



An  
Bord  
Pleanála

## Inspector's Report ABP-316216-23

<b>Development</b>	Construction of house, domestic garage, entrance onto the public road, wastewater treatment system and polishing filter, together with ancillary site works and services.
<b>Location</b>	Cleaheen, Boyle, Co. Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	22511
<b>Applicant</b>	Derek McGuinness and Sarah Hackett
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Deirdre Nolan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> day of June 2024
<b>Inspector</b>	Fergal Ó Bric

## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of 0.415 hectares and is located in the rural townland of Cleaheen, approximately three kilometres north-west of Carrick-on-Shannon. The levels within the appeal site rise gradually above those of the adjoining public road to the point of the proposed dwelling and then fall gradually towards the River Shannon channel which is located approximately 160 metres south of the appeal site boundary. There is a level difference of c. 3.4 metres between the roadside levels where topographical levels are stated to be at 51.72 metres Ordnance Datum (OD), 53.2metres Ordnance Datum at the point where the dwelling is proposed and c. 48.33 metres OD to the rear of the site.
- 1.2. Access to the appeal site is off a local county road, the L-1018, a county road that links the settlements of Carrick-on-Shannon with Cootehall. The appeal site comprises an agricultural field with hedgerow along the side and rear boundaries and an earthen bank along the front (roadside) boundary. There is a shallow drain located along the roadside and eastern (side) site boundaries. The appeal site comprises a front field that fronts onto the county road and part of a backfield which ultimately adjoins the River Shannon, the fields are separated by a mature hedgerow.

## **2.0 Proposed Development**

- 2.1. The development would comprise the following:
- Construction of a single storey, 3-bedroom dwelling;
    - stated floor area c. 224 sqm.
    - maximum ridge height c. 6.3 metres.
    - material finishes to the proposed house comprise napp plaster. The roof covering comprises blue/black slate.
  - Domestic garage.
    - stated floor area c. 54 sqm.
    - maximum ridge height c. 5.4 metres.
    - material finishes to the proposed garage comprise napp plaster
- 2.2. The planning application was accompanied by;

- A Site Characterisation Report
- A cover letter from the applicants outlining their familial, social and work ties to the area.

2.2 Further information was submitted by the applicants in relation to the following: The repositioning of the dwelling ten metres forward on the site allowing a hedgerow boundary to be retained and a letter of consent from an adjoining land owner to the west of the appeal site providing for the maintenance of the roadside boundary in a neat and tidy manner on a permanent basis so that sightlines are maintained.

### **3.0 Planning Authority Decision**

3.1 The Planning Authority issued a Notification of Decision to grant planning permission on the 14<sup>th</sup> day of March 2023 subject to fifteen conditions. The pertinent planning conditions are considered to be the following:

Condition 2: Connection agreement with Irish Water.

Condition 3: Construction of entrance and sightline maintenance.

Condition numbers 6 and 7: Surface water management.

Condition number 8: Construction, installation and maintenance of wastewater treatment system.

Condition number 13: Landscaping.

Condition number 14: Development Contributions.

### **4.0 Planning Authority Reports**

#### **4.1 Planning Reports**

The report of the Planning Officer set out the following:

- The site is un-zoned and is located within 'Rural Policy Zone B' – Remaining Rural Areas as set out within the Development Plan.

- The Remaining Rural Areas (RRA's) are located outside of the identified development pressure areas and also outside of the areas that are under strong urban influence. In these RRA's, it is considered appropriate to facilitate rural housing subject to suitable siting and design criteria.
- In RRA's, the Council recognises the importance of retaining population and supporting the rural economy, while seeking to consolidate the rural towns and village network.
- Mr McGuinness states that he was born and reared in the area, the family home being located a few hundred metres from the appeal site.
- The development proposal was considered to be acceptable in principle on the site.
- Following the submission of the revised site layout, the design and layout of the dwelling was considered acceptable in the context of the Roscommon Rural Design Guidelines.
- Sightlines are considered acceptable; the proposal will not generate significant traffic volumes and there are no concerns from a road safety perspective.
- The development will not adversely impact neighbouring amenities.

