



An
Bord
Pleanála

Inspector's Report ABP-300318-17

Development	The proposed construction of a bungalow type dwelling house, entrance, boundary fence/wall, suitable on-site sewerage treatment system with percolation area and ancillary site works
Location	Fereghfad, Longford, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	17/238
Applicant(s)	Peter and Emma O'Leary
Type of Application	Appeal
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Peter and Emma O'Leary
Observer(s)	None
Date of Site Inspection	16 th February 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Fereghfad, c. 2.5km south east of Longford Town Centre. The appeal site is located on the western side of a local road which runs in a north south direction. While the surrounding area is generally rural, the local road, and other local roads in the vicinity, are relatively densely developed with one-off rural housing, which has extended as ribbon development from Longford Town Centre.
- 1.2. The appeal site is rectangular in shape, is currently undeveloped and comprises a mixture of grassland and rushes. The site has a stated area of 0.43 ha, however this would appear to be an error, and I estimate the site area to be 0.17 ha (0.43 acres). The site is elevated and is relatively level, albeit with a general fall from west to east. The roadside boundary comprises an embankment and hedgerow, while the other boundaries are also vegetated. Access to the site is from an agricultural gate at the north eastern corner of the site.
- 1.3. There are existing detached houses to the north, south and east of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a bungalow type dwelling house, entrance, boundary fence/wall, and a sewerage treatment system with a sand polishing filter and horizontal reed bed system.
- 2.2. The proposed house has a stated gross floor space of 126.1 sq m and is relatively simple in form and detailing. It is a single storey structure with pitched roof and projecting porch area, and features three bedrooms as well as sky lights on the rear roof elevation. The front elevation of the proposed house faces east, and it is aligned parallel to the local road.
- 2.3. With regard to services, it is proposed to connect to the public mains water supply and to dispose of surface water to a soakpit. The proposed wastewater treatment system and associated polishing filter and reed bed are located to the east (front) of the proposed house.
- 2.4. The application was accompanied by a letter of consent from the landowner, Eugene Quaine who is the father of one of the applicants, a Site Characterisation Report,

local needs form and a letter from one of the applicants, outlining why she is seeking permission.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Longford County Council decided to refuse permission for three reasons, as follows:

1. Planning Authority is not satisfied that the proposed effluent treatment system in conjunction with previously permitted treatment systems adjoining the site, would not give rise to contaminated effluent entering the ground and/or surface waters at this location and that the proposed development would give rise to the risk of pollution and pose a significant threat to public health, including the health of the occupants of the proposed new dwelling and to the quality of ground and surface waters. The proposed development would, if permitted, therefore be contrary to Policy HOU RUR 7 as designated under Section 3.2.2.1 of the Longford County Development Plan, which aims to protect water quality, and as such would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would give rise to an excessive density of development in an unserviced rural area, thus resulting in further pressure for community and public services which it would be uneconomic to provide and would, if permitted, therefore be contrary to the proper planning and sustainable development of the area.
3. It is the policy of the Council as set out in Section 3.2.2.1 HOU RUR 3 of the Longford County Development Plan 2015-2021 to protect agricultural land and prevent unsustainable speculative urban commuter generated and ribbon development in the rural area. It is considered that the applicant has not demonstrated a rurally generated housing need at this sensitive location and where the proposed development has the potential to impact adversely on the area. As such, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Given the site's sensitive location in an area which has been extensively developed and has a high concentration of septic tanks would not [*sic*] give rise to the risk of pollution of the watercourse and pose a significant threat to public health and to the quality of ground and surface waters.
- It is the policy of the Planning Authority to protect agricultural land and prevent unsustainable speculative urban commuter generated and ribbon development in the rural area.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection.

3.4. Third Party Observations

3.4.1. One third party observation was made by Sean Murray. The issues raised can be summarised as follows:

- Site is adjacent to observer's place of residence.
- Observer was refused permission in 2007 to build a house on his farmland at Ferefad. Observer considers that landowners should be given priority in granting of permission for houses on farmland.
- Granting permission on this site would be in breach of an existing court order which has ordered that there be no further development of this nature until an adequate sewerage disposal system is put in place.
- Sewerage and wastewater is flowing freely into open drains at Ferefad and this has been going on for many years unchecked.

- Over the years, too many one-off houses were granted permission in Ferefad with the result that it has been overdeveloped and landowners can't get permission for a family member to build on their own land.
- Dormer windows to rear would overlook observer's farmland and front elevation would overlook rear elevation of observer's parents' house.

