



An
Bord
Pleanála

Inspector's Report PL03.249323

Development	Construction of dwelling with garage, effluent treatment system and all associated site works.
Location	Ballymaquiggan, Larchill, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/460
Applicant(s)	Christopher Hogan
Type of Application	Permission
Planning Authority Decision	Refusal of Permission
Type of Appeal	First Party
Appellant(s)	Christopher Hogan
Observer(s)	None
Date of Site Inspection	5 th of December 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. This is a backland site of stated area 0.69ha, located in the townland of Ballymaquiggan, Larchill, to the north of Ennis and Fountain Cross. The entrance to the site is situated on the southern side of the local road L8320. It is located behind an undeveloped site where permission has expired (09/1167). The site does not have road frontage and is located to the rear of a cluster of dwellings on either side of the local road. There is a surfaced access route to the site from the local road, which is situated immediately adjacent to the access and line of the former railway to the east.
- 1.2. The site is to be taken from the larger field area and delineated by a dry stone wall along the northern, southern and eastern boundaries. It is relatively flat and ground levels are higher than the surrounding wetland and flood zone. The larger field area slopes in a westerly direction towards the wetlands to the west. There are a number of field gates off the field area. There is also a hedgerow along the eastern and southern site boundaries and a few trees located sporadically on site.
- 1.3. There is an unsurfaced track located to the eastern side of the site boundary, which is the line of the West Clare Greenway (the subject of a Part VIII). There is a wetland area to the west of the landholding which adjoins Lake Cleggan to the south west.

2.0 Proposed Development

- 2.1. It is proposed to construct a dwelling house and garage with effluent treatment system, using the existing farm entrance as a means of access, and all associated works.
- 2.2. The application form provides that the stated area of the site is 0.69ha, the floor area of the 4 bed dwellinghouse is 233sq.m and of the garage is 42.5sq.m.
- 2.3. The application submission includes the following:
 - A Site Layout Plan, Floor Plans and Elevations.
 - A letter from the applicant's agent Pat Hogan, to address the Council's concerns.
 - A Site Characterisation Report as per EPA Code of Practice.

- A letter of consent to connect to Dysart-Toonagh Group Water Scheme.
- Letters from local residents to say they have no objection to the proposed development and also relative to the upgrade of the existing entrance.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 5th of September 2017, Clare County Council refused permission for the proposed development for two no. reasons which include regard to backland development and traffic hazard and are summarised as follows:

1. The proposed development, would create uncoordinated, haphazard, backland development and would set an undesirable precedent for this type of development contrary to residential amenities and to the proper planning and sustainable development of the area.
2. In view of lack of a lack of adequate sight distance visibility at the proposed entrance it would give rise to traffic hazard which would be contrary to the proper planning and orderly development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context, planning history and policy and to the representations made. They noted the Technical Reports submitted and the Road Design Office report relative to the access and to the submission by An Taisce. Having regard to the information submitted they are satisfied that in compliance with rural settlement policy that the applicant has a local need to reside in the rural area. They had regard to the proposed pwmts and considered that there is no objection on the basis of public health. They carried out a Screening for Appropriate Assessment and determined no significant effects. They are concerned that the proposed development would create a backland site which would set an undesirable precedent and be unacceptable and contrary to the planning principles of orderly development. They have regard to RDO concerns regarding the entrance and to traffic safety and

considered that adequate sightlines cannot be achieved at this location in compliance with standards.

It is also noted that a time extension was granted by the Council during the consideration of the application.

3.3. Other Technical Reports

3.3.1. Road Design Office

They note that the access to the public road was opened up by the applicant in 2016, removing part of the old West Clare railway wall in March 2016. They note the ownership by C.I.E of the boundary walls of the former railway line. The applicant was accessing the lands from the old railway line prior to the opening up of an entrance onto the public road L8320. They provide that adequate sightlines are not achieved at the entrance. They include photographs.

3.4. Prescribed Bodies

3.4.1. An Taisce

They note that an original outline permission (Reg.Ref.16/563) was withdrawn. They make comments relative to design and layout, impact on the environment including local watercourses, water management and public and road safety.

3.4.2. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

They include nature conservation recommendations which include the following:

- They recommend boundary planting along the west of the site to screen the development from the lake and river and to minimise disturbance to wildfowl using the lake.
- That the Council be satisfied that the pwwts will not adversely affect the Water quality of the nearby Lake and River.
- The adjoining lake and river to be fully protected from run off during construction. All fuels and potential pollutants to be stored in a bunded area away from waterways.

