



An
Bord
Pleanála

Inspector's Report ABP-318415-23

Development	<i>Permission to construct a dwelling house, domestic garage and treatment system with percolation area and associated site works.</i>		
Location	<i>Moore South, Ballydangan, Athlone, Co. Roscommon.</i>		
Planning Authority Ref.	<i>23/240.</i>		
Applicant(s)	<i>David Cunningham & Deborah Cruise.</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Grant Permission.</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Oliver Grenham</i>
Observer(s)	<i>Thomas Grenham</i>		
Date of Site Inspection	<i>16-02-2024</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description.

The subject site measuring 0.2 Hectares is located in Moore South, Ballydangan, County Roscommon, circa 12km southwest of Athlone and circa 10km east of Ballinasloe. The site, with frontage onto a lightly trafficked local road (L2039) would have formed part of a larger field and is now demarcated by timber post and wire fencing. The topography of the site is generally level while the larger field slopes gently upwards from east to west. There are 2 no. single storey dwellings on the opposite side of the public road, an existing single storey dwelling immediately east of the site and another bungalow more elevated in nature 150m south.

2. Description of development.

The applicants are seeking permission for a new two storey dwelling of 223 square metres along with a detached garage of 50 square metres which are to be served by wastewater treatment system and a connection to a local group water scheme. The dwelling will be accessed by a new vehicular access onto the local road.

3. Planning History.

Planning Ref 21/321 Permission for a dwelling refused on the basis of wastewater treatment and housing need. It should be noted that the site fell under an area categorised as 'Areas under urban influence' in the 2014 – 2021 plan with restriction around eligibility.

4. Local/National Planning Policy

Project Ireland 2040 National Planning Framework (NPF 2018)

National Policy Objective (NPO) 19 states it is an objective to 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.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of a rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.**County Development Plan**

The relevant development plan is the Roscommon County Development Plan 2021- 2027. The appeal site is not subject to a specific land-use zoning, being located in the open countryside.

Chapter 3 of the Roscommon County Development Plan 2021-2027 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', specifically areas where 15% or more of the ED population commute for employment (based on CSO data). Map 3.1 'Commuter Catchment Areas' indicates the parts of the County which are affected by such commuting patterns. These areas of the County are identified on Map 3.1. Areas 'under strong urban influence', are referred to as 'Policy Zone A', with 'remaining rural areas' referred to as 'Policy Zone B'. Depending on the Rural Policy Zone in which a dwelling is proposed, applicants will be required to demonstrate to the Planning Authority how they qualify with the applicable criteria. 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). In respect of 'remaining rural areas' the Roscommon County

Development Plan provides that 'single dwellings in areas other than those under urban influence will be facilitated based on siting and design criteria, and also having regard to the viability of smaller towns and rural settlements'. Other objectives/sections of the Roscommon County Development Plan 2021-2027 relevant to this assessment are as follows:

PPH 3.12

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.

PPH 3.13

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.

Section 12.7 – Rural House Design Considerations

Figure 12.3 – Sight Distance Requirements

5. Natural Heritage Designations

- Shannon Callows SPA/SAC (SAC 000216) c.2.5km

Development, Decision and Grounds of Appeal

6. PA Decision

The Planning Authority decided to grant permission subject to 14 conditions. There is no occupancy clause included as the site is not within an area designated as at risk from urban generated housing as per the CDP.

7. Third Party Appeal Grounds

- Applicant does not have an established rural housing need and therefore does not comply with National Planning Framework regarding economic or social need to live in the area.
- Wastewater treatment concerns, high water table, intermittent ponding in field adjacent.
- Fears expressed about an increase in phosphorus levels on appellants lands
- Sightlines cannot be achieved.
- Loss of hedgerow
- PA has failed to carry out AA Screening
- Sightline is dependent on moving a utility pole.
- Permission granted does not include an occupancy clause and this could lead to speculative development.
- Unsustainable and uneconomic provision of services
- Fears about farm entrance and the provision of a new residential entrance in close proximity with the potential for a traffic hazard.

Observation: Thomas Grenham

- Imagery submitted purporting to show ponding/flooding on the site and on adjacent lands.
- Trial hole excavated at location of percolation area contrary to EPA guidelines.

