



An  
Bord  
Pleanála

## Inspector's Report ABP-319857-24

<b>Development</b>	Demolition of house and construction of house with all associated site works.
<b>Location</b>	Ballyboy, Abbeylara, Co. Longford
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	2460006
<b>Applicant(s)</b>	Paul Maloney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Paul Maloney.
<b>Observer(s)</b>	Paula & Scott Richards
<b>Date of Site Inspection</b>	25/09/2024
<b>Inspector</b>	Bébhinn O'Shea

## 1.0 Site Location and Description

- 1.1. The site is located approximately 1k outside Abbeylara in County Longford and has an elongated shape, with a short roadside boundary defined by a mature hedge with trees. There is a dwelling adjacent to west. There is a GAA club to east and southeast boundary; which as an informal roadside boundary. The paths to the second GAA pitch run alongside the eastern and southern boundary which are open other than fencing. There is a derelict/disused dwelling on the site which is overgrown. There are mature trees with the site and its boundaries, particularly to west.

## 2.0 Proposed Development

- 2.1. Demolition of house and construction of house with all associated site works

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. **Further Information** was sought in relation to

- i. Rural housing need including why the applicant needs a second dwelling in the same locality
- ii. Structural and photographic survey of the building to be demolished
- iii. Justification of location and orientation of the proposed dwelling
- iv. Revised site layout showing exact distance of road frontage.
- v. Justification for set back of proposed dwelling from road.

3.1.2. **Clarification of Further Information** was sought in relation to

- i. Rural housing need

3.1.3. **Permission was refused** on the following grounds

- i. The applicant had not demonstrated a rurally generated housing need for a Rural Area under Strong Urban Influence.
- ii. The proposed septic tank would result in an over concentration of septic tanks in the area which would be detrimental to public health and the ground water of the area.
- iii. The proposed development would give rise to an excessive density of development in an un-serviced rural area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The First Planning Report assessed the proposal as a dwelling within an area defined as Rural Areas under Urban Influence CPO4.24. It noted the applicant had been granted permission for the dwelling on the adjacent site. It also considered the proposed development under CPO4.43 of the LCDP. Further Information (FI) was requested as set out at 3.1.1 above.

The Second Planning Report noted that the applicant has an address in Dublin and that compliance with CPO4.24 for Rural Areas Under Strong Urban Influence had not been demonstrated. Clarification of Further Information (CFI) was requested as per 3.1.2 above.

The Third Planning Report noted that the applicant had still not demonstrated a need for a dwelling at this location, and that there was an advertisement indicating the proposed site was for sale and refusal was recommended as per 3.1.3 above.

#### 3.2.2. Other Technical Reports

- **Area Engineer** The existing entrance to be used has very substandard sightlines to the southwest. Sightlines are achievable only with full removal of front boundary. It may also be necessary to trim the hedges along the frontage of the adjacent house and site.

### 3.3. Prescribed Bodies

Uisce Eireann: No objection subject to conditions

### 3.4. Third Party Observations

One third party submission has been received from the residents of the existing dwelling to the east of the site. It states that

- The design is out of scale and keeping with the area.
- No contiguous elevational drawings were submitted to allow proper assessment of impact on their property.
- The proposal would be overbearing to their property and result in overshadowing and overlooking and impact negatively on the residential amenity and enjoyment of their dwelling.

## 4.0 Planning History

None evident on site.

00/502 adjacent to west: Permission granted to Paul Maloney for bungalow with septic tank and percolation area.

## 5.0 Policy Context

### 5.1. National Planning Framework

#### **National Policy Objective 19:**

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

## **5.2. Sustainable Rural Housing Guidelines for Planning Authorities**

The Guidelines identify a number of rural area typologies and gives an overview of these area typologies and policies for same, and other planning considerations. It is noted from the Guidelines that the development plan process should be used to identify different types of rural area.

## **5.3. National Climate Action Plan 2024**

This Plan outlines actions across different sectors to meet climate targets. It notes the importance of decreasing embodied carbon in construction materials and accounting for embodied carbon in construction projects.

## **5.4. National Biodiversity Action Plan 2024**

This Plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which nature is valued and protected. It notes residential development is one of the main forms of development driving biodiversity loss. It notes the importance of biodiversity rich landscape features, including hedgerows and trees.

