



Development	Retention of groundworks, construction of dwelling and all associated site works.		
Location	Crancam, Drum, Co. Roscommon		
Planning Authority Ref.	2316.		
Applicant(s)	Peter and Mary Gavin.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Peter and Mary Gavin.
Observer(s)	Tommy Harney.		
Date of Site Inspection	2 November 2023.	Inspector	Stephen Rhys Thomas.

1.0 Introduction

1. Site Location/ and Description.

The subject site of 0.27 hectares is located about 6.5km southwest of Athlone town centre, and 3km from Athlone West suburb. It is also about 650 m south of the M6 with the Dublin Galway railway line in between. To the west of the site lies Drum, a small and dispersed settlement.

The site sits between two existing houses to the north and south, in a rural setting accessed off a predominantly residential cul-de-sac road with extensive ribbon

development on its western side. The housing (which amounts to 10) on the access road is low density single storey with a consistent building line setback. The road has a footpath but the intervening road (L2027) connecting the urban development of Athlone is rural in character and without footpaths or lighting.

The site is rectangular in shape with a road frontage that is marginally narrower than the rear of the site. Field boundaries comprise a mixture of post and rail fencing and hedgerow, the front of the site is open. The front portion of the site is level with the road and there are some heaps of spoil in this area, the back end of the site is lower and is in grass with a large amount of rushes. A drainage ditch runs along the boundaries and water was present in each on the day of my site inspection.

The access road junction serving the development has restricted visibility due to the horizontal alignment of the L2027 local road as indicated by a continuous white line along this local road in each direction at this junction.

2. Proposed development.

- The retention of existing groundworks that consists of a surface water drainage system.
- Permission for a house and domestic waste water treatment system.

3. PA's Decision:

The planning authority refused permission for three reasons, that can be summarised as follows:

1. Given the soil profile on site, the site cannot safely dispose of wastewater in accordance with the 2021 EPA Code of Practice: Domestic Waste Water Treatment Systems, the development would be prejudicial to public health.
2. The site is located in Rural Policy Zone A – 'Area under Urban Influence', it is the policy of the council to restrict housing to those who are an intrinsic part of the rural community or economic need. The applicant has not demonstrated a need and fails to meet the requirements of Policy Objective PPH 3.13 of the Roscommon County Development Plan 2022-2028.

3. Insufficient information to demonstrate adequate sightlines can be achieved at the proposed access to the site, traffic hazard will result.

PA Reports:

Planning Reports

- Rural housing policy must be met at this Rural Policy Zone A location and the applicant has failed to demonstrate compliance.
- Design, scale and layout of the proposed development acceptable.
- 90 metre sightlines are required and this has not been demonstrated.
- Connection to existing water supply services. Waste water treatment on this site is not feasible, refusal recommended.
- There is a lack of clarity with regard to the elements of the development that are proposed to be retained, that being surface water drainage ground works.

The recommendation of the Planner to refuse permission for three reasons was issued by the planning authority.

Other Technical Reports

Environment Section – Site is not suitable for onsite disposal of wastewater, refuse permission.

Observations:

Concerns raised about works already carried out on and off site, site suitability for waste water treatment is questioned and lack of clarity regarding drawings.

4. Planning History.

Subject site

PA ref 20/254 - Permission refused for a house and treatment system. Peter and Mary Gavin.

PA ref 07/19 - Permission refused for a house and treatment system. Peter Gavin.

PA ref 06/1339 - Permission refused for a house and treatment system. Peter Gavin.

PA ref 06/120 - Permission refused for a house and treatment system. Peter Gavin.

The planning authority highlight other planning permissions for Peter Gavin in the general area for up to five individual house sites.

5.1. Local Planning Policy

Roscommon County Development Plan 2022-2028

The Roscommon County Development Plan 2022-2028 was adopted at a Special Planning Meeting on the 8th of March 2022. The Plan is now in effect as and from 19th of April 2022.

The site is located in Rural Policy Zone A, Area under Urban Influence, and these are characterised as the commuter catchment around a city or large town, Map 3.1: Commuter Catchment Areas refers.

Table 3.2: Rural Housing Need Criteria, sets out economic and social need criteria.

PPH 3.13 Facilitate single houses in rural areas subject to appropriate siting and design criteria, including demonstration of adherence to the principles set out in the County Roscommon Rural Design Guidelines. In addition, in the case of proposals for single houses in defined Areas under Urban Influence, applicants will be required to demonstrate a social or economic link (as per Table 3.2) to the rural area in which they proposed to build.

