



An  
Bord  
Pleanála

## Inspector's Report ABP-311245-21

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<b>Development</b>	Single storey house, packaged wastewater treatment system, polishing filter, and all ancillary services and works.
<b>Location</b>	Lynally Glebe, Tullamore, Co. Offaly.
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	21350
<b>Applicant(s)</b>	Sharon Mooney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Sharon Mooney
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	28 <sup>th</sup> September, 2022
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed site is located in the rural townland of Lynally Glebe, Co. Offaly, approximately 4.0km west of Tullamore town centre and 1.5km north of the village of Mucklagh, on lands between the Grand Canal to the north and the N52 National Road to the south. While the surrounding landscape is primarily one of low-lying open countryside, there is a particular proliferation of piecemeal one-off housing and linear-type development along roadways in the wider area which is likely attributable to the development pressures exerted by Tullamore town. This is also reflected along the roadway serving the development site although a notable number of the houses in question would seem to be attached to complexes of farm buildings / farmyards. Other notable upstanding features in the vicinity include Recorded Monument SMR No. OF016-032001 (Castle - motte and bailey) which comprises a large flat topped circular mound with a rectangular shaped depression and the footings of a building of unknown date (possibly belonging to the site of a medieval tower house) on the opposite side of the public road to the northwest, and SMR Nos. OF016-031001 (Church) & OF016-031002 (Graveyard) further north.
- 1.2. The site itself has a stated site area of 0.303 hectares (0.75 acres), is irregular in shape, and presently forms the north-western corner of a larger agricultural field set as pasture. It adjoins the public road to the north / northwest with the adjacent lands to the south, east and west in agricultural use. It is bounded by mature hedgerow to the west and along the roadside while the remainder of the site perimeter is not physically defined at present.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a single-storey bungalow based on an irregular floor plan with a stated floor area of 151.31m<sup>2</sup> and a ridge height of 5.257m. The overall design is conventional with an asymmetrical front elevation incorporating a front gable feature, vertically emphasised fenestration, and a shallow roof pitch. External finishes include a napp plaster and roof slates / tiles.
- 2.2. Vehicular access will be obtained via a new entrance onto the public road in place of an existing field access. This will entail the removal of the entirety of roadside boundary ditch and its reinstatement in a recessed position.

- 2.3. It is also proposed to install a packaged wastewater treatment plant with a tertiary treatment unit which will discharge to a polishing filter / percolation area. A water supply is available from the public mains.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On 30<sup>th</sup> July, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The subject site is located within an area of the County that is designated as a pressure area in the Offaly County Development Plan, 2014-2020. In such pressure areas it is Development Plan policy that certain categories of applicants which are defined in policy SSP-18 of the County Development Plan will be given a positive presumption for the development of a permanent rural home.

Having regard to the documentation submitted with the planning application, the Planning Authority is not satisfied that the applicant has demonstrated a rural housing need to live in this rural area as required under policy objective SSP-18 of the Development Plan. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Offaly County Development Plan, 2014 for a house at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Having regard to the potential for impact of the proposed development on archaeological monuments in the immediate vicinity, the Planning Authority is not satisfied that the proposed development would not have a detrimental impact on a recorded monument, archaeological heritage or their setting. It is the policy and objective of the Offaly County Development Plan to protect archaeological sites and their settings, Policy AAHP-17, AAHP-18, Objective AAHO-04 and AAHO-05 refer. The proposed development would militate against these policies and objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. *Planning Reports:*

Details the site context, planning history, and the relevant policy considerations before noting the site location within a 'pressure area' for rural housing as identified in the (previous) Offaly County Development Plan, 2014-2020. The report proceeds to assess the proposal by reference to Policy Objective SSP-18 of the Plan and concludes that additional details are required in order to satisfy the relevant local needs eligibility criteria, including mapping identifying the location of the family home and the full extent of the landholding.

It is further noted that the proposed development will involve works along the boundary of an archaeological monument to the north in order to achieve sightlines, although the District Engineer has indicated that the sightlines shown are inadequate and will likely require further works to the boundary of the monument. It is subsequently stated that the impact of any such works is unclear and has not been assessed. The report continues by stating that the proposed development will be clearly visible from the ecclesiastical complex to the north and vice versa. With respect to the Archaeological Impact Assessment provided with the application, concerns are raised as regards the impact of the development, with specific reference to the location of the septic tank and the percolation area, on possible pits identified in the accompanying geo-physical survey. It is then suggested that there are alternative sites on the landholding which should be explored, including an unoccupied dwelling to the north (the applicant's grandparents' home) which should be given consideration.

The report concludes by recommending that permission be refused for the reasons stated.

### 3.2.2. *Other Technical Reports:*

*District / Area Engineer:* Recommends that further information be sought with respect to the adequacy of the sightlines from the proposed entrance in both directions.

*Environment Water Services:* No objection, subject to conditions.

### 3.3. **Prescribed Bodies**

None received.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

### 4.1. **On Site:**

PA Ref. No. 21207. Application by Sharon Mooney for permission for the construction of a single storey house, packaged wastewater treatment system, polishing filter and all ancillary services and works. This application was withdrawn.

### 4.2. **Other Relevant Files (elsewhere on the landholding):**

PA Ref. No. 15243. Was granted on 27<sup>th</sup> January, 2016 permitting Diarmuid Mooney permission for the construction of a slatted cattle shed with underground slatted slurry storage and lieback area, the demolition of disused milking parlour and loose bedded shed, part demolition of disused storage shed, and associated site works. All at Lynally Glebe, Co. Offaly.