## **5.5. Longford County Development Plan 2021 – 2027 (LCDP)**

### **5.5.1. Climate Change**

**Policy Objectives CPO 3.1, 3.2, 3.3** are to support the implantation of European, national, regional and local objectives for climate adaptation and mitigation as set out in national and sectoral plans and strategies.

**CPO 3.4** *Contribute towards climate mitigation and adaptation, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage).*

Section 4.8.12 sets out Rural Settlement Strategy for the County. The Rural Typology map Figure 4.5 sets out two categories of rural areas. ***Rural Areas under Strong Urban Influence*** and ***Rural Areas Elsewhere***. The site is within an area categorised as Rural Areas Elsewhere. See Appendix 2 to this report.

5.5.2. The LCDP continues:

*In respect of 'Rural Areas Elsewhere', the Council aims to accommodate rural housing demand from individuals for permanent residential development, subject to good planning practice by applying a more flexible approach in the assessment of planning applications which are primarily based on sustainable planning principles (appropriate siting and design and negligible impacts to existing amenities or sensitive environments). The requirement to demonstrate local housing need will not apply to applications within this designated area.*

5.6. Other relevant County Policy Objectives (not an exhaustive list)

**CPO 4.26** *Accommodate demand from individuals for permanent residential development in defined 'Rural Areas Elsewhere', subject to sustainable planning principles (appropriate siting and design and the demonstration of negligible impacts to existing amenities or sensitive environments).*

**CPO 4.27** *Assess residential development in rural areas on the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria.*

**CPO 4.29** *Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites, notwithstanding the applicant's compliance with the local need criteria.*

**CPO 4.30** *Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.*

**CPO 4.33** *Discourage ribbon development (5 or more houses along 250m of road)*

**CPO 4.35** *Have regard to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005, and any replacement guidance which require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and be generally compatible with:*

- a) The protection of water quality in the arrangements made for onsite wastewater disposal facilities;
- b) The provision of a safe means of access in relation to road and public safety;
- c) The conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

**CPO 4.36** *Preserve and protect the open character of transitional lands outside of settlements in order to prevent linear sprawl near towns, villages and settlements and to maintain a clear demarcation and distinction between urban areas and the countryside. This will not apply to persons building on family land where another family site is not available to them.*

**CPO 4.41** is to encourage the sensitive restoration of a derelict traditional vernacular structure as an alternative to the construction of a one-off dwelling elsewhere subject to certain requirements

**CPO 4.42** *Accept the replacement of a dwelling other than a vernacular dwelling in circumstances where such a dwelling house is habitable, subject to the following:*

- a) *The structure must last have been used as a dwelling and the internal and external walls and roof must be intact.*
- b) *A report from a suitably qualified competent person shall be submitted to verify that the dwelling is habitable, but that replacement of the dwelling is the most sustainable option.*
- c) *Documentary evidence of the most recent date of occupation should be submitted with the application.*
- d) *The design of the proposed replacement house shall be of a high standard and its scale and character appropriate to the site and to existing development in the vicinity and to the rural area.*
- e) *Normally a condition to demolish the existing dwelling will be included in any grant of permission.*
- f) *Require applicants in defined 'Rural Areas Under Strong Urban Influence' to comply with local need criteria identified in CPO 4.24 of this plan. Normal planning*

*considerations will be taken into account in the assessment of planning applications for replacement dwellings.*

*g) In cases where an applicant/occupant wishes to replace an existing habitable dwelling on the same footprint and of the same or similar floor area there will be no requirement to comply with local need criteria identified in this plan.*

**CPO 4.43** *Facilitate the sensitive replacement of a structurally unsound derelict dwelling as an alternative to the construction of a one-off dwelling elsewhere in the countryside. The scale of the replacement dwelling shall have regard to the site size. Documentary evidence in the form of a structural survey and photographs shall be submitted to accompany the application. The proposed applicant shall comply with local need criteria identified in the Plan and shall be subject to an occupancy condition.*

**CPO 11.36** *Encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features.*

**CPO 11.41** *Encourage the retention and appropriate re-use of vernacular buildings, where appropriate and encourage the retention of the original fabric such as windows, doors and other significant features of historic buildings.*