Economic Need

Persons engaged full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine- related occupations, as well as part-time occupations where the predominant occupation is farming or natural resource-related;

A person whose business requires them to reside in the rural area. The nature of the operations of the business shall be specific to the rural area. Any such application shall demonstrate the viability of the business and clearly set out the

nature of activities associated with the business and why it requires the owner to reside in the vicinity.

Social Need

Persons who were born within the local rural area, or who are living or have lived permanently in the local rural area for a substantial period of their life at any stage(s) prior to making the planning application. It therefore includes returning emigrants seeking a permanent home in their local rural area who meet this definition;

Persons with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years prior to applying for planning permission or by the existence in this community of long established ties with immediate family members

Note that

Demonstration of an economic need or social need will not warrant the granting of permission for a dwelling in the rural area where an individual has already benefitted from a permission for a dwelling on another site, or owns an existing property within the rural area, unless exceptional circumstances can be demonstrated.

Successful applicants will be required to enter into a Section 47 legal agreement restricting the occupancy of the dwelling to the applicant and their immediate family, or to other persons who fulfil the economic or social need criteria set out above, for a period of 7 years.

Applicants relying on economic need criteria involving part-time occupations in farming or natural resources related activities will be required to submit sufficient evidence to demonstrate same, for example (but not limited to) a herd number or hours of activity as a farmer.

PPH 3.14 Direct urban generated housing in rural areas to the towns and villages (serviced and unserviced) in the county as set out in the Settlement Hierarchy in Table 2.3.

ITC 7.46 - Ensure that private wastewater treatment plants, where permitted, are operated in compliance with EPA's Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (PE. ≤10) (2009), as may be amended.

12.7 Rural House Design Considerations

5.2 Natural Heritage Designations

The nearest Natura 2000 site is the Shannon Callows SAC (site code 00216) at a distance of 3 km to the east. Castlesampson Esker SAC (site code 001625), it is 4.2 km to the west. Ballynamonagh Bog and Corkip Lough SAC (002339) is further north.

6. The Appeal

6.1 First Party Appeal.

A First-Party Appeal was submitted to An Bord Pleanála on the 6th April 2023 opposing the planning authority's decision, the grounds of appeal can be summarised as follows:

- The site is suitable for on site treatment of domestic waste water, appendix B Site Characterisation Form and appendix C Certification refer.
- The applicants can trace their links to Drum to 1792, and have 98% DNA links too. Relatives were represented on Roscommon County Council and others are buried in the Drum Cemetery. Peter purchased the land 56 years ago and has farmed it and resided nearby in his current home at Crannaghmore since 1992. The applicant's land has been made available for others to build their own houses and they are employed locally, creating a new community. The applicant is now retired and requires care support. The applicant's brother lives four doors away and others now deceased also lived nearby. The applicant supports Drum Parish and the local GAA team. The new home is required to provide appropriate accommodation for the applicant's partner to return for care at home. The reasons for a new house are set out in detail, their current property is not suitable and a new one must be constructed to accommodate care needs.

- Adequate sightlines will be achieved by the complete removal of the front boundary and set back 4 metres from the edge of the road. Appendix D includes Google Street view maps to show how straight the road is in both directions. Site layout drawing (no.1) submitted with the appeal details a 90 metre sight lines on both directions.

6.2 P.A. Response

None.

6.3 Applicant Response

None.

6.3 Observers

A single observation has been submitted and raises the same issues as the initial objection to the proposed development, issues include: planning history, interference with property, inaccurate site suitability testing, water supply, flooding, infilling of land and blocking of drains, impact on daylight and loss of privacy.

6.4 Statutory Consultees

None.

7. EIA - Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required. See Appendix 1

8. AA Screening - The Shannon Callows SAC (site code 000216) is 3 km west of the appeal site and is the nearest. The conservation objective of this designated site is 'to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected':

Qualifying Interests include:

- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]

- Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*) [6510]
- Alkaline fens [7230]
- Limestone pavements [8240]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- *Lutra lutra* (Otter) [1355]

While I have raised concerns about the drainage capability and concentration of wastewater treatment systems, I consider that having regard to the scale of development and absence of a pathway and separation distances from Natura 2000 sites that it is reasonable to conclude that on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

2.0 **Assessment**

2.1. **Introduction**

2.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following heading:

- Waste Water Treatment
- Rural Housing Policy
- Roads

2.2. **Waste Water Treatment**

2.2.1. The applicant disagrees that the site is not suitable for an onsite sewerage treatment system and relies on the original documentation and Site Characterisation Form, its findings and conclusions. The planning authority refused permission because the site suitability and soil profile of the site mean that the attenuation and safe disposal

of waste water would not occur in accordance with the EPA Code of Practice for Domestic Waster Water Treatment Systems (DWWTSs), reason 1 refers.