## 5.0 **Policy and Context**

### 5.1. **National and Regional Policy**

- 5.1.1. The '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an '*Area under Strong Urban Influence*' as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Offaly County Development Plan, 2021-2027 includes a detailed identification of the various rural area types specific to the county at a local scale and '*Figure 2.1: Rural Area Types*' of the Plan details that the site is located in a '*Rural Area under Strong Urban Influence*'.

## 5.2. Development Plan

### 5.2.1. *Offaly County Development Plan, 2021-2027:*

*Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy:*

*Section 2.1.6: Core Strategy Map:*

As required by the Core Strategy Guidance 2010, the Core Strategy must contain the classification of differing rural area types in map format in accordance with the 2005 Planning Guidelines on Sustainable Rural Housing.

*Section 2.4: Topic 2: Settlement Strategy:*

*Section 2.4.7: Rural:*

Rural population will continue to be supported through the smaller towns, villages and Sráids and through a sustainable approach to maintaining the rural economy and population, balanced against responsible environmental protection. Support for housing and repopulation, as necessary, taking place within towns and villages will help to act as a viable alternative to one-off housing in the open countryside and will contribute to the principle of compact growth. A national programme will be developed for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water, and local communities providing serviced sites with appropriate infrastructure acting as a viable alternative to houses in the open countryside. The open countryside is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities. The Council will ensure that development of the open countryside takes place in a way that is compatible with the protection of key economic, environmental, biodiversity and cultural / heritage assets such as the road network, water quality and important landscapes.

In accordance with the RSES, it will be necessary to demonstrate a 'functional economic or social requirement' for housing need in Rural Areas under Strong Urban Influence and Stronger Rural Areas, which are identified in the Core Strategy Map. This will assist in sustaining more fragile rural communities and in overall terms, will need to be related to the viability of towns and villages.

Section 2.5: *Settlement Strategy Policies:*

**SSP-04:** It is Council policy to arrest the decline and stagnation in areas that have experienced low population growth or decline in recent decades and manage the growth of rural areas that are under strong urban influence and stronger rural areas to avoid over-development, whilst sustaining vibrant urban communities.

**SSP-27:** Having regard to the need to protect County Offaly's natural resources, environment, landscape and infrastructure, it is Council policy to consider a single dwelling for the permanent occupation of an applicant in Rural Areas under Strong Urban Influence and Stronger Rural Areas and Areas of Special Control where all of the following (1-4) can be demonstrated:

1. The applicant has a functional economic or social requirement to reside in this particular rural area in accordance with (i) or (ii):
  - (i) Economic requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Economic Requirement in County Offaly shall be taken as including persons who by the nature of their work have a functional economic need to reside in the local rural area close to their place of work. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation. The 'local rural area' is defined as the area generally within 8km radius (5km radius particular to Areas of Special Control) of the place of work.

Or

- (ii) Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the

making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Offaly shall be taken as including (a) or (b) below:

- (a) The applicant was born within the local rural area, or is living or has lived in the local rural area for a minimum of 5 years (15 years particular to Areas of Special Control) at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius (5km radius particular to Areas of Special Control) of where the applicant was born, living or has lived. For the purpose of this policy, the rural area is taken to include 'Villages' listed in the Settlement Hierarchy, but excludes Tullamore, Birr, Edenderry, Portarlington, Banagher, Clara, Daingean, Ferbane and Kilcormac (i.e. the Key Town, Self-Sustaining Growth Town, Self-Sustaining Towns, Towns and Smaller Towns listed in the Settlement Hierarchy).

Or

- (b) Special consideration shall be given in cases of exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person.

2. The applicant does not already own or has not owned a house in the open countryside.
3. If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control.
4. High quality siting and design.

*Chapter 4: Biodiversity and Landscape:*



#### Section 4.14: *Landscape: Low Sensitivity Areas:*

Low sensitivity areas are robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development.

##### *Characteristics:*

County Offaly is largely a rural county which comprises of a predominantly flat and undulating agricultural landscape coupled with a peatland landscape. Field boundaries, particularly along roadside verges which are primarily composed of mature hedgerows typify the county's rural landscape.

##### *Sensitivities:*

- These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures).
- Within the rural areas, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.
- New housing proposed in rural areas should respect Offaly County Councils Rural Housing Design Guidelines, together with conformity with development standards.

*Acceptability of Development for consideration:* A wide range of development subject to appropriateness / conditions

*Need for Landscaping and Appropriate Design:* High.

#### Section 4.16: *Biodiversity and Landscape Policies:*

**BLP-38:** It is Council policy to protect and enhance the county's landscape, by ensuring that development retains, protects and where necessary, enhances the appearance and character of the county's existing landscape.

**BLP-39:** It is Council policy to seek to ensure that local landscape features, including historic features and buildings, hedgerow, shelter belts and stone walls, are retained, protected and enhanced where appropriate,

so as to preserve the local landscape and character of an area, whilst providing for future development.

*BLP-40:* It is Council policy to ensure that consideration of landscape sensitivity is an important factor in determining development uses.

Section 4.17: *Biodiversity and Landscape Objectives*

Chapter 10: *Built Heritage:*

Section 10.10: *Archaeological Heritage:*

Section 10.11: *Built Heritage Policies: Archaeological Heritage:*

*BHP-33:* It is Council policy to support and promote the protection and appropriate management and sympathetic enhancement of the county's archaeological heritage within the Plan area, in particular by implementing the Planning and Development Act 2000 (as amended) and the National Monuments Act 1930 (as amended).

*BHP-34:* It is Council policy to seek to promote awareness of and access to archaeological sites in the county where appropriate.

*BHP-35:* It is Council policy to consult with the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht (DCHG) in relation to archaeological sites within and/or adjoining a proposed development.