**CPO 12.77** *Discourage the felling of mature trees and hedgerow, particularly species rich roadside and townland boundary hedgerows to facilitate development.....*

**DMS 16.88 Rural housing i)** *Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build*

#### **DMS 16.91 Rural Housing Access and Sightlines**

*a) ...*

*b) Existing roadside hedgerows and trees should be retained as much as possible. The entrance should be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow.*

*c) Where satisfactory access can be achieved only by removing large stretches of roadside hedgerow/ditches/stone boundaries, an alternative site for the proposed*



*development should be considered subject to satisfaction of other planning assessment criteria.*

d) ...

e) ....

## **5.7. Climate Strategy Actions**

In accordance with the Development Plan Climate Change Strategy, each chapter of the LCDP contains specific actions, which act as a climate check to proof the area of activity in terms of climate implications.

**Action A4.1** is to require all one-off housing applications to be accompanied by a Sustainability Statement, with certain requirements for same.

**Action A 11.4** *Require the proposed demolition of any structure or part thereof, as considered of merit by the Planning Authority, to be accompanied by a report from a registered / chartered professional within a related discipline justifying same, to the satisfaction of the planning authority.*

**Action A 13.1** is to maintain existing green infrastructure etc

## **5.8. Natural Heritage Designations**

Lough Kinale and Derragh Lough SPA & NHA c. 2.5km from site

Derragh Bog SAC c. 3.2 km 4km from site

Lough Sheelin SPA (pNHA) c. 4.8km from site

Garriskil Bog SAC and Lough Derrevaragh SPA c.10km from site

## **5.9. EIA Screening**

- 5.9.1. See Appendix 1. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

It is stated that

- As set out in response to the Further Information request, the property has been in the applicant's family for a considerable length of time and it is considered that the applicant satisfies the policy on rural housing need given the application relates to a replacement dwelling.
- The wastewater treatment system meets the requirements of the EPA Code of Practice and will not have an adverse effect on groundwater and public health.
- The development would not constitute ribbon development.

### **6.2. Planning Authority Response**

None

### **6.3. Observations**

One observation from the residents of the dwelling on the adjoining site (third party to planning application) stating that:

- The appeal states that the applicant resides at an address in Dublin and the application states that he is resident in Drumderg, Ballinalee.
- It is questionable that the development is for the applicants own use and residency.
- The applicant was also the applicant of planning permission 00/502 on the adjacent site, which was sold to this third party.
- The applicant may be aware of the neighbouring floodlights and recent development for GAA walkways.

- The location of the septic tank on their adjoining property is not correct on the planning application.
- The on-site assessment states that there is no water/river in the area but mentions a drainage ditch. The river next to their property connects to Lough Kinnale and Derragh Lough. They experience seasonal flooding where the water runs into the river/drainage ditch at the side of their property.
- Road safety concerns. The conditions of the MD Engineers of achieving road safety to access the proposal is to cut the hedges on their land create a joint entrance. They will not consent to this aspect of the development
- Ad hoc parking in the vicinity of the GAA happens on match/training days and this also impacts on access

#### **6.4. Further Responses**

None

### **7.0 Assessment**

Having examined the application details and all other documentation on file, I have assessed the substantive matters raised as follows:

#### **7.1. Rural housing need**

- 7.1.1. The applicant has lived in Dublin between 1986 and 2023, and owns his property in Stillorgan and works in Dublin. He states that the site was his grandfather's home that he lived there during the summers and that he purchased the house from him. His intentions in terms of occupying the dwelling are not stated.
- 7.1.2. The applicant was permitted a dwelling (no occupancy condition attached) on the adjacent site in 2000 when at the same address in Dublin and this dwelling was sold. This constitutes speculative development on the landholding.
- 7.1.3. The applicant has not demonstrated a rural housing need. The house is located in an area of category 'Rural Areas Elsewhere' (See Appendix 2) where the requirement to demonstrate local housing need does not apply to applications.

The dwelling is a replacement dwelling; CPO 4.41 does not require rural housing need to be demonstrated in Rural Areas Elsewhere. CPO 4.43 requires local need criteria to be complied with as per the CDP; therefore again (as it is in the Rural Areas Elsewhere category), there is no requirement to demonstrated local need for the proposed development.

