



An
Bord
Pleanála

Inspector's Report

ABP-316001-23

Development	Construction of house, domestic garage, treatment system and percolation area, and all ancillary site development.
Location	Coolshagtena Townland, Roscommon, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	22236
Applicant	Cathal Gill
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Transport Infrastructure Ireland (TII)
Observer(s)	None
Date of Site Inspection	4 th May 2023
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.49 Ha, and is located on the northern side of the N63 in the townland of Coolshagtena, c. 6 km west of Ballyleague, Co. Roscommon. The appeal site is located in a rural area outside of a settlement.
- 1.2. The appeal site is broadly rectangular in shape, relatively flat and is used for agricultural purposes. Power lines traverse the appeal site from east to west. The adjoining lands are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary.
- 1.3. An access lane connects the appeal site to the N63. This access also serves an existing dwelling (indicated in the particulars submitted as the applicant's brother's house). In total 3 no. gated entrances, including the entrance serving the appeal site, provide access onto the N63 at this location.
- 1.4. A detached dwelling (indicated as the applicant's brother's house) and agricultural sheds are located to the east of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Construction of a single storey, 3 bedroom house;
 - stated floor area c. 223 sqm.
 - maximum ridge height c. 5.4 metres.
 - material finishes to the proposed house comprise painted nap plaster, with natural stone detailing. The roof covering comprises natural slate (unspecified colour).
 - positioned c. 150 metres from the public road/N63.
 - Domestic garage;
 - stated floor area c. 78 sqm.
 - maximum ridge height c. 5.3 metres.
 - material finish to the proposed garage comprises nap plaster.
 - Hedgerow to form site boundaries.

- Waste water treatment system (tertiary system) and percolation area.

3.0 Planning Authority Decision

3.1. Request for Further Information & Clarification of Further Information

Prior to the decision of the Planning Authority to grant permission for the proposed development, the Planning Authority requested Further Information and Clarification of Further Information.

3.1.1. Further Information was requested on the 8th July 2022 as follows:

- Item 1 – demonstrate that the proposal will not result in an intensification of the existing access onto N63.
- Item 2 – submit evidence of legal entitlement to use access.
- Item 3 – submit details of sightlines at access in accordance with Fig. 12.4 of Roscommon County Development Plan 2022 - 2028.
- Item 4 – submit documentary evidence demonstrating that the applicant has spent a substantial period in the area.

3.1.2. Further information submitted on 23rd November 2022.

- Item 1 – there are currently 3 people using the access, the proposal will not result in additional traffic, and whether permission is granted or not the level of traffic using the access will remain the same.
- Item 2 – details of legal entitlement to use access submitted (access indicated as right of way).
- Item 3 – details of sightlines submitted.
- Item 4 – the applicant was born in the area, has never moved and was previously granted permission for a house in 2005. The applicant is a farmer and has submitted documentation attesting to same dating back to 2004 in this regard.

3.1.3. **Clarification of Further Information was requested on the 16th December 2022 as follows:**

- Item 1 – demonstrate that the applicant has resided adjacent to the site for a substantial period.

3.1.4. **Clarification of Further information submitted on 16th January 2023**

- Item 1 – the applicant has been living and farming full time at the home address (Weekfield and Coolshaghtena are one and the same) and the applicant meets the criteria set out in Table 3.2 of the Roscommon CDP (documentation attached). The proposal will not result in an intensification of traffic onto the N63.

3.2. **Decision**

The Planning Authority issued a Notification of Decision to GRANT Permission on the 10th February 2023 subject to 13 no. conditions. The following conditions are of note;

C2 – occupancy condition.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The first report of the Planning Officer notes that the design of the proposal is acceptable. The report generally reflects the issues raised in the Further Information request.

Further Information Recommended.

- 3.3.2. The second report of the Planning Officer notes that whilst the documentation submitted relates to the applicant's role in farming, it does not establish that the applicant has been residing at the location of the site, and that this information is required to in order establish whether the proposal will result in an intensification of the use of the access, and to establish if the applicant has a rural generated housing need.

Clarification of Further Information Recommended.