*BHP-37:* It is Council policy that any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance) shall be subject to an archaeological assessment. When dealing with proposals for development that would impact upon archaeological sites and/or features, there will be presumption in favour of the 'preservation in situ' of archaeological remains and settings, in accordance with Government policy. Where permission for such proposals is granted, the Planning Authority will require the developer to have the site works supervised by a licenced archaeologist.

*BHP-38:* It is Council policy to ensure that archaeological excavation is carried out according to best practice as outlined by the National Monuments

Service, Department of Culture, Heritage and the Gaeltacht, the National Museum of Ireland and the Institute of Archaeologists of Ireland and to protect previously unknown archaeological sites and features, where they are discovered during development works.

*BHP-39:* It is Council policy to ensure the protection and preservation of underwater and terrestrial archaeological sites, both known and potential in riverine or lacustrine locations including wrecks such as the remains of bridges.

*BHP-40:* It is Council policy to require archaeological assessment, including underwater archaeological assessment where relevant, for such developments that due to their location, size or nature may have implications for archaeological heritage. Such developments include those that are located at or close to an archaeological monument or site, those that are extensive in terms of area (0.5 hectares or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement.

*Section 10.12: Built Heritage Objectives: Archaeological Heritage:*

*BHO-05:* It is an objective of the Council to protect archaeological sites and monuments, and archaeological objects, which are listed in the Record of Monuments and Places, and to seek their preservation in situ (or at a minimum, preservation by record) through the planning process.

*Chapter 13: Development Management Standards*

*Section 13.2: Common Principles:*

*Section 13.2.6: Healthy Place Making:*

Key messages in relation to rural house design and siting contained in 'Designing houses creating homes, a guide for applicants on the siting and design of new houses in the Offaly countryside' (2008) are as follows:

1. Site Location and Site layout:

Ensure that any new house fits into and enhances the landscape, rather than detracting from it, which also makes for a more comfortable and economic house.

2. Scale and Form:

Ensure that the size of the house is in harmony within its site and surroundings, and that it is generally a combination of simple forms. Bolder forms or a modern design on a suitable site are also welcome.

3. Design:

A house must be suitable to its rural area. Avoid urban or suburban designs, complex or monotonous designs. Traditional designs and particularly modern/contemporary design where appropriate are welcome.

4. Materials, Finishes and Colours:

Avoid over-elaboration and aim for a small number of high quality materials and finishes.

5. Roadside Boundary Treatments:

Making an entrance to a site can form the first and lasting impression of the overall design and it is something which must be given careful thought with an emphasis on retaining what is already there.

6. Landscaping:

All possible efforts should be made to preserve, retain and integrate trees, hedgerows, walls and other landscape features. By conserving these patterns, it is easier to create a landscape sensitive solution.

7. Sustainability and Energy Efficiency:

By designing and building a new house so that it will use as little energy as possible by minimising heat loss and increasing solar gain will ensure investment in a future proofed home.

Section 13.9: *Development Management Standards:*

Section 13.9.3: *Residential (Open Countryside) (DMS-45 to DMS-54)*

Section 13.9.10: *Built Heritage:*

*DMS-96 - Archaeological Sites:*

Development in the vicinity of archaeological sites shall accord with the requirements of the Framework and Principles for the Protection of Archaeological Heritage,

DAHG (1999) and shall be designed to have minimal impact on archaeological features. There is a presumption in favour of avoiding developmental impacts on archaeological heritage and of in-situ preservation of archaeological sites and monuments.

- An Archaeological Impact Assessment and Method Statement will be required to support development proposals that have the potential to impact on archaeological features.
- A Conservation Plan may be required for development in the vicinity of a site or monument, to ensure the ongoing protection of the monument and its setting.
- A Visual Impact Assessment may be required for development proposals in the vicinity of upstanding remains.

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Charleville Wood Special Area of Conservation (Site Code: 000571), approximately 800m east of the site.
- The Charleville Wood Proposed Natural Heritage Area (Site Code: 000571), approximately 1.3km southeast of the site.
- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 1.3km north of the site.
- The Screggan Bog Natural Heritage Area (Site Code: 000921), approximately 3.4km south of the site.
- The Kilcormac Esker Proposed Natural Heritage Area (Site Code: 000906), approximately 3.5km southwest of the site.
- The Ballyduff Esker Proposed Natural Heritage Area (Site Code: 000885), approximately 3.5km north of the site.
- The Ballyduff Wood Proposed Natural Heritage Area (Site Code: 001777), approximately 4.2km northeast of the site.

- The Cloned Wood Proposed Natural Heritage Area (Site Code: 000574), approximately 4.3km southeast of the site.
- The Pallas Lough Proposed Natural Heritage Area (Site Code: 000916), approximately 4.6km southwest of the site.
- The Hawkswood Bog Natural Heritage Area (Site Code: 002355), approximately 5.3km southeast of the site.

#### **5.4. EIA Screening**

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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 applicant complies with SSP-18: Category 1: Local Rural Persons (a), (b) & (c) of the County Development Plan as follows:
  - Ms. Mooney lived in Lynally Glebe for the first 17 No. years of her life.
  - She was born in the local rural area and lived there for a minimum of 5 No. years before the lodgement of the subject application.
  - The rural housing policy facilitates returning emigrants who are seeking a permanent home in their local rural area.
  - Prior to the onset of the COVID-19 pandemic, the applicant returned home from New York at least once a year. She now intends to return to Ireland permanently and will need a home of her own in the area where she grew up.