## **7.2. Demolition**

- 7.2.1. A structure of similar footprint and siting appears on the historic 6 inch mapping (surveyed between 1829 and 1841) along with another structure, and 'Corn Mill' is indicated on the map. While overgrown and in disrepair, vernacular elements are evident. The proposal is therefore for the demolition of a vernacular building (likely associated with milling), and construction of a replacement dwelling.
- 7.2.2. There are a number of policy objectives relating to replacement dwellings in the LCDP, however none are entirely applicable to this case; CPO 4.42 relates to replacement of habitable dwellings other than vernacular dwellings. CPO 4.43 relates to the sensitive replacement of a structurally unsound derelict dwelling (i.e. non-habitable, in my interpretation) but does not explicitly state 'non-vernacular'. CPO 4.41 is clear, and, along with CPO 11.36 and CPO 11.41, it is evident that that policy objectives of the LCDP promote the sensitive restoration and reuse of traditional vernacular structures over demolition.
- 7.2.3. CPO 4.41, CPO4.42 and CPO 4.43 all require surveys/photographs/ reports/documentary evidence to support the case for restoration/demolition. A statement by a chartered engineer that the dwelling is in a serious state of disrepair, in unsafe condition, not fit for purpose and uneconomical and impractical to renovate, along with photographs, was submitted in response to the Further Information request. The report of the Planning Authority is silent on the justification for demolition, and focusses on rural housing need. Neither applicant or planning authority makes particular reference to the vernacular nature of the dwelling and any historical context. I consider the proposal is not compliant with CPO 4.41, CPO 11.36, and CPO 11.41 of the LCDP. The demolition of the dwelling has not been justified. It is not uncommon for dwellings of such condition to be retained or partially retained, and vernacular elements incorporated into a newer dwelling, while

acknowledging and reflecting the previous dwelling/historical uses on site. This approach would be consistent with LCDP provisions.

### 7.3. Climate Action & Biodiversity

7.3.1. The LCDP sets out several actions in relation to mitigation and adaptation for climate change.

- I note with regard to Action A4.1 that no Sustainability Statement has been submitted for the proposed dwelling.
- In relation to Action A 11.4 the report submitted to justify demolition is minimal. I consider it unsatisfactory as it is lacking in details of technical examination and fails to consider embodied carbon.

The LCDP in Section 11.11 sets out that *‘existing building stock offers its greatest asset in its ability to be recycling for alternative use and thereby reducing the need for demolition and construction, and subsequently generation of carbon dioxide. Buildings and the construction industry are responsible for 39% of all carbon emissions in the world, with operational emissions accounting for 28%. The remaining 11% comes from ‘embodied carbon’ emissions, or upfront carbon that is associated with materials, construction and demolition. Failing to consider embodied carbon in a proposal has been shown to underestimate the entire carbon emission of a new build by up to 31%. Similar research has discovered that the construction of a traditional terrace house produced thirteen more times more embodied carbon than the refurbishment of a traditional terrace house. This equates to around 16.4 tonnes of CO<sub>2</sub>, which is the equivalent of the emissions released from driving 60,000km.*

- **Action A 13.1** seeks to maintain existing green infrastructure. The removal of the full roadside boundary conflicts with this action.

I consider that the proposed demolition and replacement dwelling has not been justified in terms of embodied carbon. In addition, the removal of the mature roadside boundary represents the loss of a biodiversity-rich landscape feature. Given the development is urban generated rural housing, by an individual

previously granted permission for a dwelling on the adjacent site, the proposed development, and its inconsistency with the aims and actions of the Climate Action Plan and National Biodiversity Plan, is not justified.

#### **7.4. Impact on residential amenity**

- 7.4.1. The proposed dwelling is single storey c 5.6 m in height and located approximately 35m from the dwelling adjacent and 14m from the site boundary. It will not be overbearing or cause significant overshadowing of that property. Overlooking will not arise.
- 7.4.2. The proposed dwelling will be exposed in terms of access route to GAA pitches to east and south. The planting of a boundary hedgerow would be required in order to safeguard the amenities of the proposed dwelling.
- 7.4.3. I consider that the residential amenity of the adjacent dwelling is adequately protected that a satisfactory level of residential amenity is provided for the proposed dwelling.