4.0 Planning History

4.1.1. The Planner's Report refers to the relevant Planning History. This includes the site to the front of the application site:

- Reg.Ref.09/1167 – Outline Permission granted subject to conditions by the Council to Sarah Moloney to construct a dwelling house and proprietary treatment system. This was never constructed and has expired in 2013.

5.0 Policy Context

5.1. Clare County Development Plan 2017-2023

This sets out the overall strategy for the proper planning and sustainable development of the functional area of Clare County Council over a 6year period. It replaces the CCDP 2011-2017. Map 2A 'Core Strategy Map' shows the site is located in the hinterland of Ennis in a 'Rural Area under Strong Urban Pressure'.

Volume 3 - 3a provides the Written Statement & Settlement Plans for Ennis Municipal District. As shown on the Ennis Settlement Plan, the site while outside the Ennis Settlement boundary, is just within the northern boundary of the area included in: 'Future Ennis and Environs LAP Boundary, it is within the 'Agricultural Area' and the West Clare Railway Greenway is shown adjoining to the east.

Chapter 3 of the County Plan concerns the Urban and Rural Settlement Strategy. The aim of the Settlement Strategy is to ensure that future development is directed in a balanced plan-led manner to rural and urban areas throughout the county as appropriate.

Section 3.2.5 refers to Single Houses in the Countryside and sets out how single houses will be accommodated in the rural areas outside of the boundaries of the towns, villages and clusters. A distinction is made between rural generated housing and urban generated housing. Regard is also had to the Sustainable Rural Housing - Guidelines for Planning Authorities (DoEHLG). These Guidelines constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). The subject site is located in the agricultural area. Map 3A of the CCDP shows the Settlement Hierarchy and Map 3B Areas of Special Control. The

application site is within a 'Rural Area under Strong Urban Pressure'. Objective CDP 3.12 refers to Rural Housing outside Areas of Special Control.

CDP 3.8 seeks: *To ensure that the countryside continues to play its role as a place to live, work and visit having careful regard to its carrying capacity and environmental sensitivity.*

Section 3.2.6 refers to Site Suitability and includes that other considerations relate to siting, design, environment, heritage, amenity and traffic considerations are also of paramount importance in the consideration of any development.

Section 8.4.3 refers to Wastewater Management. Objective CDP 8.27 includes:

c) To permit the development of single dwelling houses only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009)';

Section 13.3.2 refers to Living Landscape Types, Map 13.1 and Objective CDP 13.1 refers. Section 13.2.1.3 to Landscape Character Areas in County Clare. Map 13.2 refers and shows that the site is located within Area 13 'Ennis Drumlin Farmland'. Map 13A: Landscape Designations shows the site is within a 'Working Landscape'.

Section 14.3.2 supports the conservation and preservation of the Natura 2000 sites. All development proposals must be in compliance with the requirements of the Habitats Directive. Objective CPD 14.2 refers. Section 14.3.3 refers to Appropriate Assessment. Objective CPD 14.3 refers. Section 14.3.4 refers to Natural Heritage Areas and Objective CPD 14.4 seeks to support the protection and conservation of these. Objective CDP 14.17 refers to the Protection of Trees, Woodlands and Hedgerows.

Appendix 1 contains the Development Management Guidelines. Section A1.3.1 refers particularly to Rural Residential Development. This has regard to Siting and Design, Road Frontage, Plot Size and Wastewater treatment systems.

Section A1.9.2 refers to Sight Distances.

5.2. **The Sustainable Rural Housing Guidelines 2005**

This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working full-time or part-time in rural areas.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.4 is concerned with Access, regard is also had to Roadside Boundaries

Section 4.5 is concerned with Protecting Water Quality and Site Suitability issues.

5.3. **Code of Practice Wastewater Treatment Disposal Systems serving Single Houses**

This document (2009) by the EPA relevant to single houses (p.e <10) and replaces SR6:1991 and the EPA Manual 2000 for 'Treatment Systems for Single Houses'.

The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

5.4. **EU Water Framework Directive**

The purpose of the EU Water Framework Directive (WFD) is to establish a framework for the protection and prevent deterioration of inland surface waters, transitional waters, coastal waters and groundwater.