- The applicant was born into Lynally Glebe (i.e. 'the local rural area') and lived locally as evidenced by the supporting documentation.
  - Ms. Mooney's family home is located across the road from the development site. Her paternal grandparents lived next door and her brother (Diarmuid Mooney) resides in a house taken from the same landholding.
  - The applicant qualifies as a person who does not or has not ever owned a house in a rural area and has the need for a permanent home of her own on family land in her local area.
- The applicant has entered into a family agreement in order to provide her with a site to build her own home on the landholding.
  - The subject application was accompanied by a report compiled by a qualified archaeologist who was commissioned to assess the impact, if any, of the proposed development on archaeology in the area. A geo-physical survey was also undertaken as part of that report with the results showing that there is no archaeology present on site which could be disturbed or impacted by the development.
  - Within the Archaeological Impact Assessment, it was recommended that the percolation area be moved further north to increase the separation from any archaeology. Contrary to the assertion in the report of the case planner that this advice was not followed, it is clear from a comparison of the location of the percolation area as shown on the site layout plan with that considered as part of the Archaeological Impact Assessment that the percolation area was moved further north as advised.
  - Following the receipt of the refusal of permission, the archaeologist commissioned by the applicant suggested that the percolation area be moved further east in order to further reduce the potential impact on archaeological considerations (please refer to Appendix 10 of the grounds of appeal). In any event, the proposed percolation area comprises a coconut filter on a pebble bed which will not penetrate the ground surface. The only part of the wastewater treatment system that will require excavation works is the installation of the septic tank itself.

- The site layout plan indicates sightlines of 122m and 75.4m to the east and west respectively from the proposed entrance. It has also been submitted that as the local roadway is extremely narrow with inadequate carriageway space to allow two cars to pass by one another without pulling in, it is not possible to achieve design speeds of 80kph and, therefore, the sightlines shown are adequate.
- It is evident from the site layout plan that the available sightlines do not interfere with the boundary of the archaeological monument and are not reliant on the setting back of the hedgerow. A similar situation arises in an easterly direction and if sightlines of more than 75.4m are required, this would involve the lowering / removal of the front site boundary and that of adjoining lands to the east (and not the boundary of the archaeological monument).
- In relation to the visibility of the ecclesiastical complex to the north, views of this feature from the public road are reduced in part by the presence of intervening boundary fencing and mature hedgerow.
- It is proposed to plant replacement hedging in a recessed position along the front boundary of the site so as to screen the proposed dwelling from the nearby ecclesiastical complex.
- The construction of the proposed dwelling house and the associated alterations to the front boundary will not, in any way, interfere with the southern boundary of the complex.
- The development site is the only land available to the applicant as per the family agreement.
- The proposed development will not impact, to any extent, on the ecclesiastical complex. The proposed dwelling comprises a low-level, single storey construction and will be fully screened.

## 6.2. Planning Authority Response

- The Board is referred to the technical reports on file.
- Following receipt of the appeal, the following advice was provided by the District Engineer with respect to the issue of sightlines:



*'Please see attached site inspection that was carried out on the 05/07/2021 indicating the need for further information from [the] applicant of PL2/21/350 to demonstrate that clear sightlines could be achieved at the proposed development. Also attached are photos taken at the site on 13.09.21 clearly indicating the need for removal of the obstructing hedge line in order to achieve sightlines. Notwithstanding the argument for shorter sightlines due to the lower design speed of the road, a proposal for achieving even the shorter sightline is required'.*

- The Board is requested to uphold the decision to refuse permission.

### 6.3. **Observations**

None.

### 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Archaeological implications
- Traffic implications
- Wastewater treatment & disposal
- Appropriate assessment

These are assessed as follows:

### 7.2. **The Principle of the Proposed Development / Rural Housing Policy:**

7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance in the first instance to note that the

proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005' and that the detailed identification of the various rural area types at a county level shown in Figure 2.1: 'Rural Area Types' of the Offaly County Development Plan, 2021-2027 similarly indicates that the site is located in a 'Rural Area under Strong Urban Influence'. The Guidelines state that such 'Areas under Strong Urban Influence' will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Tullamore) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing them (e.g. the N52 National Road). Notably, within these 'areas under urban influence', the National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for applicants to demonstrate 'a functional economic or social requirement for housing need' (with National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements). The Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

- 7.2.2. Considering the proliferation of one-off rural housing development observed in the wider area during the course of my site inspection, and the evidence of the continuing pressure for such development due to the close proximity of Tullamore and a number of national routes (including the N52), I would concur that the prevailing characteristics of the surrounding area are indicative of an 'Area under Strong Urban Influence'. Accordingly, it is necessary to consider whether the applicant satisfies the relevant eligibility criteria, with particular reference to Policy Objective SSP-27 of the current Development Plan which seeks to accommodate individuals for permanent residential development in 'Rural Areas Under Strong Urban Influence' who have 'a functional economic or social requirement' to reside in a particular rural area. In this regard, a 'Functional Economic Requirement' is considered to include persons who by the nature of their work have a functional

economic need to reside in the local rural area close to their place of work. The qualifying criteria in establishing a '*Functional Social Requirement*' are more wide-ranging and include persons who were born in the local rural area, those who are living or have lived in the local rural area for a minimum of 5 years at any stage prior to the making of the application, returning emigrants seeking a permanent home in their local rural area, and instances where exceptional health circumstances require a person to live in a particular environment or close to family support or where a close family member requires to live in close proximity to that person (with the 'local rural area' for the purpose of this policy defined as the area generally within an 8km radius of where the applicant was born, is living, or has lived).

