



An
Bord
Pleanála

Inspector's Report

ABP-308247-20

Development	Erection of dwelling, entrance, piers and front boundary wall, wastewater treatment system and domestic garage.
Location	Ballycahane Upper, Manister, Croom, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	20620
Applicant(s)	Siobhán Keyes.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Siobhán Keyes.
Observer(s)	None.
Date of Site Inspection	27 th November 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of .75hectares is located circa 2km to the south of Crecora Village in the townland of Ballycahane Upper, Mainister, circa 9km to the southwest of Limerick City. The area is rural and agricultural in character with a significant pattern of one-off housing development. The site which forms part of a larger field pattern is rectangular in shape and is generally flat and is traversed by ESB powerlines. Access is from the local road to the south. There are 3 dwellings to the east with 3 additional dwellings backing on to these sites from the south. To the west there is a dwelling within 140m of the site on the opposite side of the road. There is a recorded monument Fulacht fia LI022-077 located within 25m to the south west of the site.

2.0 Proposed Development

- 2.1. The application involves permission for the erection of a dwelling, entrance piers and front boundary wall, wastewater treatment system, domestic garage, bored well and all associated site works. The proposed dwelling is a two-storey gable fronted structure with two side annexes and a detached single storey garage is proposed to be located to the side of the dwelling. The proposed dwelling has a smooth plaster finish with partial stone feature to front elevation and a slate roof.

3.0 Planning Authority Decision

3.1. Decision

By order dated 3 September 2020 Limerick City and County Council issued notification of its decision to refuse permission for the following reasons:

The site is located within the constraints study area of the N/M20 Cork to Limerick Road improvement scheme. It is considered that the proposed development would prejudice the development of the national roads infrastructure and would be premature pending the determination by the planning authority of a road layout for the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

The proposed development would constitute undesirable ribbon development in a rural area and would be likely to give rise to demands for the provision of urban type services which would be both uneconomic and inappropriate to provide and would, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to the information submitted with the application it is considered that the proposed development could endanger public safety by reason of traffic hazard because the traffic movements generated by the proposed development where the sightlines are restricted may interfere with the safety and free flow of traffic on the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report indicates satisfaction that the applicant has a local housing need. House design is considered generally acceptable. Concern regarding the creation of an infill site to the east leading to ribbon development. Refusal recommended.

3.2.2. Other Technical Reports

Executive Engineer's report considers a 90m sightline to be adequate for this location. Applicant to ensure measures are in place to prevent surface water entering onto the site onto the public roadway. Surface water is to be managed by piping to the nearby surface water drain or use of soakways.

Mid West Roads Design Office. Site is within the study area for the N/M20 Cork to Limerick Road Improvement Scheme. Application is premature.

Executive Archaeologist - no archaeological issues.

Roads Engineer. Sightlines not demonstrated. Design of soakways to be demonstrated. Infiltration tests. Surface water management to be addressed.

3.3. Prescribed Bodies

Gas Networks Ireland submission notes that there is a gas transmission pipeline within a 14m wide gas networks Ireland wayleave in the immediate vicinity of the site. The pipeline is shown in red on drawing attached. (indicative only). No comment nor objection to make on the application and request that the applicant contact gas networks Ireland in advance of any site works. All site works in the vicinity of the gas transmission pipeline be carried out in compliance with the Code of Practice 2015.

Transport Infrastructure Ireland Submission – no observations.

3.4. Third Party Observations

None

4.0 Planning History

04/2012 Withdrawn

04/1157 Refusal of permission for construction of residence biocycle unit and associated site works.

5.0 Policy Context

5.1 National Policy

- Sustainable Rural Housing Guidelines 2005
- National Planning Framework – National Policy Objective 19

5.1. Development Plan

The Limerick County Development Plan 2010-2016 as extended refers.

The site is located in an Area of Strong Urban Influence.

Section 3.9.1 – Rural Settlement Policy of the Limerick County Development Plan sets out the following:

Rural areas under strong urban influence: Part of the rural areas within commuting distance of Limerick City and Environs are experiencing pressure from the development of urban generated housing in the open countryside. Continued high levels of single rural houses in these locations would inhibit the growth of the County's urban areas which would result in a failure to achieve the growth targets, particularly of the City and Environs.

The key development plan objectives in these areas seeks to facilitate the genuine housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

Objective RS O1: Single Houses in Area under Strong Urban Influence sets out the following:

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria.

*It is an objective of the Council to permit single houses in the area under strong urban influence to facilitate those with a **genuine rural housing need** in the area.*

In order to demonstrate a genuine rural housing need, any of the following criteria should be met:

- a) the application is being made by a long term landowner or his/her son or daughter;*
or
- b) the applicant is engaged in working the family farm and the house is for that persons own use; or*
- c) the applicant is working in essential rural activities and for this reason needs to be accommodated near their place of work; or*
- d) the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they spent a substantial period of their lives (minimum 10 years).*

Objective IN 023: Protection of proposed national road 'It is the objective of the Council to protect, where relevant and as identified by the NRA or the County Council as roads authority, the corridors, routes and roads, necessary for the planning, construction, and completion of the improvement works as listed in Table 8.3.'