5.5. **EU Habitat Directive**

The aim of the EU Habitat Directive is ‘to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies’.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A First Party Appeal has been submitted by Pat Hogan, agent for the Appellant. This includes the following:

- The applicant is local to the area, is engaged in farming and has rural links and details are provided of this. Also that the applicant complies with policies relative to local housing needs.
- The proposal is in keeping with policies in the Ennis and Environs Plan 2008 and the CDP 2017-2023.
- The quality of the reclamation work carried out on these lands is a testament to the applicant’s commitment to the area and the local economy.
- They have regard to the planning history (Reg.Ref. P09/1167 Outline Permission refers) and provide that the landowner does not wish to sell this site to the applicant. Consequently, he has no option but to apply for permission for a dwellinghouse on his own lands albeit of a backland nature.
- The Clare CDP does not have any specific policies prohibiting backland development.
- In view of the siting there is no objection from local proximate residents relative to adverse impact on residential amenity such as overlooking etc.

- The house is in keeping with the character of the rural area. He notes the issue of precedent and refers to other larger house types permitted in the area – Appendix 1 refers. That development was not considered by the Council to be out of character with the area.
- He considers that by virtue of the siting, design, orientation and extensive screening proposals and its distance from the public road the proposed dwelling would not be an incongruous feature in the landscape.
- The applicant has plans only for one house on this landholding and does not propose to site another house to the front of that proposed.
- He is willing to enter into a Section 47 of the Planning and Development Act 2000 (as amended) agreement regulating the development or use of these lands.
- He is willing to locate the dwellinghouse on any location on the site agreeable to the Board.
- The site is relatively flat and ground levels are higher than the surrounding wetlands and flood zone.
- Adequate sight distances in compliance with standards are available at the entrance – Appendix 4 refers. They refute the Council's reason for refusal relative to this issue.
- A letter from the owner of the vacant site to the west of the entrance roadway relative to consent to cut back and maintain the existing boundary for visibility purposes is included in Appendix 5.
- They include Appendices 1 – 6 and photographs in support of their appeal and ask the Board to consider their points and to reverse the Council's decision to refuse permission.

6.2. Planning Authority Response

6.2.1. Their response includes the following:

- The principle of the proposed development is not acceptable having regard to the backland nature of the development site and the undesirable precedent the proposed development would set elsewhere in the rural area.
- They are concerned that the location of the site would create another site on the landholding.
- The proposed dwelling would create an infill backland site and present an incongruous feature in the landscape and be out of character with the pattern of development in the rural area and they request the Board to uphold their reason for refusal.
- They refer to the RDO comments and note that adequate sightlines are not available in accordance with standards to the left of the entrance. The proposed development is not acceptable in terms of traffic safety and they request the Board to uphold their reason for refusal.

7.0 Assessment

7.1. Compliance with Rural Housing Policy

- 7.1.1. The site is located in a rural area under strong urban pressure so local needs policy applies. CDP3.11 of the Clare CDP refers to 'Areas of Special Control' and this refers to applicants in Categories A – Local Rural Person, B – Persons Working Full Time or Part-Time in Rural Areas or C – Exceptional Health and/or Family Circumstances. The 3 criteria relative to A are: 1) The applicant must come within the definition of a 'Local Rural Person', 2) The proposed site must be situated within their 'Local Rural Area' (generally 10kms from where applicant was born) and 3) The applicant must have a 'Local Rural Housing Need'. The Plan provides definitions of such.
- 7.1.2. Details submitted with the application and First Party appeal, provide that the applicant and his family live in his parent's house in the adjoining townland of Eiraghbeg under 1km from the appeal site. A Map is included with Appendix 1 of the First Party Appeal showing the location of the applicant's parent's house relative to the application site. They note that the applicant purchased 11.8acres of his parents landholding in 2015, and that his father rented these lands for many years

on which he raised ponies. The applicant was involved in this farming enterprise with his father. Since 2015 the applicant has expended a considerable amount of money on reclaiming land and the farm access road. They provide that the lands are now supporting a herd of drystock cattle and the Herd No. is given. When the applicant purchased these lands he had intended to purchase the vacant site between his lands and the public road and adjoining his farm access way. As noted in the History Section above, Outline Permission (Reg.Ref. P09/1167) was granted on this site to another party and this permission has now expired. However, this option is now not available to him and consequently the applicant has no option but to apply on the subject site, albeit its backland nature.