- 7.2.3. In addition to the foregoing, I would suggest that it is appropriate to have regard to the provisions of the '*Sustainable Rural Housing, Guidelines for Planning Authorities*' which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas or persons who are an '*intrinsic part of the rural community*' which are defined as follows:

*'Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first homes near their family place of residence.'*

(For the purposes of clarity, I would advise the Board that Circular letter PL 2/2017: '*Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans*' states that the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' remain in place and thus form the current 'default' position (as supported by the National Planning Framework) pending the publication of revised guidance by the Department).

- 7.2.4. From a review of the available information, including the completed copy of the Planning Authority's 'Supplemental Application Form No. 3', it can be ascertained

that the applicant is acquiring the subject site from her brother (Diarmuid Mooney) as part of a private family agreement which would appear to have involved the transfer of the wider family landholding to Mr. Mooney (from his father, Mr. Thomas Mooney) with a condition attached that a site be made available to the applicant. By way of establishing compliance with the eligibility requirements set by Policy Objective SSP-27 of the Development Plan, it has been submitted that the applicant is originally from the local area having seemingly been raised in the family home a short distance away (c. 150m further east) as shown on the mapping provided with the application. In this regard, she is stated to have lived in the locality for the first 17 No. years of her life. Further support is lent to the proposal by the assertion that the applicant attended national school locally in Mucklagh (1972-1980) before going on to attend vocational school in Tullamore. The applicant's familial connection to the area extends not only to her family home but also to that of her parental grandparents (an unoccupied property situated alongside the farmyard within the wider family landholding) while her brother (Diarmuid Mooney) also resides nearby (with both those properties and the subject site having previously formed part of the same family landholding).

7.2.5. With respect to the applicant's current housing circumstances, she is presently resident in New York, USA, where she has lived for in excess of 20 No. years. In this regard, it has been submitted that while the applicant has spent most of her working life in the USA, she is a returning emigrant who wishes to build a permanent home for her own use in the rural area where she was born and raised. Notably, while the applicant has confirmed that she has never been granted permission for a house in Co. Offaly and has not previously owned a dwelling house in a rural area, the details of her current tenure (albeit outside of the State) remain unclear as she has indicated that she neither owns nor rents her current place of residence.

7.2.6. On the basis of the available information, I would accept that the applicant has established a previous long-term residency within the local rural area as well as familial links to the immediate locality to the effect that she could be held to form '*an intrinsic part of the rural community*' thereby satisfying the eligibility requirements of Policy Objective SSP-27 of the Development Plan as regards the provision of housing in 'Rural Areas under Strong Urban Influence'.

- 7.2.7. However, in assessing the merits of the proposal and whether the applicant could be held to satisfy the relevant eligibility criteria in terms of having a '*functional economic or social*' housing need requirement to reside at the location proposed as per National Policy Objective No. 19 of the NPF, I would suggest that further consideration must be given as to whether there is any specific locational need for the applicant to reside on the lands in question.
- 7.2.8. No details have been provided of the applicant's employment or her intentions upon relocating to the area and, therefore, it has not been demonstrated that she has any specific economic or social need to reside at the subject site. While I would acknowledge the applicant's desire to reside locally given her familial connections to the area, I am not satisfied that, when taken in isolation, this in itself amounts to a demonstrable need to reside at the rural location proposed.
- 7.2.9. In light of National Policy Objective 19 of the NPF which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of a demonstrable economic or social need to live in a rural area while having regard to the viability of smaller towns and rural settlements, the proximity of the site to Tullamore town and other the nearby settlements (e.g. Mucklagh), and notwithstanding the submissions on file indicating the applicant's familial links to the area, it is my opinion that the applicant does not come within the scope of either the economic or social housing need criteria set out in the overarching national guidelines. In effect, I am unconvinced that the applicant's needs cannot be satisfactorily accommodated elsewhere such as within nearby towns or any of the designated settlements in the wider area having regard to the need to support the viability of towns and settlements as per Objective 19 of the NPF. It is also of note that there is already an existing unoccupied dwelling house on the landholding.

### 7.3. **Overall Design / Visual Impact:**

- 7.3.1. In terms of assessing the visual impact of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area of '*Low Landscape Sensitivity*' as per Figure 4.22: '*Landscape Classification Areas in County Offaly*' of the Development Plan which are described as comprising more robust landscapes that are tolerant to change, such as the county's main urban and

farming areas, and have the ability to accommodate development. In this regard, I would draw the Board's attention to Section 4.14.1 of the Plan which states that these landscapes can typically absorb a wide range of appropriately designed and located development and that new housing within rural areas should respect the 'Rural Housing Design Guidelines' and be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.

- 7.3.2. In a local context, the proposed development site is located in a typically rural area where the surrounding countryside is characterised by a predominantly flat rural landscape interspersed with piecemeal housing, farmsteads, and linear-type development. There is a particular proliferation of piecemeal one-off housing and linear-type development in the wider area which is also evident along the roadway serving the application site although a notable number of these houses would seem to be attached to existing farmyards / farm complexes. Although views over the wider area are available from certain vantage points, the prevalence of mature trees and hedgerows along the roadside and intervening field boundaries serves to lessen more expansive views.
- 7.3.3. The site itself comprises the north-western corner of a larger, flat agricultural field and is screened in part by mature hedgerow along its northern and western boundaries, although the existing roadside boundary ditch is to be removed and reinstated in a recessed position in order to accommodate the proposed entrance arrangement.
- 7.3.4. In relation to the actual design of the proposed dwelling, regard should be had to the development management standards set out in Section 13.9.3: '*Residential (Open Countryside)*' of the Development Plan and the advice provided in the supporting design guide i.e. '*Designing houses creating homes: A guide for applicants on the siting and design of new houses in the Offaly countryside*'. In this respect, it is my opinion that the submitted proposal amounts to a conventionally designed, single-storey bungalow which is somewhat suburban in appearance given its deep plan and asymmetrical building footprint along with the use of features such as a projecting front gable and a shallow roof (30°) roof pitch.
- 7.3.5. Therefore, having regard to the foregoing, I am generally satisfied that the proposed development will not unduly detract from the visual amenity or scenic quality of the