4.0 Planning History

4.1. Appeal Site

4.1.1. **Reg. Ref. PL05/03:** Permission refused in 2005 for a dormer house and effluent treatment system. There were three reasons for refusal, summarised as follows:

1. Comprises ribbon, piecemeal and haphazard type development and would endanger public safety by reason of traffic hazard.
2. Located in an area outside the range of sewerage services and within an area where it is the policy of the Planning Authority to restrict single residential developments relying on individual wastewater treatment systems.
3. Premature pending the provision of sewerage facilities to the area and pending the preparation of a local area plan for the area.

4.1.2. **Reg. Ref. PL9169:** Permission granted in 1983 for two new houses.

4.2. Adjacent Sites

4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines for Planning Authorities 2005

5.1.1. The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water

quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

5.2. Longford County Development Plan 2015-2021

- 5.2.1. The appeal site is located in a rural area, outside of any designated settlement.
- 5.2.2. Policy CS 12 sets out the categories of applicant who shall be considered for the development of housing in the rural area, and states that speculative and sustainable urban generated housing development will be discouraged.
- 5.2.3. Policy CS13 states that Policy CS 12 will be strictly applied in the vicinity of Designated Settlements in order to prevent over-proliferation of urban-generated one-off housing in the rural area. It also states that further ribbon development on all approaches to Longford Town shall be discouraged.
- 5.2.4. Section 3.2.2 of the Development Plan relates to housing in rural areas and Policies HOU RUR 1, 2, 3, 4, 5, 7, 8, 9 and 10 are noted.
- 5.2.5. Annex 3 of the Development Plan sets out rural design guidance.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located within or in the immediate vicinity of any site with a natural heritage designation. The closest such sites are Derrymore Bog pNHA (c. 1km to the south), Royal Canal pNHA (c. 1.7km to the west), and Carrickglass Demesne (c. 3km to the north).
- 5.3.2. The closest Natura 2000 sites are Mount Jessop Bog SAC (Site Code 002202; c. 4.1km to the south), Brown Bog SAC (Site Code 002346; c. 5.5km to the west), and the Ballykenny-Fisherstown Bog SPA and Lough Forbes Complex SAC (Site Codes 004101 and 001818; c. 7.5km to the west).

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged on behalf of the applicants by Cunningham Design & Planning. The issues raised in the appeal can be summarised as follows:

- Applicant's father was granted planning permission under Reg. Ref. PL9169 to build a dwelling house on the same site, but was not in a position to build the house within the lifetime of that permission.
- Agent's professional opinion is that providing secondary treatment via the proposed treatment system together with tertiary treatment via the proposed sand polishing filtering in conjunction with the horizontal reed bed will ensure that effluent will be treated to the highest possible quality and will not provide any threat to ground or surface waters.
- Agent will be in a position to supervise installation of the percolation area, is suitably qualified, and has professional indemnity insurance to the value of €2,000,000.
- This is an infill site, with houses located on either side. This portion of land is the only landholding owned by the applicant's family in the area and is the only site available for the applicants to build a family home on.
- Applicants satisfy Policy HOU RUR 3 of the Development Plan, based on the Rural Housing Need Form and cover letter submitted with the application. The proposed house will be their permanent place of residence.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Compliance with Rural Housing Policy.

- Ribbon development.
- Wastewater management.
- Design and layout.
- Residential Amenity.
- Appropriate Assessment.

7.2. Compliance with Rural Housing Policy

- 7.2.1. The appeal site is located in a rural area c. 2.5km south east of Longford Town Centre in an area which has experienced a high level of ribbon development. Although the Development Plan does not appear to map areas of rural development pressure, in my opinion the appeal site can be considered to be located within a rural area under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities.
- 7.2.2. Policy CS 12 states that speculative and unsustainable urban generated housing development will be discouraged in the rural area and it sets out the following categories of applicant who shall be considered for the development of housing in the rural area:
- Members of farm families, seeking to build on the family farm.
 - Landowners with reasonably sized farm holdings who wish to live on their land.
 - Members of the rural community in the immediate area, this includes returning emigrants or their children with remaining substantial family or community ties, who wish to permanently settle in the area.
 - Persons whose primary full or part-time employment is locally based or who are providing a service to the local community.
- 7.2.3. Policy CS 13 states that the Planning Authority shall strictly apply Policy CS 12 in the vicinity of Designated Settlements in order to prevent over-proliferation of urban-generated one-off housing in the rural area and that further ribbon development on all approaches to Longford Town shall be discouraged.