- 7.1.3. It is provided that the applicant meets the criteria A and B of CDP 3.11 relative to being local to the area and working in the rural area. In view of the documentation submitted it is considered that that the applicant complies with the local needs criteria in both the current Clare CDP and the Sustainable Rural Housing Guidelines 2005. However as per Section 3.3 of these Guidelines this is subject to other considerations including relative to siting and design, impact on the amenities of the rural area, traffic safety, public health and the environment.

7.2. Design and Layout

- 7.2.1. As shown on the plans submitted the Site Layout Plan shows that the site(0.69ha) is to be accessed via a surfaced access route (c.62m from the public road to the site) which is existing and is to be taken off the greater field area. The proposed dwelling is to be set back in the southern part of the site c.135m from the public road. This is shown further set back than was originally envisaged under Reg. Ref.16/565 (withdrawn). This means that the dwelling will be located c.107m and c.117m from the two nearest dwellings. It is noted that the owners of these dwellings have submitted letters to say they do not object to the proposed development. The dwelling is orientated to face onto the to the east (future greenway) rather than the public road which as noted is some distance away.
- 7.2.2. The proposed design is for a two storey 4 bedroomed dwelling with a floor area of c.233sq.m. It is shown c.8.6m to ridge height. The design of the dwelling ensures that there are no first floor windows on the northern gable which is closest to the existing dwellings. The front elevation will look towards the greenway to the east

(c.22m). In view of distance overlooking to existing dwellings to the north is not a problem in this instance. External finishes include roof slates and napp plaster finish and some stone finish is indicated on the front elevation and the single storey sunroom at the southern end of the property.

- 7.2.3. The proposed floor area of the garage is c.45.5sq.m and it is to be sited to the north west of the dwelling. It is shown c.5m to ridge height and is to be finished in materials to match the existing house. It is recommended that if the Board decide to permit that a condition be included that it be finished in materials to match and be used only for purposes ancillary to the enjoyment of the dwelling house.
- 7.2.4. An Taisce's concerns relative to the large scale of the house behind the main streetscape and the need for the design of the house to be in keeping with the landscape and the County Guidelines are noted. Regard is also had to Section 17.4.5. of the CCDP 2017-2023 which refers to the Clare Rural House Design Guide. This includes that the Government Policy on Architecture notes: *Contemporary architecture and design also have an important role to play in the design of rural buildings that make the best use of their location while still blending into and enhancing the natural landscape.* I would consider that the proposed house type while relatively standard would not blend into or enhance or add to the rural vernacular/character of the area. Rather it would provide for a more suburban two storey house type in this backland agricultural area.
- 7.2.5. In view of distance the existing dwellings facing the public road to the north are not very visible from the location of the proposed dwelling. The Site Layout Plan shows it is proposed to provide landscaping to screen northern and western views of the dwelling. The submission from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs includes nature conservation and recommends boundary planting along the west of the site to screen the development from the lake and river and to minimise disturbance to wildfowl using the lake. It is recommended that if the Board decide to permit that a landscaping condition to include retention of the stone boundary walls and the provision of indigenous planting along the northern and western site boundaries be included.

7.3. Regard to Backland Development and Precedent

- 7.3.1. The main issue of concern in this case is the backland nature of the site. As noted above the applicant does not have access to the site facing the road frontage, which is undeveloped, in separate ownership and for which a previous outline permission has now expired. Objective CDP3.13 has regard to the pattern of development in the rural area and provides: *In the case where there is a grouping of rural houses, the development of a small gap site, sufficient to accommodate only one house, within an otherwise substantial and continuously built-up frontage, will be permitted provided it respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets normal site suitability requirements.*
- 7.3.2. In this case, this proposal is not for an infill house rather for a backland development to the rear of the existing housing and well set back from the public road frontage. Objective CDP13.3 applies to the Western Corridor Working Landscape and includes b) *That selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact.* While the siting of the house will not be very visible from the public road it will be visible from the Greenway.
- 7.3.3. As noted by the Appellant, regard is also had to Reg.Ref.09/960 where permission consequent was granted by the Planning Authority, for the construction of a dwelling house with on-site pwmts and associated site works at Ballymaquiggin Tld, Ennis. This also appears as backland development. However, this concerns a different site location, and was assessed under an earlier County Development plan. Each application is assessed on its merits and it is not considered desirable to set a precedent for a pattern for backland development in an unserved rural area.
- 7.3.4. Regard is had to Section 2.4 of the Sustainable Rural Housing Guidelines 2005 which refers to Guiding Development and includes: *Siting new development in rural areas in a way that protects the integrity of these natural and man-made features is an essential part of sustainable development.* It is considered that the promotion of such backland development, would set an undesirable precedent and lead to disorderly, haphazard development and be detrimental to the agricultural usage of such land and to the amenities of the rural area.