surrounding rural landscape, subject to conditions, including the reinstatement of the roadside boundary ditch and the implementation of an appropriate programme of landscaping. In my opinion, the immediate site surrounds are of a lesser sensitivity from a visual perspective while the development in question will not be so conspicuous as to have a disproportionate or dominating visual impact on the surrounding environment nor will it interfere with any view or prospect listed for protection in the Development Plan. However, I would suggest that the house design itself could be improved upon notwithstanding the variation in house types in the area. Furthermore, although the visual impact of the proposed development could be considered somewhat limited given the site context, the continued development of one-off piecemeal housing in the locality could be held to be detrimental to the visual amenity and rural character of the surrounding landscape.

#### **7.4. Archaeological Implications:**

- 7.4.1. The proposed development site is partially located within the zone of notification of a number of archaeological monuments as identified by the Archaeological Survey of Ireland with SMR Ref. Nos. OF016-033001 (Cross slab), OF016-033002 (Cross slab) & OF016-033--- (Mound) within the field to the immediate west and SMR Ref. Nos. OF016-032001 (Castle - motte and bailey) & OF016-032002 (Castle – unclassified) further north on the opposite side of the road. Additionally, there are a number of other early Christian Monuments in the vicinity of the site, including a holy well and, more particularly, an ecclesiastical enclosure (Ref. No. OF016-031007) (a monastery was founded here in the 6<sup>th</sup> Century by Colmán Eala, listed as the most important saint by the Ceinéal Fiachach tribe) with a church (Ref No. OF016-031001) and a graveyard (Ref. No. OF016-031002) which includes multiple other recorded monuments i.e. grave slabs and wall monuments. Accordingly, the development site is located in an area known to be of archaeological interest while there may also be other archaeological material in the area that has not yet been recorded.
- 7.4.2. In light of the foregoing, the subject application has been accompanied by an Archaeological Impact Assessment of the proposed development which has been informed in part by a geophysical survey of the site. This report details that while there are no visible archaeological remains on site, a number of potential features were identified during the geophysical survey.

- 7.4.3. Within the geophysical report it is noted that two linear responses of archaeological potential were identified within the northern extent of the application site which, when viewed together, appear to form a funnel-shaped pattern that could represent the partial remains of a larger feature. It is subsequently stated that a range of crop marks are visible from aerial mapping of the more northerly field wherein the recorded motte and bailey and the ecclesiastical remains are situated and it is speculated that the two probable ditches (1 & 2) identified in the geophysical survey may represent a continuation of those features and that they may be associated with the mound to the west and / or the motte and bailey or ecclesiastical site to the north. It is also noted that the OSi 6" mapping depicts a linear feature within the approximate area of the site, albeit not exactly corresponding with the location or trajectory of either ditch, and that the possibility of the ditched features relating to this phase of activity cannot be ruled out.
- 7.4.4. A third potential ditch (3) has been identified as appearing to truncate Ditch No. 2 to the south and it is speculated that this may be related to same, although it is acknowledged that the trend is poorly defined and could represent more recent agricultural activity on site.
- 7.4.5. The remaining responses recorded in the survey comprise a pit feature (4) which is suggestive of a possible pit that may comprise burnt material, and a broad amorphous response (5) along the western field boundary that may represent a large pit-type feature or spread of burnt material. It is also stated that this latter response could also potentially represent a feature associated with the adjacent recorded mound SMR Ref. No. OF016-033, although this is speculative.
- 7.4.6. The Archaeological Impact Assessment has considered the findings of the geophysical survey and asserts that one of the linear responses is visible on the First Edition OS mapping while the second leads to a small feature (possibly a pond) recorded on the same mapping. Accordingly, the AIA has concluded that these features are likely to be of an agricultural nature (possibly a now removed hedgerow and an access road). With respect to the possible pits (4 & 5) it is noted that these are within the location originally proposed for the septic tank system and percolation area. Therefore, it has been recommended that the septic tank system be moved northwards in order to avoid the two possible pits in order to allow for the preservation of those features in situ (for the purposes of clarity, and contrary to the



assessment by the case planner, it would appear that the wastewater treatment system as detailed in the proposed site layout plan has been moved northwards from the position shown in Figure 5 of the AIA).

- 7.4.7. In addition to the relocation to the septic tank system, while there are no visible archaeological remains on site, the AIA has recommended that the stripping of topsoil on site be subject to archaeological monitoring under licence.
- 7.4.8. With respect to the recorded monuments beyond the confines of the application site in the wider surrounds, the AIA refers to the limited scale of the development proposed and states that it will not physically impact on those features due to the presence of intervening hedgerows etc. It has also been submitted that the proposal will not be visible from the ecclesiastical complex to the north or on the approach to / from the moated site, although it is acknowledged that the development will be visible at the east of the moated site. Nevertheless, by way of mitigation, it is proposed that the reinstated front (northern) site boundary should be planted with native hedgerow to reduce any potential visual impact on the surrounding archaeological landscape.
- 7.4.9. Having reviewed the available information, including the Archaeological Impact Assessment and the supporting geophysical survey, it is apparent that the proposed development site is located in an area of some archaeological significance and that there is the potential for further unknown features of interest in the area. In this regard, it is the policy of the Planning Authority as set out in Policy BHP-33 to support and promote the protection and appropriate management and sympathetic enhancement of the county's archaeological heritage with Objective BHO-05 seeking to protect archaeological sites and monuments, and archaeological objects, which are listed in the Record of Monuments and Places, and to seek their preservation in situ (or at a minimum, preservation by record) through the planning process. It is of further relevance to note Policy BLP-39 which seeks to ensure that local landscape features, including historic features and buildings, are retained, protected and enhanced where appropriate. In addition, cognisance must be given to the provisions of DMS-96: '*Archaeological Sites*', including the need for development to be designed to have minimal impact on archaeological features with a presumption in favour of avoiding developmental impacts on archaeological heritage and of in-situ

preservation of archaeological sites and monuments, as well as the need to consider the visual impact of any development in the vicinity of upstanding remains.