#### **7.5. Design/layout and siting/impact on rural landscape.**

- 7.5.1. The design of the proposed dwelling is single storey with pitched slated roof, napp render and stone detailing. The design is largely consistent with DMS 16.88 of the LCDP which seeks simple design forms and materials reflective of the traditional vernacular. The dwelling is set back in the site, at the approximate location of the existing building. I have no objection to the positioning of the dwelling or its design given the shape of the site, position of previous dwelling and level of screening.
- 7.5.2. The application does not constitute ribbon development, as defined in the Sustainable Rural Housing Guidelines and LCDP; the existing/ proposed dwelling is one of three within 250m on the south side of the road.
- 7.5.3. I do not consider that there is an excessive density of development in the area. The planning report does not expand on this matter during assessment. There is sporadic housing in the area, and a pattern which grows in density towards Abbeylara where it is far more suburban and linear in nature on the approach roads to the village.

- 7.5.4. CPO 4.27/ CPO 4.35 set out considerations relating to access, and sensitivities including landscape and natural heritage. The landscape type is Northern Upland; much of this landscape can be classified as having a medium to high sensitivity, however the landscape in the immediate locality is relatively enclosed and not of any particular visual sensitivity. There are no protected views in the area. There are no sensitive environmental receptors in the vicinity, or records of sites and monuments. I do not consider that proposal would impact on the wider landscape character, on any specific features or views designated for protection.
- 7.5.5. However, the Area Engineer notes that sightlines are achievable only within the full removal of the front boundary and possibly trimming of hedges of the dwelling to the west (which the owner has stated they will not facilitate). I note from site inspection that visibility to the west is extremely limited and not adequate. The removal of the boundary would conflict with DMS 16.91 and detract significantly from the rural character of the area.
- 7.5.6. I note that the site is in close proximity to Abbeylara and given the location of the GAA and garden centre to east I consider them 'transitional', i.e. it is evident that the area is changing from rural to urban. The significant change in the rural character of the site through removal of the front boundary would conflict with policy Objective CPO 4.36; to preserve and protect the open character of transitional lands outside of settlements in order to prevent linear sprawl near towns, villages and settlements and to maintain a clear demarcation and distinction between urban areas and the countryside.

## **7.6. Drainage/Wastewater disposal**

- 7.6.1. A proprietary wastewater treatment system with polishing system is proposed. The Site Characterisation Report indicates that the site location is within an area of Westphalian sandstone, with subsoil off tills derived from sandstones and shales. It is a locally important aquifer with moderate vulnerability. No bedrock or ground water was encountered within the trial hole. Silt/clay and silt subsoil were observed. The CoP indicates that the site falls with the R1 response category where an on-site system is acceptable subject to normal good practice. The Site Characterisation Form indicates that the test was carried out in accordance with the CoP. T value was

30.03. Proposed distances from the WWTS to the proposed dwelling, neighbouring dwellings, site boundary, road and nearby watercourse (16m from site boundary and c. 35 from proposed tank and percolation area) road meet the EPA standards. The site suitability report indicated that the requirements of the EPA Code of Practice are met. The groundwater body at this location is Not at Risk. There is limited pressure for housing in the area and the density of existing dwellings is not notably high.

7.6.2. The site is not an area with a history of flood events or within any future scenario of predicted flood as per OPW and CFRAMS mapping. All surface water would require to be disposed of on site.

7.6.3. I consider it unlikely that the proposed development would exacerbate any localised flooding of the adjacent site referred to in observations. I do not consider that the proposed development is likely to be detrimental to public health and the groundwater of the area and do not concur with the reason for refusal of the Planning Authority in this regard.

## **8.0 AA Screening**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 1km from Abbeylara in County Longford. The proposed development comprises the demolition of a dwelling and construction of a replacement dwelling house

No nature conservation concerns were raised in the planning appeal.