#### **4.1.1 Other Technical Reports**

Environment Department: No objections, subject to conditions.

#### **4.2 Prescribed Bodies/Government Departments**

Department of Housing, Local Government and Heritage (Development Application Unit) – Identified that the nearest Natura 2000 sites are located in excess of fourteen kilometres removed from the appeal site boundary and made the following recommendations:

- Surface water drainage measures should be incorporated within the site to reduce impact upon water quality within Lough Eidín,
- Hedgerow should be retained on site,
- A mammal survey should be conducted.

- An Appropriate Assessment Screening could be carried out to assess impacts of the development, alone or in combination with other development permitted in the area.

### 4.3 Third Party Observations

Two received from a neighbour (Deirdre Nolan) who resides on the opposite side of the local road from the appeal site: The first observation was in relation to the original information submitted by the applicants and the second in relation to the further information response. The observer raised issues that are similar to those raised within her appeal submission.

- She has no objection to the construction of the house within the appeal site.
- Seeking that the site entrance be kept as far away as possible from her dwelling to reduce the level of disturbance.
- Noise currently emanates from the use of the site at present from agricultural traffic and vehicles used to access the site while checking animals within the lands.
- Seeking that the farm entrance be moved to the other side of the site and that the hedgerow is replanted.
- Seeking that the roadside hedgerow is not removed in its entirety and that the hedgerow and trees to the rear of the dwelling is maintained in its current form.
- The adjoining roadway is often busy especially at peak rush hour time.
- The hedgerows of the neighbours would need to be cut a number of times per year to ensure sightlines are maintained.
- Sightlines are predicated on neighbouring land owners' goodwill.
- The hedgerows of adjoining land owners would be damaged in facilitating sightlines for the applicants.
- The site entrance could be relocated in order that the applicants could be in control of achieving their own sightlines. The site layout could be modified so that the farm entrance could be incorporated within the appeal site boundary.

- The development will be overbearing and distract from the visual amenity along this road.
- The design of the dwelling with its triple pitched roof will be out of character in this area.
- The diverting of overhead wires may potentially affect the performance of her photovoltaic panels.
- Photographic images have been submitted. These are of: The adjoining carriageway, roadside and site boundaries, her own roadside cottage dwelling, images of rushes and ponding within the site, images of flooding within the adjacent River Shannon Channel.

#### 4.4 **Planning History**

##### Appeal Site:

I have no record of any planning history pertaining to the appeal site.

##### Land holding:

From the documentation submitted to the Planning Authority it is apparent that the appeal site is part of a larger land holding which encompasses lands on the opposite side of the L-1018, lands, west of the appeal site and lands south of the appeal site as far back as the River Shannon channel. The following is the planning history associated with the land holding.

PA. Ref. PD 07/2132 – Permission granted for a dwelling and proprietary wastewater treatment system and all associated site works. Applicant – Tracey Lynch.

This dwelling has been constructed on foot of this permission.

## 5.0 Policy Context

### 5.1 Development Plan

5.1.1 The relevant Development Plan is the Roscommon County Development Plan 2022 - 2028. The appeal site is located within a rural area and is not subject to any specific land-use zoning objective under the Development Plan.

5.1.2 The provisions of the Roscommon County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Chapter 3 People, Places & Housing

Section 3.9 -Rural Housing

Policy Objective PPH 3.13-facilitate housing 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.

Chapter 12 – Development Management Standards

Section 12.7-Rural House Design Considerations

Section 12.12-Wastewater Treatment

Section 12.24-Roads and Transportation

### 5.2 National Planning Framework (NPF) – Project Ireland 2040 (2018)

National Policy Objective 19 states -

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.

### **5.3 Ministerial Guidance**

#### **5.3.1 Sustainable Rural Housing, Guidelines for Planning Authorities (2005)**

The appeal site is within 'Rural Policy Zone A' - Area Under Urban Influence' (see Map 3.1, Chapter 3 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.