- 7.2.4. Policy HOU RUR 3 states that outside designated settlements “there shall be a presumption against extensive urban generated commuter development, ribbon development, development by persons who do not intend to use the dwelling as their primary residence and unsustainable, speculator driven residential units.” The Policy requires applicants to submit a statement addressing the following criteria:
- a) The reason for the location of the proposed dwelling in a particular locality.
 - b) The connection or close relationship between the applicant and/or proposed resident and the locality in which the proposed dwelling is to be situated and the criteria outlined in CS 12.
 - c) The place of employment of the applicant and/or proposed resident where relevant.
 - d) A demonstration of the ability of the applicant and/or proposed resident to provide, at their own expense, the services required to sustain the proposed development without detrimental impact on road safety, water quality, public health, views and prospects, landscape, environmental integrity and amenity.
- 7.2.5. The applicants have a current address in Lucan, Co. Dublin, which is stated as being a rented house. One of the applicants (Emma O’Leary) is employed as a teacher in Inchicore, Dublin, while the other (Peter O’Leary) is an engineer. Mr O’Leary’s employer is not stated in the Local Need Form, but the accompanying letter states that he is currently working in ‘Central Parks’, which I assume is a reference to the Center Parcs tourism facility currently under construction in County Longford.
- 7.2.6. Ms O’Leary states that she grew up in Tashinny, Ballymahon, Co. Longford, has longstanding family and community ties to the area and wishes to return to live in Longford on a permanent basis. She also states that her father has owned the appeal site since 1985 and the first party appeal states that the appeal site of c. 0.17ha is the only landholding owned by the applicant’s family in the area.
- 7.2.7. I note that Tashinny/Taghshinny, which is a townland close to Ballymahon, is c. 14km south east of the appeal site. Having regard to this distance, the lack of any documented connection between the applicants and the appeal site, other than the applicant’s father’s ownership of the site, and noting the applicants’ current accommodation and employment arrangements, I am not satisfied that the applicants have demonstrated compliance with the Development Plan requirements

for rural generated housing need at the appeal site, as required by Policies CS 12 and HOU RUR 3. In addition, the appeal site is located within a dense pattern of urban-generated ribbon development outside of Longford Town Centre, and is therefore an area within which it is the Policy of the Planning Authority to discourage further ribbon development in the absence of a clearly defined rural-generated housing need. This issue is addressed further below.

- 7.2.8. In conclusion, therefore, I do not consider that the applicants have demonstrated a locally based need for a house on the appeal site, and I consider that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. I therefore recommend that permission be refused on this basis.

7.3. Ribbon Development

- 7.3.1. As noted above, the appeal site is located within an area which has experienced a high level of ribbon development. This ribbon development extends outwards along radial roads from the outskirts of Longford Town and along connecting local roads. The density of ribbon development in Fereghfad is such that, in my opinion, it has developed an almost suburban character, despite its unzoned, and generally unserviced rural location.
- 7.3.2. Ribbon development extends to the north and south of the appeal site, on both sides of the local road, and therefore the proposed development could be considered to comprise infill development, as contended by the applicants. However, Policies CS13, HOU RUR 3 and HOU RUR 5 all seek to discourage ribbon development of one-off housing extending out along routes from settlements. I consider that the proposed development would exacerbate the existing situation with regard to ribbon development and would contribute to the intensification and consolidation of such ribbon development in this rural area which is lacking in public services and infrastructure, particularly wastewater infrastructure.
- 7.3.3. I therefore recommend that planning permission be refused on the basis that the proposed development would be contrary to Policies CS13, HOU RUR 3 and HOU RUR 5 of the Development Plan.

7.4. Wastewater Management

- 7.4.1. A Site Characterisation Report was submitted with the application. The report states that the soil in the area consists of deep well-drained mineral soil and that the area is designated as a 'Locally Important' (LI) aquifer and is of 'Extreme' vulnerability. The groundwater protection response is 'R2.1', "acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised".
- 7.4.2. The trial hole encountered very soft clay to a depth of 0.3m overlaying 0.4m of firm silt/clay. Below this was stiff clay with cobbles and boulders to the full 2.1m depth of the trial hole. No bedrock, water table or mottling was encountered. With regard to percolation characteristics, a T value of 56.22 minutes/25mm and a P value of 37.19 minutes/25mm were recorded. I note that the test results meet the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses in circumstances where a secondary treatment system with a polishing filter is proposed. On foot of the test results, a mechanical aeration unit with 20 sq m sand polishing filter and 30 sq m horizontal reed bed is proposed.
- 7.4.3. No detailed drawings or specifications of the proposed wastewater management system were submitted. The only details are set out in the Site Characterisation Report and the site layout plan. I note that Section 8.6.1 of the EPA Code of Practice states in respect of constructed wetlands that a polishing filter should follow these systems when the disposal route for the treated effluent is to groundwater. However, the site layout plan shows the treatment system connecting to a sand polishing filter and then to a reed bed.
- 7.4.4. On the date of my site inspection, the appeal site was very wet underfoot with pooling of water along the eastern site boundary and was heavily covered in rushes. These conditions are indicative of poor permeability, most likely associated with the clay nature of the soil/subsoil. While reed beds followed by a polishing filter are considered by the EPA to be a viable alternative to a percolation area, I would have serious concerns regarding the use of a relatively complex three-stage system in an area of dense one-off housing. Having regard to the characteristics of the appeal