2.2.2. By way of background, I note that this site has been the subject of four unsuccessful planning applications by the applicant since 2006. Each application was refused permission on the basis that the site was and is unsuitable for the treatment of domestic waste water. The most recent application, the subject of this appeal, is made under revised advice with regard to waste water treatment, the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021. To this end, the applicant prepared a Site Characterisation Form, the conclusions reached are that the site is suitable for onsite treatment and specifications for a tertiary system are outlined.

2.2.3. I visited the site and could not locate evidence of trial holes, this is not unusual, as trial holes can be a hazard if left open and are sometimes covered over soon after testing. On the day of my site visit during dry weather, however, the lower portion of the site was sodden under foot and I observed a large number of rushes, an indication of a high water table. Evidence of a high water table was also noted by the planning authority. In addition, I noticed drainage ditches to the site boundaries, the northern and southern ditches contained water, portions were culverted. The front portion of the site appears to have been raised and also comprises a number of spoil heaps.

2.2.4. The Site Characterisation Form prepared by the applicant identifies that the aquifer type is locally important and has a high vulnerability with the ground water protection response (GWPR) R1. From my observations of the site, I disagree with the on site assessment as follows: ground conditions were not firm underfoot, and there are drainage ditches at the site boundaries.

2.2.5. The trial hole was excavated to a depth of 2.1 metres and no bedrock was recorded, the depth of ground surface to the water table is 0.7 metres. Soil conditions are described as: 0.4 m tope soil dilatant crumb firm brown, 0.5-0.7 m silt clay dilatant crumb compact medium and light brown, 0.7-1.3 clay not dilatant blocky compact and black, 1.3-2.1 m clay not dilatant blocky compact and blue.

2.2.6. I note that the water table is recorded at 0.7 metres below ground level, in this respect the Code of Practice (CoP) states that if the water table is at a level above

500 mm below ground throughout the area of the site, it will usually be unacceptable for discharge to ground. The Environment Section of the Council also highlighted the likely issue of a high water table. In terms of a high water table, the site does not immediately fall into this category, but 0.7 m below ground level is a concerningly high water table. In addition, table 6.3 of the CoP highlights that sites with a GWPR of R1 should have minimum depths of 1.2 m to the water table if using percolation trenches and intermittent soil filters, 0.9 m for polishing filters following secondary systems and infiltration areas following tertiary systems and 0.6 m for drip dispersal systems where the percolation value is >75. This is indicative of a reliance on a highly engineered response to the site. The percolation test holes were excavated to a base of 0.8 m below the ground surface and returned an average T100 value of 47.67. The CoP recommends that in the case of CLAY or SILT/CLAY subsoil, where the percolation value is likely to be greater than 50, a modified percolation test may need to be carried out. The applicant did not proceed to step 5 modified method and relies on a surface percolation test result of 6.61 and sub surface of 16.05. This leads the applicant to conclude that the site is suitable for discharge to ground water and tertiary treatment system with infiltration/treatment area is recommended.

2.2.7. The conclusions reached by the applicant are contrary to the previous history of refusals of permission based upon the unsuitability of the site in the past. In addition, there is a significant density of existing houses in the area that rely on individual effluent treatment systems. The Council's Environment Department report dated 9 March 2023 is very critical of the applicant's Site Characterisation Form and highlight that evidence on site would indicate poorly drained (peaty soils) and may be subject to seasonal high water tables at or near the original ground surface. The Environment Department section of the Council conclude that the site is not suitable for onsite disposal of effluent and oppose the development, the planning authority agree and permission was refused.

2.2.8. I am concerned about the findings and conclusions contained in the Site Characterisation Form, from my observations of the site I agree with the Council's Environment Department, a high water table is problematic at this location. In this regard and even though the findings of the Site Characterisation Report seem to demonstrate the appropriateness of the site, I am not convinced that the applicant's

report is either robust or can be relied upon and permission should be refused on public health grounds.