7.4.10. While I would accept that the development on site will not have any direct physical impact on known recorded monuments, I would have reservations as regards those works likely required beyond the confines of the site to achieve adequate sightlines. In this regard, although the site layout plan shows a sight distance of c. 75m to the near edge of the carriageway to the west, I am not satisfied that this is available in practice without works on lands outside of the applicant's control. More specifically, it is my opinion that due to the alignment of the roadway, the sightlines shown would require at a minimum that the existing hedgerow / vegetation at the base of the moated site (SMR Ref. No. OF016-032001) be cut back. I would also concur with the assessment by the Local Authority Engineer that the sightlines shown are likely to be inadequate from a traffic safety perspective notwithstanding the lower traffic speeds along this stretch of roadway. In support of the foregoing, it should be noted that the horizontal alignment of the carriageway is such that oncoming traffic from the west will not be visible beyond the base of the moated site. By my estimation, the visibility of traffic approaching from the west would likely be in the region of c. 55m. Therefore, should the Board concur with my concerns as regards the inadequacy of the aforementioned sightline, it would probably be necessary for material to be excavated from the base of the moated site in order to achieve any notable improvement. Any such works could have a consequential impact on the archaeological integrity of the recorded monuments i.e. SMR Ref. Nos. OF016-032001 (Castle - motte and bailey) & OF016-032002 (Castle – unclassified).

7.4.11. With regard to the potential impact on unrecorded subsurface items of archaeological interest on site, I note that the septic tank system has been relocated on the recommendation of the Archaeological Impact Assessment to allow for the preservation of the possible pits (4 & 5) in situ. However, while the AIA has determined that the linear features identified as '1' and '2' are likely to be agricultural in origin, the geo-physical survey has suggested that they could be associated with known archaeological monuments in the area. In my opinion, given the proximity and prevalence of recorded monuments in the immediate site surrounds, the acknowledgement that there may be other unknown archaeological features in the area, and the results of the geo-physical survey, the presence of items of

archaeological interest on site cannot be discounted. Therefore, in the absence of any advice to the contrary from the National Monuments Service (as part of the Department of Housing, Local Government and Heritage), I would suggest that it would be preferable if further archaeological investigation (such as test trenching) were to be carried out with a view to establishing the presence (or otherwise) of any items of archaeological interest on site.

- 7.4.12. With respect to the potential impact of the proposed development on the setting and appreciation of recorded monuments in the surrounding area, it should be noted that SMR Ref. No. OF016-033--- (Mound) within the field to the immediate west has been tilled while SMR Ref. Nos. OF016-033001 (Cross slab) & OF016-033002 (Cross slab) are held in the Dublin Museum. Therefore, any visual impact on upstanding archaeological remains will be broadly confined to SMR Ref. Nos. OF016-032001 (Castle - motte and bailey) & OF016-032002 (Castle – unclassified) on the opposite side of the roadway, as well as the wider ecclesiastical enclosure (Ref. No. OF016-031007) including Lynally church (Ref No. OF016-031001) and graveyard (Ref. No. OF016-031002).
- 7.4.13. In my opinion, given the close proximity of the development site to SMR Ref. No. OF016-032001 (with OF016-032002 atop same), and noting that the immediate surrounds of this feature remain relatively undisturbed (with the exception of the public road), the introduction of the proposed development, including the removal of the existing roadside boundary hedgerow, will serve to undermine and detract from the historic setting and appreciation of this archaeological feature.
- 7.4.14. In relation to the wider ecclesiastical enclosure in the field further north, views of the church and graveyard are openly available from the public road and the likelihood is that the proposed development will also enjoy views towards same until such time as the reinstated front boundary serves to obscure same. In turn, the proposed dwelling will be visible in part from the church and graveyard. However, the proposed development will occur on the opposite side of the roadway and thus will only appear in the same viewshed as the recorded monuments along a limited stretch of the public road. Furthermore, the separation distance serves to mitigate the impact while existing development along the roadway at a comparable distance to that of the subject proposal could be held to have a greater impact in terms of inter-visibility. Accordingly, I am satisfied that the proposed development will not unduly impact on

the setting or appreciation of the ecclesiastical remains to the north, although I am cognisant that in a wider context the proposal could detract to some extent from the broader relationship between those monuments and the nearby moated site.

#### **7.5. Traffic Implications:**

7.5.1. The proposed development will be accessed via a new entrance arrangement onto the adjacent local road which includes for the removal of the entirety of the roadside boundary ditch and its reinstatement in a recessed position with a view to achieving adequate sightlines. In my opinion (as already outlined in this report), given the horizontal alignment of the roadway at this location, with particular reference to the approach to the site from the west, the sightlines shown on the site layout plan would require at a minimum that the existing hedgerow / vegetation at the base of the moated site (SMR Ref. No. OF016-032001: Castle - motte and bailey) be cut back, however, this would require the consent of the relevant landowner.