site, as experienced on my site inspection, I would have a concern that the use of a reed bed on a poorly draining sloping site would give rise to a significant potential for a hydraulic issue to arise, should there be any malfunction in the treatment chain. Given the densely developed nature of the area, I consider that the proposed development could give rise to public health concerns in relation to groundwater and/or surface water pollution. Furthermore, having regard to the concentration of houses with individual septic tanks/wastewater treatment systems in the area, I consider that this gives rise to the potential for significant cumulative impacts on groundwater quality.

- 7.4.5. In light of the above, and in the absence of any information to the contrary, I am not satisfied that the proposed development would not be prejudicial to public health.

7.5. Design and Layout

- 7.5.1. I consider the design and layout of the proposed development to be generally consistent with the principles set out in the Rural Design Guidance contained in Annex 3 of the Development Plan. The proposed house is a simple, single storey dwelling of modest proportions, which reflects vernacular detailing and materials and has restrained elevational treatments with a well-proportioned porch and fenestration arrangement. The proposed house would sit well within the site, and would benefit from existing boundary planting.
- 7.5.2. Apart from the issue of ribbon development which I have addressed above, I do not consider the appeal site and surrounding area to be particularly sensitive from a landscape and visual perspective and I note that there are no protected scenic viewpoints, routes, protected structures or recorded archaeological sites in the immediate area. I therefore consider the design and layout of the proposed development to be acceptable.

7.6. Residential Amenity

- 7.6.1. The observer at planning application stage raised concerns regarding the building line and the potential for overlooking of neighbouring properties. With regard to the building line, the proposed house is located slightly forward of the established building line to the north, but is c. 25m behind the building line to the south.

However, noting that that the proposed house is c. 40m from the closest house to the south and the presence of boundary planting, I do not consider that any overlooking or overbearing impacts will arise. With regard to the rooflights on the rear roof elevation, these are within the plane of the roof and since no habitable accommodation is proposed at attic level, I am satisfied that they will not result in any overlooking.

- 7.6.2. In conclusion, having regard to the nature and design of the proposed development, the characteristics of the appeal site and the separation distances with adjacent properties, I do not consider that the proposed development will result in a negative impact on residential amenity.

7.7. **Appropriate Assessment**

- 7.7.1. The closest Natura 2000 sites to the appeal site are Mount Jessop Bog SAC (Site Code 002202) which is located c. 4.1km to the south, Brown Bog SAC (Site Code 002346) located c. 5.5km to the west, and the Ballykenny-Fisherstown Bog SPA and Lough Forbes Complex SAC (Site Codes 004101 and 001818, respectively) which are c. 7.5km to the west.
- 7.7.2. Notwithstanding the issues raised above in relation to the concentration of wastewater treatment systems in the vicinity of the appeal site, and having regard to the scale of the development, the separation distance and the lack of a direct hydraulic connection to the above Natura 2000 sites I consider that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons set out below.

9.0 Reasons and Considerations

1. It is the policy of the planning authority, as expressed in the current Longford County Development Plan 2015-2021, to channel housing into certain serviced centres and to restrict development in rural areas to serve the needs of certain defined categories of persons with genuine housing need. Having regard to the information submitted in connection with the planning application and the appeal, it is considered that the proposed development does not come within the scope of the housing need criteria. The proposed development would, therefore, establish an undesirable precedent for speculative housing development in a rural area which would detract from the character of the area, lead to demands for the uneconomic provision of services and facilities and be contrary to the proper planning and sustainable development of the area.
2. It is the policy of the planning authority as set out in the current Longford County Development Plan 2015-2021 to discourage ribbon development, particularly in the vicinity of designated settlements. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in a rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the applicant has not demonstrated that the proposed wastewater treatment system is capable of treating and discharging effluent without risk to public health, to the quality of groundwater and/or surface water, or to the environment. Furthermore, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by individual wastewater treatment systems in the area. The proposed development would, therefore,

be prejudicial to public health and the environment and be contrary to the proper planning and sustainable development of the area.

Niall Haverty
Planning Inspector

14th March 2018