5.2. Natural Heritage Designations

The site is not within a designated area. The nearest Natura 2000 site is Tory Hill SAC circa 1.3km to the southwest of the site

5.3. EIA Screening

- 5.1.1 Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal is summarised as follows:

- Acknowledge problem of excessive one-off houses in rural setting
- Housing need has been clearly demonstrated.
- Refusal reasons are unfounded and should be based on certainty rather than ambiguity.
- Following pre-planning discussions, the first party was of the view that all requirements could be satisfied and proceeded with the application.
- Issue of N/M20 road improvement scheme was not raised at preplanning stage. Road design office has indicated that the area is a wide study area. Up to date information indicates that the road will be developed along the N20

corridor via Charleville and Mallow and Ballycahane upper will not feature in the scheme.

- Proposal does not constitute ribbon development. House will mean no more than four houses in 185m. Site to east will not be infilled due to ESB line.
- Traffic arising from one dwelling is not likely to give rise to traffic hazard.
- Site is large 0.74hectares and house design is in keeping with recently permitted development as demonstrated in photographs appended to the appeal.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1. I consider that the appeal can be assessed under the following broad headings:

- Principle of Development – Compliance with rural housing policy
- Traffic Safety and Wastewater Treatment
- Implications as regards future design and construction of the M20
- Appropriate Assessment

7.2 Principle of Development – Compliance with Rural Housing Policy

7.2.1 Limerick City and County Council's urban and rural settlement strategy is set out within Chapter 3 Urban and Rural Settlement Strategy of the Limerick County Development Plan 2010-2016. In these areas the development plan objective is to permit single houses in the area under strong urban influence to facilitate those with a genuine Rural housing need in the area. In terms of defining 'genuine rural housing need' I note objective RS 01 and various qualifying criteria including (d) the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they spent a substantial

period of their lives (minimum 10 years). The applicant outlines that she has lived all her life in the family home in the townland of Cahervally which is to the north of the appeal site. The exact location is not identified. I note in terms of employment the applicant is self-employed and operates a gymnastics business within Limerick City.

7.2.2 The Sustainable Rural Housing Guidelines define rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Circumstances for which a genuine housing need might apply include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstrable economic or social need to live in the rural area.

7.2.3 Policy Objective 19 of the National Planning Framework requires the applicants demonstrate an economic or social need to live in the rural area. Whilst the applicant has a local connection, I consider that a demonstrable need to live at this particular location has not been demonstrated. It is, therefore, considered that the applicant does not comply with Policy Objective 19 of the National Planning Framework. I consider that the proposal would undermine the rural housing policy and would be contrary to the proper planning and sustainable development of the area.

7.2.4 On the question of whether the proposed development would constitute ribbon development The Sustainable Rural Housing Guidelines (Appendix 4) recommend against ribbon development and advise Planning Authorities to form a view as to whether a particular proposal would contribute to or exacerbate ribbon development. The characteristics of ribbon development are stated to include “a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage”. AS the dwelling would be a fourth dwelling within 180m of road frontage it is my view that the proposed development would not constitute ribbon development.

7.3 Traffic Safety, Servicing Wastewater Treatment

7.3.1 On the issue of traffic and road safety the site abuts a straight section of the local road and having regard to the limited number of additional vehicular movements the proposed development would generate it is my view that the proposed development would not result in a traffic hazard or generate any safety issues.

7.3.2 Site suitability assessment report notes that in the trial hole excavated to 2.1m broken bedrock may be occurring at 1.6m depth with solid bedrock at 2.1m. There was no ingress of water table in the trial hole. The clay layer from 0.2m to 0.8m may be impermeable and it is recommended to be removed. Evidence of mottling in the clay subsoil from a depth of 0.5m may be due to a perched water table in the winter. Gravelly silt / clay layer from a depth of 0.8m BGL may have a moderate percolation rate. The presence of bedrock may increase the risk to groundwater. A T value of 12.28 was determined and P value of 1.94. A packaged wastewater treatment plant and polishing filter is proposed. Having regard to the information submitted I am satisfied that that the subject site is suitable for the installation of the proposed packaged wastewater treatment system however in light of the level of one-off housing development in the vicinity I would be concerned with regard to the proliferation of wastewater treatment systems within the local area.

7.4 Implications as regards future design and construction of the M20

7.4.1 As outlined above the site is located within the route protection corridor for the N/M20 route. The submission of the Mid West Road Design office contends that the proposed development is premature pending determination of the route.

7.4.2 I note that as the M20 remains a strategic objective of both County Development Plan Objective IN023 and National Policy as outlined in the National Development Plan 2018-2027 it is crucial to protect the corridor to ensure that future options remain viable. This is consistent with the advices regarding protection of alignments for future national road projects 2.9 of the Spatial Planning and National Roads, Guidelines for Planning Authorities issued by the Department of the Environment Community and Local Government January 2012. Given the strategic importance of

the route I am inclined to conclude that the proposed development is premature pending a determination by the Planning Authority or the road authority of a final road layout for the N/M20.

7.5 Appropriate Assessment

- 7.5.1 Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, 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 permission be refused for the reasons stated in the attached schedule.

Reasons and Considerations

The subject site is located within an 'area under urban influence' which is an area under significant pressure for rural housing, as identified in the Limerick County Development Plan 2010 -2016 (as extended), the Sustainable Rural Housing Guidelines and in the National Planning Framework. National Policy Objective 19 aims to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary

to the Ministerial Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

The proposed development is located within a route corridor identified for the N/M20 Cork to Limerick Scheme the reservation of which is an objective of the Limerick County Development Plan 2010-2016 as varied and extended and the National Development Plan 2018-2027. Accordingly, it is considered that development of the kind proposed would undermine the achievement of these strategic objectives and would be premature pending the determination by the planning authority, or the road authority, of a road layout for the N/M20 and would be at variance with the recommendations of the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment Community and Local Government, January 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

30th December 2020