7.5.2. In any event, I would concur with the assessment by the Local Authority Engineer that the sightlines shown are inadequate notwithstanding the likelihood of lower traffic speeds along this stretch of roadway. In this regard, I would reiterate my earlier position that the horizontal alignment of the carriageway is such that oncoming traffic from the west will not be visible beyond the base of the moated site and that the estimated distance at which traffic approaching from the west would be visible is in the region of c. 55m. Therefore, should the Board concur with the foregoing assessment, it may be necessary for material to be excavated from the base of the moated site in order to achieve any notable improvement in sight distance which could have archaeological implications.

(This would amount to a new issue in the consideration of the subject appeal).

#### **7.6. Wastewater Treatment & Disposal:**

7.6.1. It is proposed to install a packaged wastewater treatment system which will pump treated effluent to a tertiary (Chieftain Coco Filter) treatment unit set over an infiltration pad and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. In this respect, I would advise the Board at the outset that the Site Characterisation Form submitted with the subject application is incomplete and missing Section 3.1: 'Visual Assessment', Section 3.3(a) (Percolation 'T'-test), and

Section 3.3(b) (Percolation 'P'-test) Steps 1-3. These omissions give rise to a number of concerns (although it would appear that the details provided amount to a partial copy of the Site Characterisation Form prepared for the planning application previously lodged on site under PA Ref. No. 21207).

- 7.6.2. The submitted Site Characterisation Form states that the appeal site overlies a locally important aquifer with a high vulnerability (Groundwater Protection Response R1). The assessment further details that the trial hole encountered a top layer of CLAY with the remainder of the excavation comprising a firm compacted CLAY to a depth of 2.2m below ground level. No rock or water were observed.
- 7.6.3. With regard to the percolation characteristics of the underlying soil, no details have been provided of any 'T'-tests other than a commentary that water remaining in the T2 Test Hole from pre-soaking did not allow for that test hole to be tested while Test Holes T1 & T3 failed to percolate to 300mm in 300 minutes. In the interest of completeness, the results included as part of PA Ref. No. 21207 recorded an Average  $T_{100}$  of 587 minutes which would equate to a 'T'-value of >90 thereby indicating that the site is unsuitable for discharge to ground. At this point, I would advise the Board that as the site assessment was prepared before 7<sup>th</sup> June 2021, the 2009 Code of Practice: 'Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )' may be applied in this instance (the 2021 Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) applies to site assessments and subsequent installations carried out on or after 7<sup>th</sup> June, 2021). In this regard, it should be noted that Annex C.2.3: '*Percolation Testing*' of the CoP states that a 'T'-test should be conducted at all sites where the depth of bedrock or water table permits because if a 'T'-test is in excess of 90 then, irrespective of the 'P'-test result, the site is unsuitable for the discharge of treated effluent to ground as it will ultimately result in ponding due to the impervious nature of the underlying subsoil (or bedrock).
- 7.6.4. With respect to the 'P'-test conducted for the subject proposal, while a 'P'-value of 59.53min/25mm has been recorded, Steps 1-3 of the procedure have not been provided i.e. details of the test hole dimensions, the date & time of pre-soaking, and the recording of the Average  $P_{100}$  value. These omissions are regrettable and serve to undermine any reliance on the results provided (while the Board may wish to refer to the Site Characterisation Form provided with PA Ref. No. 21207, I note that the

dimensions of the 'P'-test holes shown in that documentation are not consistent with each other thereby affecting the accuracy of the results recorded).

- 7.6.5. In addition to the aforementioned omissions / discrepancies, I note that reference has been made in Section 2 of the Site Characterisation Form to percolation testing having previously been carried out on site by Offaly County Council (Ref. PTT1646) which determined that the site was unsuitable for the discharge of treated wastewater to ground. It would be preferable if further details on this matter could be provided.
- 7.6.6. Therefore, notwithstanding the report from the Water Services Section which has indicated that there is no objection to the proposed development, subject to conditions, on the basis of the available information, I am not satisfied that it has been demonstrated that effluent from the proposed development can be satisfactorily disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system.

(This would amount to a new issue in the consideration of the subject appeal).

#### **7.7. Appropriate Assessment:**

- 7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below:

### **9.0 Reasons and Considerations**

1. Having regard to:

- a) the location of the site within a rural area identified as being under strong urban influence in accordance with the 'Sustainable Rural

Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in April, 2005;

- b) National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements; and
- c) the relevant provisions of the Offaly County Development Plan, 2021-2027 which provide for consideration to be given to the development of rural housing in areas under strong urban influence for those with a definable social or economic need to live in the open countryside,

the Board is not satisfied, on the basis of the information submitted with the application and the appeal, that the applicant has a demonstrable economic or social need to live in this specific rural area. It is considered, therefore, that the applicant does not come within the scope of housing need criteria, as set out in the Sustainable Rural Housing Guidelines and in national policy, for a house at this location. In the absence of any identified locally based need for the house at this location, it is considered that the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would undermine the settlement strategy set out in the Offaly County Development Plan, 2021-2027. The proposed development would be contrary to the Ministerial Guidelines and to the over-arching national policy, with particular regard to the provisions of the Offaly County Development Plan, 2021-2027, and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the proximity of the proposed development to features of significant archaeological interest, the results of the Archaeological Impact

Assessment, and the wider policies and objectives of the Offaly County Development Plan, 2021-2027 as regards the protection of archaeological sites and their settings, the Board is not satisfied that the proposed development would not have a detrimental impact on archaeological heritage considerations or that it would not injure or interfere with a historic recorded monument or its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

24<sup>th</sup> October, 2022