7.4. Access issues

- 7.4.1. The Council's Road Design Office noted that the applicant had opened up an access and removed part of the old West Clare railway wall in March 2016 and that there was no existing farm access in evidence previously at that location. It would also appear that such an access is not shown on the O.S.I aerial photography. Therefore, the existing entrance appears more recent and unauthorised. As part of this application the applicant has submitted letters from local residents stating that a farm entrance existed there and was used in the past but had become overgrown and has recently been upgraded.
- 7.4.2. It is noted that the old West Clare railway line which now appears as a narrow straight unsurfaced route to the east of the site is safeguarded in the Clare County Development Plan. Section 8.2.9 of the said plan refers to Cycling and Walking and includes that: *Long distance cycling, such as the West Clare Railway Greenway, both for recreation and as a means of transport is supported.* Section 1.11.3. of Volume 3a relative to the Ennis Municipal District includes the Objective V3(A)14 - refers to the development of the greenway as a walking and cycling route and the route is shown as a designated route on the Ennis Settlement Map. The RDO notes that they have been informed that the boundary walls of the railway are owned by CIE and are not jointly owned with adjacent landowners. Also that the applicant was accessing the lands from the old railway line prior to opening up an entrance onto the public road L8320.
- 7.4.3. An Taisce concerns include that there should be an assessment of the individual and cumulative impact of the additional entrance onto the road. They are concerned that the long entrance road into the site may encourage ribbon development. The Council's first reason for refusal also has regard to this issue. Having regard to this issue the First Party provides that they only have plans for one house and are willing to enter into a S.47 agreement of the Planning and Development Act 2000 with the Planning Authority regulating the use of the lands in question. They are also willing to locate the house on any part of the site acceptable to the Council and the Board. It is noted that Section 4.7 (Occupancy Conditions) of the Sustainable Rural Housing Guidelines 2005, does not encourage such agreements except in highly exceptional circumstances.

- 7.4.4. The documentation submitted with the application provides that the revised site layout shows the existing Eastern boundary is set back 6.5m from the road edge. It is provided that this is the position where the original railway gates were positioned. The first 16m of the boundary will be less than 1m high and free from overgrowth or vegetation that would limit vision. They provide that this means that users of either the greenway entrance or the application site will have full visibility of each other. They point out that the proposed cycle route will also be gated which will limit the speed of cyclists exiting onto the road. Entrance gates to the applicant's site will also be mounted at the 6.5m set-back position, in line with cycleway gates.
- 7.4.5. The Council's RDO notes that the applicant has removed part of the CIE boundary wall without their permission. However, they consider that given the repair which has been carried out by the applicant to the boundary wall the opened up farm entrance could function alongside the now ungated entrance to the Greenway. However, they are concerned that there are problems if this entrance is also to provide access to the new development. In this case, visibility at the access is not adequate to acquire 90m sightlines at a setback of 3m in either direction. They provide details of this relative to standards and note that while the sightline is available to the right (east) it is not available to the left (west) and therefore the access to the site does not meet with current standards. Also the 6m radius between the entrance and public road at both sides cannot be achieved. These concerns are reiterated in the Planning Authority's second reason for refusal and their response to the Grounds of Appeal.
- 7.4.6. Section A1.9.2 of the Clare CDP refers to Sight Distances. This provides that for a road with a design of 60kph sight distances are 90m in either direction and for 50kph it is 70kph. As per the RDO Report in this case 90kph is required. The First Party point out that visibility to this standard is available at the entrance to the site. They also include a letter from the owner of the vacant site to the west of the entrance roadway to confirm that the owner of the adjoining land gives permission to the applicant to cut-back and maintain his existing roadside boundary so as to achieve and maintain the required visibility from his entrance. They have also included a drawing in Appendix 6 to indicate how the appellant's access roadway permits compliance with the 6m radius requirement between the entrance road and the public road on both sides. They provide that adequate visibility is available in accordance with standards.