### **5.4 Natural Heritage Designations**

The appeal site is not located within or close to any European Site. The nearest European sites are the Lough Arrow SAC (site code 001673) and the Lough Arrow SPA (site code 004050) which are both located approximately 14.4 kilometres north-west of the appeal site and the Cuilcagh-Anieran uplands SAC (site code 000584) which is located approximately 14.7 kilometres north-east of the appeal site.

The Lough Drumharlow proposed Natural Heritage Area (pNHA) (site code 001643) is located on the opposite side of the road from the appeal site.

### **5.5 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**

A third-party appeal by a neighbour (Deirdre Nolan) who resides on the opposite side of the road to the appeal site against the decision to grant planning permission has been received. The grounds for appeal may be summarised as follows:

- The proposals could result in pollution of the River Shannon. If the flooding within the Shannon channel reached the levels of the soil polishing filter, it may cause the wastewater treatment system to fail.
- The applicants' have access to an alternative site on the opposite side of the road.
- The applicants' have removed the roadside hedgerow over the last number of years and now the roadside boundary is described on their Site Layout Plan as scrub. The dwelling should not be moved forward the ten metres on the site as per the further information response in order to protect the 35 metres of hedgerow to its rear as this hedgerow will not be seen behind the dwelling.
- Only native species planting should be permitted as part of any landscaping proposals for the site. That hedgerows planted should be maintained at a height of at least 1.5 metres. The trees within the rear hedgerow were not specified to be retained within the planning conditions set out by the Planning Authority.
- Any hedgerow removal should not occur during the bird breeding season.
- Only scrub over the existing low roadside stone wall can be removed as per condition number three. The hedgerow behind the roadside wall cannot be cut as it is not specified on the Site Plan submitted by the applicants to which the planning condition specifically refers.
- The appellant specifically references Strategic Aim 14 of the Development Plan which seeks to protect, conserve and enhance the built and natural heritage and the landscape of Roscommon.
- The planning conditions do not provide for the conservation and management of species of environmental importance.

- All hedgerows should be deemed important and appropriately managed.
- Sightlines from the proposed entrance are restricted. Adequate sightlines are not achievable if the roadside hedgerow/scrub is let grow. Sightlines could only be maintained if the hedgerow is removed. ESB poles also impede sightlines.
- The development will impede sunlight used to power the appellants' photovoltaic panels, particularly in December when the sun is at its lowest point in the sky.
- An agricultural access to the site has been developed without a grant of planning permission.
- If the Board are minded to grant planning permission, the appellant has requested that the dwelling be moved back the ten metres to the original position as sought and that and that a mixed native indigenous species hedgerow be planted in lieu of any beech species hedgerow,

## **6.2 Planning Authority Response**

None received.

## **6.3 Observations**

None received.

## **6.4 Applicants response to third party appeal submission**

- The wastewater treatment will be installed and operated to a high standard and the polishing filter unit is something that can be replaced very simply after a fifteen-year period and would not require excavation works to be carried out.
- The levels within the Shannon have risen in the past however, in past flood events, the water levels remained in the lower lying lands near the river channel and the appellants' have never witnessed flood levels in proximity to the appeal site boundary.
- There is a 9.22 metre differential in levels between the water levels within the Shannon channel and those of the proposed effluent treatment system.

- Based on the separation distances between the appeal site and the River Shannon channel and the topographical differences, it is not likely that the wastewater treatment system would be adversely impacted by flood waters.
- The Environment Section within Roscommon County Council outlined no objections to the wastewater proposals.
- Landscaping on site will be carried out as per condition number 13 set out by the Planning Authority.
- Sightlines will be provided and maintained as set out on the Site Layout Plan submitted as part of the further information response.
- Letters of consent from adjoining land owners have been submitted consenting to the maintenance of the sight lines.
- The dwelling is located further forward than originally sought, as this is in accordance with the Planning Authority's further information request.