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:



- Distance from European Sites where connections exist and the limited zone of influence of potential impacts (given dilution), restricted to the immediate vicinity of the proposed development
- Lack of direct connections to other European Sites
- The AA Screening conclusions of the Planning Authority

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **9.0 Conclusion & Recommendation**

- 9.1. The principle of demolition of the derelict vernacular structure is not accepted, given the lack of adequate consideration of its retention/restoration, in accordance with the provisions of the LCDP. The demolition of the vernacular dwelling in order to provide a replacement dwelling, and the impact of the development on the rural character on the area, is also unjustified, given the absence of a rural housing need and given previous permission granted to the applicant for a dwelling on the adjacent site. I therefore recommend permission be refused as set out at 10.0 below.
- 9.2. I note that, while raised at Further Information stage, the Planning Authority decision does not specifically refer to the demolition of the vernacular dwelling on site; this might be regarded as a New Issue. Furthermore, it is not clear that sightlines in a westerly direction can be achieved; and the proposed development may therefore result in traffic hazard. This may also be considered a New Issue. However, having regard to the substantive reasons for refusal, I do not recommend that these matters be pursued at this time.

## **10.0 Reasons and Considerations**

Having regard to the absence of a demonstration of a rural housing need, and noting the permission granted to the applicant on the adjacent site, and having regard to the need to remove the full roadside boundary to facilitate safe access to the proposed dwelling, it is considered that the proposed development would represent unnecessary urban generated rural housing, which would detract from the rural character of the area and rural nature of transitional lands outside Abbeylara.

Furthermore, the proposed development has given inadequate consideration to the retention and restoration of the derelict vernacular structure on site. The proposed development would therefore be contrary to policy objectives CPO 3.4, CPO 11.36, CPO 11.41, CPO 4.29, CPO 4.30, CPO 4.36 and DMS 16.91 of the Longford County Development Plan and 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.

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Bébhinn O'Shea

Senior Planning Inspector

20/2/2025

## Appendix 1

### Form 1 EIA Pre-Screening

<b>An Bord Pleanála</b>	319587-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Demolition of dwelling, construction of dwelling, garage and WWTP		
<b>Development Address</b>	Ballyboy, Abbeylara, Co. Longford		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>X</b>	Class 10(b)(i) Construction of more than 500 dwelling units	<b>Proceed to Q3.</b>
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	<b>EIA Mandatory</b>
<b>No</b>	<b>X</b>		<b>Proceed to Q4</b>
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	<b>X</b>	Class 10(b)(i) Threshold is 500 dwelling units	<b>Preliminary examination required (Form 2)</b>

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Form 2 EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	24-319857-24
<b>Proposed Development Summary</b>	Demolition of dwelling, construction of new dwelling, WWTP
<b>Development Address</b>	Ballyboy, Abbeylara Co. Longford
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposal for demolition of dwelling, construction of single storey dwelling house, detached garage, WWTP, entrance and boundary walls.</p> <p>.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Rural area, 2 No. dwellings and GAA club nearby.</p> <p>Not environmentally sensitive, removed from pNHAs and European sites without hydrological connection.</p> <p>20m to nearest watercourse.</p> <p>Area not designated for the protection of the landscape or natural heritage. No built heritage/archaeological features.</p>

<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		The development would not result in the production of any significant waste, emissions or pollutants.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:**

**Date:**

## Screening for Appropriate Assessment

### Screening Determination

#### Step 1: Description of the project

I have considered the proposed housing development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 2.5km from Lough Kinale and Derragh Lough SPA and c. 3.2 km from Derragh Bog SAC. A stream west of the dwelling adjacent to the proposed development discharges to Garriskil Bog SAC and Lough Derrevaragh SPA c.10km away

The proposed development comprises the demolition of an existing dwelling and construction of a new dwelling and WWTS.

No comments were received from Prescribed Bodies.

#### Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The proposal will not result in any direct impacts on SACs or SPAs. Potential impacts to be considered are as follows:

##### Construction

- Habitat impact

Vegetation clearance for the construction of structures, and to provide areas for storage of materials and access to site during construction, causing ex situ habitat loss

Construction activities causing visual, noise, lighting disturbance of foraging and roosting activities.

- Water quality

Possible sediment release into watercourses during excavations, earthworks, landscaping in the site.

Potential for contaminated run off e.g. hydrocarbons, cement residues during construction.