8. PA Response

- *None*

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the immediate vicinity of the site, 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.

10. AA Screening

Having regard to the modest nature and scale of development (single dwelling) it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Having visited the site and reviewed the planning file, the appeal and the appeal submission I am satisfied that the assessment can be considered across the following headings:

- Rural Housing Policy
- Wastewater Treatment
- Traffic Safety
- Appropriate Assessment

2.2. *Rural Housing Policy*

The Roscommon County Development Plan 2021 – 2027 sets out the parameters for rural development in Chapter 3. There are areas of the county in proximity to large towns that are identified as areas under pressure from urban generated housing.

The site was within an urban pressure area under the last iteration of the development plan however the current plan locates the site outside of any identified zone in an area designated as 'Remaining Rural Areas' and as such the applicant has/had no requirement to establish a housing need or be subject to the imposition of an occupancy clause by way of condition.

2.3. ***Wastewater Treatment***

When I visited the site, the trial hole was exposed, and I noted the water level was low to non-existent and that the site in general was firm underfoot with no evidence of poor drainage such as rushes.

I noted that the adjacent field was wet in parts on the surface, but this can be attributed to compaction caused by cattle traffic reducing the porosity of the topsoil. The Planning Authority requested a new Site Characterisation Report at Further Information stage as the initial application included a report from a previous application on the same site.

The report recommends the use of a Tertiary System and Infiltration/treatment area. I am satisfied the site assessment was conducted correctly and the recommended system, once installed and maintained correctly will adequately treat the wastewater generated by the proposed dwelling with no impact on adjoining lands.

2.4. ***Traffic Safety***

The site is located along a straight section of a lightly trafficked local road. The sightline north is aided by the setback of the adjacent dwelling. The sightline south is impeded by hedgerow and in order to achieve sightlines the front boundary will need to be setback in its entirety as per the Site Layout drawing. I am satisfied once this work is completed along with the relocation of a utility pole, that there will be safe access and egress from the site.

2.5. ***Appropriate Assessment Screening***

As per section 10 of this report due to the minor nature and scale of the proposed development of a single dwelling it is considered that there is no potential for impact on a European Site.

3.0 **Recommendation**

I recommend that permission for the development be Granted.

4.0 Reasons & Considerations

Having regard to the provisions of the Roscommon County Development Plan 2021-2027, to the location of the site in an area identified as 'remaining rural area' and not under urban influence, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the Significant Further information plans and particulars submitted on the 22nd September 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.</p> <p>Reason: To Prevent flooding</p>
3.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with the local Group Water Scheme.</p> <p>Reason: In the interest of public health</p>
4.	<p>The front boundary shall be set back three metres from the road edge of the public carriage way for the full length of the front boundary. The existing</p>

	<p>utility pole shall be setback behind the new boundary consisting of Timber Post and Rail. The area between the metalled edge of the road and the proposed new entrance shall be paved with a compacted permeable material. This area shall be provided with suitable drainage to prevent surface water runoff on to public road. Positive interceptor drainage at the proposed entrance shall be put in place to the satisfaction of the Planning Authority.</p> <p>Reason: In the interests of proper planning and traffic safety.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interest of visual and residential amenity.</p>
6.	<p>(a) The treatment system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses (P.E. < 10)", issued by the Environmental Protection Agency in 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the Tertiary Treatment System and Infiltration/treatment area is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The garage shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.</p>

	<p>Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained</p>
8.	<p>(a) The applicant shall plant native hedging on site boundaries including behind the new front fence save at the entrance where adequate site visibility shall be retained.</p> <p>(b) The new planting the subject of part (b) of this condition shall comprise indigenous species, shall be carried out and completed within the first available planting season following the completion of construction works on the site, and shall be replaced where failure occurs.</p> <p>Reason: In the interest of the rural character and visual amenity of the area.</p>
9.	<p>Details of the materials colours and textures of all external finishes shall be submitted to and agreed with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 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 Roscommon County Council.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>

12.	<p>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 Roscommon County Council 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.</p> <p>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</p>
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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.

Name: Adam Kearney

Planning Inspector

Date: 20-02-2024