## 7.0 **Assessment**

7.1 I consider the main issues in relation to this appeal are those raised within the third-party appeal submission and include the following:

- Principle of Development
- Access
- Design & Visual Impact
- Other Issues
- Appropriate Assessment

## 7.2 **Principle of Development**

7.2.1 The appeal site is within 'Rural Policy Zone B' - Remaining Rural Areas' (see Map 3.1, Chapter 3 Roscommon County Development Plan 2022 - 2028). In accordance with Policy Objective PPH 3.13 of the Roscommon County Development Plan 2022 – 2028. The following applies for proposal in these areas: These areas comprise all other rural areas outside of the identified pressure areas and outside of the areas under strong urban influence. The Plan sets out the following in relation to the

Remaining Rural areas, The Council recognises the importance of retaining population and supporting the rural economy, while seeking to consolidate the rural town and village network. It is recognised that sustaining smaller community areas is important and as such, it is considered appropriate to facilitate rural housing in these areas subject to siting and design criteria. Applicants seeking a house within such areas are not required to demonstrate compliance with the criteria contained in Table 3.2 'Rural Housing Need Criteria'.

7.2.2 The appellants submitted a cover letter as part of their planning documentation.

Derek McGuinness states that he is from the Cleaheen area, his family dwelling and current place of residence being located within a few hundred metres of the appeal site. The appeal site forms part of family lands. He states that he works in construction on the preparation of site groundworks. He states that he is involved in playing football with the local GAA sports club and engages in part-time farming and details of his herd number has been submitted. He states (July 2022) that he is soon to be married to Sarah Hackett who is employed in the nearby town of Carrick on Shannon, which is located approximately three kilometres south-east of the appeal site. Given the appeal site is located within a Remaining Rural area, and outside of a development pressure area under strong urban influence, there is no specific requirement included within the Roscommon Rural Housing Policy to demonstrate their intrinsic social or economic ties to the area. However, from the information outlined within their cover letter, it is apparent that the applicant(s) have demonstrated social ties to the area, in terms of familial ties and involvement in the local GAA club, and these facts are not disputed by the appellant. Therefore, I consider that the applicants would be compliant in principle with the Rural Housing Policy as set out within the |Development Plan, subject to submitting suitable design and siting proposals and that other issues in relation to access and site servicing are adequately addressed and also that no Appropriate Assessment issues arise.

7.2.3 In conclusion, on the basis of the information submitted as part of the planning documentation, I am satisfied that the applicants have satisfactorily demonstrated compliance with the requirements of the Roscommon County Development Plan 2022-2028 as it relates to applicants seeking permission for a dwelling within a

Remaining Rural Area of the county and, therefore, would in principle accord with the proper planning and sustainable development of the area.

### **7.3 Access and Road Safety**

7.3.1 Access to the appeal site is proposed via a new domestic entrance which is to be developed on the eastern side of the road frontage of the L-1018 at a point where the eighty kilometre per hour speed control zone applies. The adjoining local county road has a carriageway width of approximately five metres. The Site Layout Plan (drawing number DMcG 22-201) submitted to the Planning Authority on the 21st day of October 2022 includes details of sightlines, whereby unobstructed visibility of 90 metres in each direction would be achieved at the entrance point. This sightline would require the setting back of the roadside boundary wall and scrub and a section of his neighbours' roadside boundaries further east and west of the appeal site. Letters of consent for the lowering and maintenance of the neighbours' roadside hedgerow at one metre above road level have been submitted as part of the planning documentation.

7.3.2 Technically, the minimum sightline requirement for this category of road is 90 metres, as per Figure 12.4 (Sight distance requirements) of the current County Development Plan 2022-28. Therefore, I am satisfied the applicants have demonstrated sightlines in accordance with the Development Plan standards, which I consider is reasonable for this local road. The setting back of the roadside boundary is a matter that could be conditioned in the event that the Board are mindful to a grant of planning permission.

7.3.3 The sightline and visibility standards were considered acceptable to the Planning Authority. Based on my site inspection I note that the adjoining carriageway

alignment and surface is of a good standard. In my opinion there is low potential for conflict to arise between vehicles entering and exiting the appeal site.

