, requires a site-specific assessment to be carried out in accordance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses. Reason for refusal No.2 of the Board's previous decision relating to the appeal site, stated that the Board could not be satisfied that the site could be drained by means of the proposed proprietary wastewater treatment system, particularly when considering the seasonally high-water table and the system would constitute an unacceptable risk of groundwater pollution in an area with an excessive concentration of houses served by individual wastewater treatment systems. Proposals for wastewater treatment have not been altered in the subject planning application, from those that were considered under the previous application and appeal relating to the site.
- 7.3.2. In recommending a grant of planning permission for the proposed development, the Planning Authority outlines that they consider the site to be suitable on the basis of the positive response from the Council's Environment Section under the previous application (Ref. 16/338), with an unsaturated layer of 0.3m of topsoil noted and as the proposals incorporate a raised percolation bed with imported soil. The grounds of appeal contest this and assert that the site would not be capable of catering for the proposed development with particular reference to the high-water table and they state their concerns that the proposed wastewater treatment system and percolation area would impact on water quality in their well given that the possible flow of groundwater is to the south in the direction of their property. The applicants fail to see how the submission from the appellants' representatives regarding wastewater treatment and site suitability should take precedence over the expertise of their representatives and the opinion of the Council's Environment Section.
- 7.3.3. The Site Characterisation Report submitted notes the potential targets near the site as groundwater and wells. There are four houses within 250m of the site and the nearest watercourse is the River Shannon, 500m to the south. The report states that a trial hole was examined in August 2015 and bedrock was not encountered to a depth of 3m. Percolation tests undertaken revealed an average T-value of 18.5 and an average P-value of 32.11. The EPA Code of Practice states that where the T-value is between 3 and 50, as per the subject assessment, the site is suitable for the

development of a septic tank system or a secondary treatment system discharging to groundwater. Where the P-value is between 3 and 75, the site is suitable for a secondary treatment system with polishing filter at ground surface or overground.

- 7.3.4. The site is underlain by a 'Regionally-important' aquifer (Rk) with a 'High' vulnerability classification. The Site Suitability Assessment refers to the vegetation on site including ragwort and rushes, and the wider soil type as being formed of 'till derived chiefly from lower Palaeozoic rocks'. The Site Suitability Assessment report submitted with the application noted that there was no sign of ponding on site at the time of testing (August 2015). The wastewater treatment element of the proposals involves the installation of a mechanical aeration system (ANUA Platinum - primary and secondary treatment) from which the treated effluent would be pumped to a distribution box prior to discharging to a raised (Puraflo) peat biofilter tertiary polishing filter followed by a soil polishing filter and finally discharging to groundwater.
- 7.3.5. Table 6.2 of the EPA Code of Practice requires a minimum depth of 0.9m unsaturated subsoil below the percolation pipes to the water table (and to bedrock). There are various readings on the application and appeal submissions with regards to the depth of the water table on the appeal site. The trial holes had been filled prior to the site visit for the previous appeal and for this appeal. According to representatives of the applicants the water table was 1.1m below surface in August 2015 (see Site Characterisation report) and 0.5 to 0.6m below ground level with 0.3m unsaturated soil in November 2015 (photograph attached to confirm same). At the time of the Environment Section's inspection (October 2015) it is stated that the trial hole showed the water table 1.1m below ground level. The grounds of appeal assert that the water table in the test holes were saturated during wet conditions in November 2015, January 2016 and April 2016 and photographs are included with the submission. Although not extensive and preceded by rainfall on the previous day, surface water ponding was noted in locations towards the rear of the site at the time of my site visit, possibly indicative of a high-water table on the site. I therefore question whether the soils/subsoils have the capacity to adequately treat the final effluent prior to discharge to groundwater.
- 7.3.6. It is evident that the water table at this location varies seasonally and that the site can be waterlogged during periods of heavy rain. Section 6.2.1 of the EPA Code of

Practice states that ‘an on-site domestic wastewater treatment and disposal system should not be installed in a flood plain or in seasonally waterlogged, boggy or frequently wetted areas’. Whilst the proposed treatment system is technically capable of providing a good quality effluent, I have concerns regarding the proposal. Given the high-water table there is potential for the system to become waterlogged causing the system to malfunction. This would give rise to hydraulic issues and surface ponding with implications for public health and this is further compounded by the density of dwellings in the immediate area, which are served by individual wastewater treatment systems and private wells.

- 7.3.7. Having regard to the seasonally high-water table, I have concerns that the site cannot be satisfactorily drained by means of an on-site wastewater treatment system, notwithstanding the proposed use of a proprietary effluent treatment system and raised soil polishing filter. I consider that the proposed development would pose an unacceptable risk to groundwater and would be prejudicial to public health. I recommend that permission be refused on these grounds.

8.0 **Appropriate Assessment**

- 8.1. The subject site is 1.6km west of Ballykenny-Fisherstown Bog Special Protection Area (SPA) (004101) and Lough Forbes Complex Special Area of Conservation (cSAC) (001818), 4.4km west of Brown Bog cSAC (002346), 6.6km south of Cloneen Bog SAC (002348) and 8km northeast of Lough Ree SAC (000440) and Lough Ree SPA (004064). An AA Screening Report was not submitted with the application.
- 8.2. There is no direct or indirect source-pathway-connector between the subject site and designated sites within 15km. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that 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.

9.0 **Recommendation**

- 9.1. I recommend permission be **refused** for the following reasons and considerations.

10.0 Reasons and Considerations

1. It is a stated aim of the Roscommon County Development Plan 2014-2020 'to direct new rural housing to the towns and villages in the County' and it is a policy of this Plan 'to reinforce and support the existing and/or emerging network of towns, villages and other settlements in rural areas', and this policy is considered reasonable. As is required in Section 5.11 of the Development Plan, there is no site-specific basis for allowing the proposed development of an urban-generated dwelling to be located on the appeal site and in close proximity to the Tier 4 settlement of Termonbarry, and, therefore, the proposed development would contravene the above policy and the stated aim of the Roscommon County Development Plan 2014-2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having particular regard to the seasonally high-water table, which was encountered on site, the Board is not satisfied that it has been satisfactorily shown that, notwithstanding the proposed use of a proprietary wastewater treatment system incorporating a raised percolation area, the subject site is capable of disposing of surface and wastewater generated by the proposed development, safely and without prejudicing public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

29th November 2017