- 3.3.3. The third report of the Planning Officer notes that the outstanding issues have been addressed, specifically that it has been established that applicant has resided at the location of the proposed new dwelling, and that consequently the applicant satisfies the rural housing need criteria set out in Table 3.2 of the Roscommon County Development Plan 2022-2028, and that the proposal will not result in an intensification of the existing access onto the N63.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

- 3.3.4. Other Technical Reports

Environment Department – no objection/conditions recommended.

Roads Section – no objection/conditions recommended.

3.4. **Prescribed Bodies**

Transport Infrastructure Ireland (TII) – initial observation states that the proposed development is at variance with national policy as outlined in Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (DoECLG), specifically in respect of the avoidance of development which results in increased traffic from existing accesses to a national road where speed limits greater than 60 kmph apply, and would affect the operation and safety of the national road network.

A subsequent observation from TII in relation to the Further Information submitted by the applicant states that it has no further comment and that its position remains as stated in the initial observation.

3.5. **Third Party Observations**

None received.

4.0 **Planning History**

Appeal Site:

PA. Ref. 05/655 – Permission GRANTED for house, garage and waste water treatment system. This permission was not implemented.

PA. Ref. 04/1751 – Permission REFUSED for house, garage and waste water treatment system. Refusal reason concerned traffic safety.

PA. Ref. 03/1276 – Permission REFUSED for house, garage and waste water treatment system. Refusal reason concerned traffic safety.

5.0 Policy Context

5.1. National Policy

5.1.1. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021 - sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.1.2. Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (DoECLG) – seeks to maintain the efficiency, capacity and safety of the national road network.

Paragraph 1.5 states that –

‘the creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users. Therefore, from a road safety perspective, planning authorities, the NRA, road authorities and the Road Safety Authority must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 kmh apply as part of the overall effort to reduce road fatalities and injuries’.

Paragraph 2.5 states that in respect of lands adjoining National Roads to which speed limits greater than 60 kmh apply:

‘the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh

apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant’.

5.1.3. National Planning Framework (NPF) – Project Ireland 2040 (2018)

National Policy Objective 15 states -

‘Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.’

National Policy Objective 19 states -

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.

5.1.4. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within an area identified as an ‘Area Under Strong Urban Influence’ (see Map 3.1. Roscommon County Development Plan 2022 - 2028). The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.2. Development Plan

- 5.2.1. The relevant development plan is the Roscommon County Development Plan 2022-2028. The appeal site is not subject to a specific land-use zoning in the Roscommon County Development Plan 2022-2028.
- 5.2.2. Chapter 3 of the Roscommon County Development Plan 2022-2028 sets out the policy for rural housing. Section 3.10 of the Development Plan provides that any rural areas located within the commuter catchment of a city or large town are considered to be 'areas under urban influence'. Map 3.1 'Commuter Catchment Areas' indicates the parts of the County which are affected by such commuting patterns. These areas are referred to as 'Policy Zone A'. Applicants seeking a dwelling within an area 'under strong urban influence' must have a demonstrable economic or social need to live there (the criteria for which is set out in Table 3.2).

Other objectives/sections of the Roscommon County Development Plan 2022-2028 relevant to this assessment are as follows:

- PPH 3.13
- PPH 3.14
- Policy Objective ITC 7.12
- Policy Objective ITC 7.14
- Policy Objective ITC 7.15
- Section 12.7 – Rural House Design Considerations

5.3. Natural Heritage Designations

- Corbo Bog pNHA (Site Code: 000602) – c. 0.2 km north of the appeal site.
- Corbo Bog SAC (Site Code: 002349) – c. 0.2 km north of the appeal site.
- Lisnanarriagh Bog NHA (Site Code: 002072) – c. 0.4 km south of the appeal site.

5.4. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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

This is a third-party appeal by Transport Infrastructure Ireland (TII) against the decision to grant permission. The grounds for appeal may be summarised as follows;

- DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012, states that the creation of new accesses and the intensification of existing accesses to national roads give rise to the generation of additional turning movements that introduce additional safety risks to road users. The proposal will inevitably bring about additional vehicular movements resulting in intensification of access onto and off the N63. This will arise from the day-to-day occupation, patterns of activity associated with same and trips generated by other services, utilities, visitors, etc, as well as the applicant and future occupant requirements.
- The proposal is at variance with Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) to preserve the level of service, safety and carrying capacity of national roads and to protect public investment in such roads. The decision made by Roscommon County Council conflicts with the foregoing objectives of official policy.
- Controlling the extent of direct accesses to national roads at high-speed locations, and turning movements associated with such accesses, is a critical element in meeting road safety objectives.