- 7.3.4 In conclusion, on the basis of the information submitted, I consider that the proposed development would not represent a traffic hazard and I see no reason why planning permission should not be granted on traffic grounds.

## **7.4 Design & Layout**

- 7.4.1 The County Roscommon Rural Design Guidelines were adopted in 2018 to guide the development of suitable design and layout within the rural countryside within the County. Section 4 of the Guidelines relates to siting and integration. I note that Section 4 of the Guidelines provide specific guidance in terms of appropriate species to be used within landscaping and this is a matter that can be referenced within a planning condition. Section 6 of the Guidelines reference form, massing, scale, bulk and height. I am satisfied that the applicants have had regard to these architectural principles within their proposals and that Section 7 within the Guidelines in terms of details is also included within the plans in terms of suitable external finishes, roof covering and fenestration detailing.

- 7.4.2 The applicants are proposing to construct a single storey dwelling with a maximum ridge height of 6.3 metres. The mass and bulk of the dwelling is broken down by two wings on either side of the main dwelling which are set back behind the building line and have a lower ridge height. The dwelling has a floor area of 224 square metres. The dwelling provides for traditional design features including fenestration with a strong vertical emphasis and the external finish would comprise napp plaster and natural slates on the roof.

- 7.4.3 The location of the dwelling within the appeal site was moved forward within the appeal site as part of their further information response proposals. The revised location of the dwelling will facilitate the retention of a mature hedgerow to the south of the appeal site which was previously proposed to be removed. I note that the dwelling on the opposite side of the road is also single storey and the dwelling further west of the appeal site comprises a dormer dwelling. Along the roadside boundary is

a dry-stone wall and scrub which would be removed in order to achieve sightlines in a westerly direction. Should the Board be minded to permit the development, I recommend that the existing roadside wall be removed and set back along the northern roadside boundary and back planted with native indigenous planting, and that details, including species of planting be agreed with the Planning Authority prior to commencement of development.

7.4.4 I note that the existing eastern and southern hedgerow boundaries will be retained as part of the development, and this will assist in assimilating the development within the local landscape. The established building line created by the dwelling further west of the appeal site would be respected. I consider that with the retention of the site boundaries, except for the section to be removed to provide for the site access will assist in assimilating the development within the local landscape.

7.4.5 The applicants are also proposing to construct a detached domestic garage with a floor area of 54 sq. m and a maximum ridge height of 5.3 metres. On balance, I am satisfied that the development proposals would not represent incongruous features within the local landscape or result in any significant negative impacts on the visual amenity of the area. Additional planting is proposed along the roadside (northern) boundary, behind the line of sight and this would further mitigate any potential impact from the proposal on the visual amenity of the area. Should the Board be minded permitting the proposed development I recommend that the northern boundary of the appeal site be supplemented with native indigenous planting, and that details, including species of planting be agreed with the Planning Authority prior to commencement of development. I also recommend that all other boundaries along the south and east of the appeal site be maintained and augmented if necessary.

## 7.5 Other Issues

### Surface Water Management:

7.5.1 There are existing drainage ditches located along the roadside and eastern site boundaries. The eastern boundary drain will be retained under the proposals and

assist in managing the surface water draining within the site. The roadside drain should be piped as part of the setting back of the roadside boundary. The planning application form states that soakaways will also be used as a means of managing surface water within the site. This is a matter that can be addressed by means of an appropriate planning condition.

7.5.2 The River Shannon channel is located approximately 160 metres south of the appeal site boundary. The appellant raised the issue of the soil polishing filter being potentially submerged by flood waters from the Shannon. The appellants set out within his response to the third-party appeal submission that the River Shannon Channel has not encroached the appeal site in his memory or that of his fathers. The Office of Public Works (OPW) are the competent authority on flood matters in this country. I have examined the flood data available on floodinfo.ie, the OPW website which collates data on flood events and predictions. The appeal site is not identified as being located within an area at risk of flooding nor is there any record of flooding history within the appeal site as per the OPW website, although it is noted that the River Shannon channel has broken its banks and extended into the lands south of the appeal site. Storm water run-off from the domestic dwelling, garage and footpaths would be discharged directly to soakaways designed in accordance with BRE Digest 365 standards. This will ensure the development will not increase the risk of flooding elsewhere. I am satisfied based on the latest OPW data, that there is no history of flooding within the appeal site and that there is no apparent risk of flooding within the site into the future.