2.3. Rural Housing Policy

- 2.3.1. The planning authority refused permission on the basis that the site is located in Rural Policy Zone A, an area under urban influence, restrictions are in place and the applicant has failed to meet requirements of a social or economic link to the area. The appellant disagrees and details at length why they meet all the requirements of the development plan with reference to rural housing. In summary, the applicant states that they have an ancestral belonging to the area, their land has been developed for numerous houses in the vicinity, relatives either live or are buried locally, they have great involvement in the community and wish to remain locally for health reasons.
- 2.3.2. The site is located in an area under urban Influence and policy objective PPH 3.13 applies, table 3.2 of the development plan refers. Though the applicant may well have a case to make in terms of a social link to the area, table 3.2 states that demonstration of an economic need or social need will not warrant the granting of permission for a dwelling in the rural area where an individual has already benefitted from a permission for a dwelling on another site, or owns an existing property within the rural area, unless exceptional circumstances can be demonstrated.
- 2.3.3. The applicant states that they built and still reside (with the exception of the spouse) at their first home (Eircode N37 E0P4). This house is located 200 metres to the south west of the site along the L2027 road. The only reason to construct a new dwelling is that the current house is not suitable for their evolving needs and a smaller single storey dwelling would better suit their health requirements. In my mind, no case has been advanced to demonstrate exceptional circumstances. Especially when the applicant currently resides in a dwelling that could be adapted for their needs and remain in a locality that they are socially linked to. I do not consider the desire to downsize to a newly constructed dwelling in an area under urban influence would be in the best interests of sustainable and proper planning and permission should be refused.

2.4. Roads

- 2.4.1. The planning authority refused permission on the basis that information was lacking with regard to the demonstration of adequate sightlines at the proposed access point to the public road. In the absence of such information, the development would pose a danger by reason of traffic hazard. The applicant has submitted images to show that adequate levels of vision can be had in both directions when exiting the site, and a layout drawing with 90 metre sightlines has also been submitted with the appeal.
- 2.4.2. The laneway to the front of the site is wide, relatively straight and a footpath has been constructed on the opposite side of the road. The layout drawing prepared by the applicant shows unobstructed views in both directions for a distance of 90 metres. However, I note that the sight lines do not originate 2.4 metres back from the road edge, as should be the case, figure 12.4: *Sight Distance Requirements* of the development plan refers. The site frontage is relatively narrow at 40 metres in length and I have concerns that obstructions to the left and right cannot be managed or removed if needs be, as these properties are not in the applicant's ownership. Even though the alignment of the local road is good and volumes are probably low, I am not satisfied that adequate and safe sight lines can be kept free of obstructions.
- 2.4.3. However a more serious issue in my view relates to the intensification of a substandard junction with a tertiary route along which there is a proliferation of one-off housing and where standard speed limits apply at the periphery of a large town. The country road is poorly aligned, narrow and undulating, a continuous white centreline is present and there are limited roadside margins. The increased vehicular traffic turning movements onto and off this road at this location would I consider cause a significant traffic hazard at a point where traffic speeds are not restricted and where the road alignment is poor and sightlines are restricted. The proposed development would therefore result in a serious traffic hazard, permission should be refused.

2.5. Other Matters

- 2.5.1. An observer has raised issues that correspond to the reasons for refusal, and I have already addressed them above. However, the observer, a neighbour, has raised other issues to do with the behaviour and actions of the applicant on their own property and others. In my opinion, these are all matters that should be resolved

between parties and the planning authority if required, they are not matters that concern this appeal.

- 2.5.2. In addition, the observer has raised issues about the potential for flooding and general loss of residential amenity if the development is permitted. Note that no part of this appeal should be granted permission including those works set out for retention, as per my recommendations. With respect to any loss of residential amenity, this is a rural site, the distances between existing and proposed property is substantial (greater than 30 metres) and if a dwelling were to be permitted on this site, which it should not, I anticipate no adverse impacts to residential amenity.

3.0 Recommendation

- 3.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

4.0 Reasons & Considerations

1. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by independent wastewater treatment systems/septic tanks in the area. Furthermore, having regard to the soil conditions, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. Having regard to the location of the site within Rural Policy Zone A, Area under Urban Influence where housing is restricted to persons demonstrating a social or economic (as per Table 3.2) link to the rural area in accordance with the current Roscommon County Development Plan 2022-2028, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the development plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural

development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in a both directions. Furthermore, the proposed development would result in the intensification of the use of an existing access onto a local road at a location where the alignment, geometry and available sight lines are limited. The proposed development, by itself, or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of the road by traffic, lead to a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

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.

Stephen Rhys Thomas
Senior Planning Inspector
24 November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316211-23		
Proposed Development Summary	Retention of groundworks, construction of dwelling and all associated site works		
Development Address	Crancam, Drum, Co. Roscommon		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	Y	
	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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		No	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	10. Infrastructure projects, (b) (i) Construction of more than 500 dwelling units	Single Dwelling House Scale of development is less than 500 dwelling units.	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____ **Date:** _____