- There appears to be multiple existing accesses to the national road network from the site. These are not included on the plans accompanying the planning application. It is unclear whether the Council engineers have evaluated the road safety matters in relation to these multiple access points, the interaction of these access points to the national road and the other existing junctions/accesses in area.
- The proposal is inconsistent with the provisions of the Roscommon County Development Plan, 2022 - 2028 in particular, Policy Objectives ITC 7.12, ITC 7.14 and ITC 7.15.
- The need to accommodate and sustain rural communities is acknowledged and Section 2.6 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities provides a mechanism whereby a less restrictive approach may be applied to the control of development accessing national secondary roads. In this regard the DoECLG Guidelines advise that such areas would be confined to lightly trafficked sections of national secondary roads serving structurally weak and remote communities where a balance needs to be struck between the important transport function of such roads and supporting the social and economic development of these areas. Such circumstances are not reflective at this location, which is a critically important strategic link as identified by the Council and reinforced in the Roads Section report. The N63 national road is also not a lightly trafficked national secondary road. The nearest TII traffic counter on the N63 recorded Annual Average Daily Traffic (AADT) of 4,748 in 2022. In addition, Roscommon County Council has not sought to identify sections of the national road network in the County which subject to 'exceptional circumstances' with TII.
- Planning permission was granted previously on this site in 2005 however national planning policy and circumstances have altered significantly since. No exceptional reason has been put forward which would justify a departure from standard policy and road safety considerations in this instance.
- The proposed development, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements, that would be

generated onto the national route N63 at a point where a speed limit of 100 km/h applies, and would interfere with the free-flow of traffic on the road.

- National Strategic Outcome 2 of the National Planning Framework includes the objective '*maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.*' In addition, Chapter 7 'Enhanced Regional Accessibility' of the National Development Plan, 2021 - 2030, sets out the key sectoral priority of maintaining Ireland's existing national road network to a robust and safe standard for users. Such a requirement is also reflected in the publication of the National Investment Framework for Transport in Ireland and the existing Statutory Section 28 Spatial Planning and National Roads Guidelines for Planning Authorities.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Rural Housing Policy
- Design & Visual Impact
- Access (subject of appeal)
- Waste Water

- Appropriate Assessment

7.2. Rural Housing Policy

- 7.2.1. The applicant is seeking permission for a dwelling in the rural area. The scale of Map 3.1 of the Roscommon County Development Plan 2022-2028 is such that locating the appeal site relative to the zones identifying areas under urban influence is difficult. Using the N63 as a reference point, I consider the appeal site to be located within the part of the County identified as 'Area Under Urban Influence'. Such parts of the County fall under 'Rural Policy Zone A'. The Roscommon County Development Plan 2022 – 2028 provides that applicants seeking a dwelling within Rural Policy Zone A are required to demonstrate compliance with the criteria contained in Table 3.2 'Rural Housing Need Criteria' of the Development Plan, that being 'economic need' or 'social need'.
- 7.2.2. The Planning Authority determined that the applicant complies with the criteria contained in Table 3.2 on the basis of the information submitted with the planning application. I have reviewed the requirements of the Development Plan, in particular the criteria contained in Table 3.2 and the documentation submitted by the applicant and I similarly consider that the applicant complies with rural housing policy for the County as set out in Chapter 3 of the Roscommon County Development Plan 2022 – 2028, and in particular Table 3.2. I note that the applicant could be considered under either 'economic need' on the basis of the applicant's engagement in agriculture, or equally on the basis of 'social need', as the applicant has resided at the location of the appeal site for a significant period. Should the Board be minded to grant permission for the proposed development I recommend that an occupancy condition should be attached.

7.3. Design & Visual Impact

- 7.3.1. The appeal site is located in the Slieve Bawn and Feirish Bogland Basin Landscape Character Area, which is considered to have a 'very high landscape value'. The appeal site is not affected by any protected views. The proposed dwelling comprises a contemporary style single storey dwelling. The massing of the proposed dwelling is broken up into distinct volumes and I consider the design of the proposed dwelling to

be sympathetic to the character of the area. I do not consider that the proposed dwelling would result in any significant negative impacts on the visual amenity or character of the area. I similarly consider that the scale and design of the proposed garage would not result in any significant negative impacts on the visual amenities of the area.