#### Wastewater Treatment:

7.5.3 The applicant's Site Characterisation Report identifies that the appeal site overlies a Regionally Important Aquifer where the bedrock vulnerability is classified as "low". The underlying groundwater body is recorded as being that of the Curlew Mountains and the groundwater status is classified as being good. A Ground Protection Response of R1 is noted by the applicant. Accordingly, the site may be acceptable for on-site effluent treatment subject to normal good practice and subject to favourable T/P values and that a minimum depth of suitable soil is available for treating the effluent. I note the suitability of the site for a treatment system (subject to



normal good practice) and subject to condition: (1) That there is a minimum depth of 1.2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.6 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter given the R1 groundwater response, as per Table 6.3 of the Code of Practice, 2021. (i.e. 1.2 metres in total for a soil polishing filter).

7.5.4 The trial hole depth referenced in the Site Characterisation Report (SCR) was 1.9 metres. It is acknowledged within the SCR that bedrock was not encountered within the trial hole and the water table was observed at a depth of 0.3 metres. The soil conditions found in the trial hole were stated as comprising brown crumb clay material to a depth of 0.3 metres with light brown gravelly silty clay with black pockets between 0.3 metres and 1.8 metres. Percolation test holes were dug and pre-soaked. P and T values of 20.86 and 30.36 were recorded. The EPA Code of Practice (CoP) 2021 (Table 6.3) confirms that the site is suitable for a secondary treatment system and soil polishing filter discharging to groundwater.

7.5.5 The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of wastewater. It is proposed to install a packaged wastewater treatment system and 300 mm deep gravel distribution area (52 sq. m) The Environment Department within Roscommon County Council outlined no objections to the wastewater proposals, subject to a number of conditions relating to construction interceptor drains being dug upgradient of the infiltration area, that no surface water be permitted to enter the wastewater treatment system, that the

wastewater treatment system and percolation area be supervised and installed by a suitably qualified person and that the system be properly maintained.

- 7.5.6 In conclusion, I am satisfied that the wastewater proposals are acceptable and would be in accordance with the provisions of the EPA Code of Practice 2021, in relation to domestic wastewater treatment systems.

#### Overhead MV ESB Wires

- 7.5.7 As part of the further information response, correspondence from the ESB has been submitted confirming that they will divert, raise or insulate its overhead cables if necessary for the development to proceed.

#### Ribbon Development

- 7.5.8 I note that Cleaheen is designated as a rural area outside of the identified pressure areas and outside of the areas under strong urban influence as per the classification within the Development Plan, as referenced in Section 7.2 above. There is a row of four dwelling houses located south-west of the appeal site over a distance of approximately 230 metres. The definition of ribbon development was clearly set out within the Sustainable Rural Housing Guidelines (SRHG's) in 2005 and defined it as: Where 5 or more houses exist on any one side of a given 250 metres of road frontage.
- 7.5.9 From the planning documentation submitted, specifically, the site location map, it is apparent that the current proposals would not technically fall within the definition of ribbon development as set out in the Guidelines, given it would represent the dwelling of a fifth dwelling over a distance of approximately 273 metres.
- 7.5.10 In conclusion, I note that neither the Planning Authority nor the appellant raised the issue of ribbon development. I am satisfied the development would fall outside the

definition of ribbon development as per the SRHG;s and therefore, would be in accordance with the proper planning and sustainable development of the area.