7.4.7. However, having viewed the site and had regard to the RDO comments, I am concerned about traffic safety issues relative to adequate sight distances being available at this entrance. Also it adjoins the currently open (ungated) access to the designated greenway route and adds to the proliferation of entrances in proximity along both sides of this county road. I am not convinced in view of the documentation submitted that the use of this access for residential purposes will not lead to traffic safety implications including relative to the use of the adjoining greenway access.

7.5. **Regard to Disposal of Effluent**

7.5.1. As this is an unserviced rural area it is proposed to provide an onsite treatment system. The site is relatively flat and primarily consists of reconstituted grassland and the greater field area slopes to a wetland area to the west. A Site Characterisation form as per the EPA Code of Practice has been submitted with the application. This notes the characteristics of the site including that there are many boulders and soil cover over bedrock is in excess of 2m to water table. Percolation Tests provided Average 'T' test results of 13.50. P tests were not carried out. The underlying Aquifer is described as Regionally important with an extreme vulnerability. The groundwater protection response is R3(2) where in accordance with Section B5 of the EPA Code of Practice a secondary treatment must be installed and this notes the relevant criteria. The SCF provides that the groundwater flow direction is towards Drumcliff Spring and it is noted that the site is located within the inner source of these springs. It is also noted that as shown on the drawing submitted the Ballygriffey river is c.100m from the site and Lough Cleggan is c.100m to the west. As noted in the Planner's Report the site is situated within the boundary of the PHNA Lough Cleggan 001331.

7.5.2. The Department's and An Taisce's concerns about any potential impact on nature conservation are noted. They are concerned that the proposal not impact adversely on the nearby Lough and the River and on wildlife. The Department recommend that the Council be satisfied that the adjoining lake and river be fully protected from pollution and provide details of measures to that effect. An Taisce recommend that water management be adequate for the established EU drinking and that waste

disposal systems be within the performance of the EU water framework for surface and ground water protection.

- 7.5.3. An advanced system is proposed with pumped discharge to a mounded polishing filter. It is provided in the documentation submitted that effluent treatment is to be by means of a mechanical aeration treatment system. Diagrams are included with the SCF to provide details of this, including photographs, and a section showing the proposed levels through the treatment plant and polishing filter. As shown on the Site Layout Plan the pwwts is to be located to the south west of the proposed house closer to the southern boundary of the site.
- 7.5.4. Water supply is to be by means of a new connection to the Dysart/Toonagh group water scheme and a letter of consent is enclosed.
- 7.5.5. Having regard to the information submitted it is considered that the site is suitable for the disposal of effluent subject to compliance with current standards.

7.6. Screening for Appropriate Assessment

- 7.6.1. The Council carried out a Screening for Appropriate Assessment and Determination. Table 2(a) notes European sites within 15km of the applicant's site. The most proximate are Ballyallia SAC – 643.5m (site code:00014), Ballyallia SPA - 643.5m (04941) and the Lower River Shannon SAC -1.8km (002165). Details are provided of the qualifying interests for these sites and others further away but within the 15km radius. Table 3 has regard to identification of potential impacts and doesn't note any. The Screening Report notes that the Site Characterisation Report submitted shows sufficient depth of unsaturated soil is available for waste water treatment and that there is no direct hydrological pathway to the SAC/SPA. It concludes that there is no potential for significant effects to European Sites and that the potential for significant effects to these sites can be ruled out.
- 7.6.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites: Ballyallia SAC (00014), Ballyallia SPA (04941) and the Lower River Shannon SAC (002165) or any other

European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. It is recommended that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed development, of this large suburban house type, on a site located to the rear of existing houses, would constitute haphazard, uncoordinated, backland development in a rural area outside lands zoned for residential development and would impact adversely on the usage of agricultural land, militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities and set an undesirable precedent for such form of development and therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on this county road, where sightlines are restricted in a westerly direction. It would add to the proliferation of residential entrances and have the potential to cause conflict for cyclists and pedestrians at a point where the entrance adjoins the access to the designated greenway to the east.

Angela Brereton,
Planning Inspector

18th of January 2018