7.4. Access (subject of appeal)

- 7.4.1. The proposed dwelling is to be served by an existing vehicular entrance onto the N63 at a location where the posted speed limit is 100 kmph. The entrance which the applicant proposes to use serves an existing dwelling owned by the applicant's brother. Based on the documentation submitted with the planning application I note that the applicant resides in his brother's dwelling. This laneway/access is situated between two other accesses which appear to serve agricultural purposes.
- 7.4.2. The crux of the appeal is that the proposal will result in an intensification of an existing access onto the N63 at a location where the maximum speed limit applies (i.e. 100 kmph) resulting in the generation of additional turning movements which would give rise to safety risks to road users and would be at variance with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012. The appellant states that the intensification of the access will arise from the day-to-day occupation, patterns of activity associated with same and trips generated by other services, utilities, visitors, etc, as well as the applicant and future occupant requirements. The issue of intensification in the use of the access onto the N63 was raised by the Planning Authority in a Further Information request. In response the applicant stated that there are currently 3 people using the access, as the applicant resides in his brother's house which is served by the access which is proposed to serve the new dwelling, and that the level of traffic using the access will remain the same whether permission is granted or not, and that as such the proposal will not result in additional traffic.
- 7.4.3. The policy set out at Paragraph 1.5 of DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012, is clear and states that '*planning authorities,*

the NRA, road authorities and the Road Safety Authority must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 kmh apply. Paragraph 2.5 further notes that *'this provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant'*. Whilst I acknowledge that the existing access onto the N63 is currently used by the occupants of the house on the adjoining site (stated as being the applicant's brother's house) and that the applicant resides there, in my opinion the provision of an additional house at this location would result in an intensification in the frequency of use of this access. This intensification would arise from visitors, deliveries etc. and also through future occupants of the proposed house. On the basis of the information submitted with the planning application and the appeal I am not satisfied that a case has been made which would justify a departure from this policy. I note that the appellant refers to the impact arising from the use of accesses which are situated alongside the access which it is proposed to use. I note that no information has been provided in relation to these accesses and as such I have based my assessment on the existing access which it is proposed to use. Having regard to the forgoing I consider that the proposed development, if permitted, would be contrary to the policy contained in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 as it relates to access to national roads, specifically paragraph 1.5 and 2.5, and I consider that the proposal would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements, that would be generated onto the national route N63 at this location.

7.5. Waste Water

- 7.5.1. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a 'Regionally Important Aquifer' where the bedrock vulnerability is 'Moderate'. A ground protection response of 'R1' is noted. Accordingly, I note the suitability of the site for a treatment system subject to normal good practice. The applicant's Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.
- 7.5.2. The trial hole depth referenced in the Site Characterisation Report was 2 metres. Bedrock was not encountered in the trial hole. The water table was encountered in the

trial hole at a depth of 1 metre. The soil conditions found in the trial hole are described as silt/clay. Percolation test holes were dug and pre-soaked. A T value/sub-surface value of 21.03 and P value/surface value of 19.28 were recorded. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a tertiary treatment system and infiltration area. I was unable to inspect the trail at the time of my site inspection.

- 7.5.3. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water. I am satisfied that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021. It is proposed to install a packaged tertiary system and infiltration area (60 sqm). Based on the information submitted, I consider that the site is suitable for the treatment system proposed.

7.6. **Appropriate Assessment**

- 7.6.1. The appeal site is located c. 0.2 km south of Corbo Bog SAC. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered 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 European site.

8.0 **Recommendation**

- 8.1. Having regard to the above it is recommended that permission is refused based on the following reason and consideration.

9.0 **Reasons and Considerations**

1. It is considered that the proposed development, which would result in the intensification of use of an access onto the National Primary Road N63 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road. Furthermore, the proposed development would not

accord the Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012, published by the Department of Environment, Community, and Local Government, which seeks to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmph apply.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ian Campbell
Planning Inspector

9th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316001-23			
Proposed Development Summary	House, garage and waste water treatment system			
Development Address	Coolshangtena, Roscommon, Co. Roscommon			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X		
	No	No further action required		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No		X	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class 10 (b) (i) (500 dwellings)	Proposal is significantly below 500 unit threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 9th January 2024