## **7.6 Appropriate Assessment**

7.6.1 The nearest Natura 2000 sites to the appeal site are the Lough Arrow SAC (site code 001673) and Lough Arrow SPA (site code 004050) which are both located approximately 14.4 kilometres north-west of the appeal site and the Cuilcagh - Anierin Uplands SAC (site code 000584) which is located approximately 14.7 kilometres north-east of the appeal site boundary and the Lough Arrow SAC and Lough Arrow SPA. I consider that the development would not significantly impact any European sites, by reason of the separation distance between the appeal site and the European sites and the absence of hydrological and ecological connectivity between the source and receptors in this instance.

7.6.2 I note the referral response received by the Planning Authority from the Department of Housing, Local Government and Heritage (Development Application Unit). The Department Identified that the nearest Natura 2000 sites, the Lough Arrow SAC, and Lough Arrow SPA are both located in excess of fourteen kilometres removed from the appeal site boundary and that there are no hydrological connections connecting the appeal site to either of these protected sites. The Department made e number of observations as follows:

- Surface water drainage measures should be incorporated within the site to reduce impact upon water quality within Lough Eidíin,
- Hedgerow should be retained on site,
- A mammal survey should be conducted,
- An Appropriate Assessment Screening could be carried out to assess impacts of the development, alone or in combination with other development permitted in the area.

In response to the observations of the Department, I note that they state that the applicants could submit an AA screening report, yet they acknowledge the separation distances and the absence of connectivity between the appeal site and the designated

European sites. The appeal site is not part of any designated natural heritage site. The Lough Drumharlow proposed Natural Heritage Area (pNHA) (site code 001643) is located on the opposite side of the road from the appeal site. Therefore, on balance, I consider that it is not warranted to request the applicants to submit an AA screening report nor an ecological assessment in this instance. The issues of hedgerow retention and surface water management within the site will be addressed by means of appropriate planning conditions.

7.6.3 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 14.4 kilometres south-east of the nearest European sites, as referenced in Section 6.6.1 above. The development description was set out with Section 2 of the report above. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The modest small scale of the works proposed.
- The separation distance from the nearest European site and the absence of hydrological or ecological connectivity to any Natura 2000 site.

7.6.4 I conclude, that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000(as amended) is not required.

## 8.0 Recommendation

I recommend that planning permission be granted subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the location of the site within a Remaining Rural Area as set out within the current Roscommon County Development Plan 2022-2028, and to the

policies and objectives and the development standards in the Plan, it is considered that, subject to compliance with conditions set out below, the applicants have demonstrated compliance with the Rural Housing provisions, specifically policy objective PPH 3.13 as set out within the Development Plan in terms of suitable siting and design in accordance with the Roscommon Rural Design Guidelines. Neither would the development interfere with the safety and free flow of traffic nor endanger public safety nor adversely impact upon public health, water quality nor any European sites in the vicinity. I am satisfied that neighbouring residential amenities are respected under the proposals. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 21st day of September 2022 and by further plans and particulars received by the Planning Authority on the 31st day of January 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge to the public road, the wastewater treatment system or polishing filter or adjoining properties.

**Reason:** In the interest of traffic safety and to prevent pollution.

- 3 The entrance shall be as set out within the Site layout Plan drawing submitted to the Planning Authority on the 31<sup>st</sup> day of January 2023. Final details of the

roadside boundary wall set back within the red line application site boundary and the section of roadside boundary within the land holdings east and west of the appeal site shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

- 4 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 5 a) The applicant shall enter into a water connection agreement(s) with Irish Water prior to the commencement of this development.  
  
b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

- 6 (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the detail submitted to the Planning Authority on the 21st day of September 2022. and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e .≤ 10) – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.  
  
(b) Within three months of the occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity

insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

- 7 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

- 8 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

- 9 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 10 The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.

**Reason:** In the interest of proper planning and sustainable development.

- 11 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
  - (iv) Details of screen planting which shall not include cupressocyparis x leylandii
  - (v) Details of roadside planting which shall not include prunus species
  - (vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) The landscaping works shall be carried out within the first planting season following substantial completion of external construction works.



All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

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.

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Fergal Ó Bric  
Planning Inspectorate