##### Operation

- Habitat impact  
Visual, noise, lighting disturbance from people, vehicles, activities occupying the development.
- Water quality  
Potential for pollution from contaminated surface water run off or increased surface water run-off from the operational development.  
Potential for pollution from wastewater discharge.

### Step 3: European Sites at risk

I have considered the sites in the zone of influence, and other than those below have excluded other sites on the basis of distance and lack of or weak ecological connection.

Table 1 outlines European Sites at risk.

**Table 1 European Sites at risk from impacts of the proposed project**

**Conservation objectives:**

To maintain favourable conservation condition **M**

To restore favourable conservation condition **R**

European Site	Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
Lough Kinale and Derragh Lough SPA	A Habitat loss	None.	A059 Pochard <i>Aythya ferina</i> <b>R</b>
	B Habitat disturbance	Air borne noise, lighting etc	A061 Tufted Duck <i>Aythya fuligula</i> <b>R</b>
	C Water quality	No hydrological connection.	A999 Wetlands <b>M</b>
Derragh Bog SAC	A Habitat loss	None.	7110 Active raised bogs <b>R</b>
	B Habitat disturbance	Air borne noise, lighting etc	7120 Degraded raised bogs still capable of natural regeneration
	C Water quality	No hydrological connection.	
Garraskil Bog SAC	A Habitat loss	None.	7110 Active raised bogs <b>R</b>
	B Habitat disturbance	Air borne noise, lighting etc	7120 Degraded raised bogs still capable of natural regeneration

	C Water quality	Hydrological connection. Site is approximately 20m from a stream which ultimately flows into Garriskil Bog SAC and Lough Derrevarragh SPA	7150 Depressions on peat substrates of the Rhynchosporion
Lough Derrevarragh SPA	A Habitat loss	None	A038 Whooper Swan <i>Cygnus cygnus</i> <b>R</b>
	B Habitat disturbance	Air borne noise, lighting etc	A059 Pochard <i>Aythya ferina</i> <b>R</b>
	C Water quality	Hydrological connection. Site is approximately 20m from a stream which ultimately flows into Garriskil Bog SAC and Lough Derrevarragh SPA	A061 Tufted Duck <i>Aythya fuligula</i> <b>R</b> A125 Coot <i>Fulica atra</i> <b>R</b> A999 Wetlands <b>M</b>

**Step 4: Likely significant effects on the European site(s) 'alone'**

Table 2: Could the project undermine the conservation objectives 'alone'			
European Site and qualifying feature	Conservation objectives: To maintain favourable conservation condition <b>M</b> To restore favourable conservation condition <b>R</b>	Could the conservation objectives be undermined (Y/N)?	
		Effect B Disturbance	Effect C Water quality
Lough Kinale and Derragh Lough SPA	A059 Pochard <i>Aythya ferina</i> <b>R</b> A061 Tufted Duck <i>Aythya fuligula</i> <b>R</b> A999 Wetlands <b>M</b>	<b>No.</b> Too distant at 2.5 km and minor scale of development in terms of level of disturbance.	N/A as per Step 3
Derragh Bog SAC	7110 Active raised bogs <b>R</b>	<b>No.</b>	N/A as per Step 3



	7120 Degraded raised bogs still capable of natural regeneration	Too distant at 3.2 km and minor scale of development in terms of level of disturbance.	
Garraskil Bog SAC	7110 Active raised bogs <b>R</b> 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	<b>No</b> Too distant at 10 km and minor scale of development in terms of level of disturbance.	No. Distance (c. 10km) from any outfall point and dilution affects would rule out significant indirect effects from contaminated run-off and wastewater
Lough Derrevarragh SPA	A038 Whooper Swan <i>Cygnus cygnus</i> <b>R</b> A059 Pochard <i>Aythya ferina</i> <b>R</b> A061 Tufted Duck <i>Aythya fuligula</i> <b>R</b> A125 Coot <i>Fulica atra</i> <b>R</b> A999 Wetlands <b>M</b>	<b>No.</b> Too distant at 10 km and minor scale of development in terms of level of disturbance.	No. Distance (c. 10km) from any outfall point and dilution affects would rule out significant indirect effects from contaminated run-off and wastewater

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of

Further AA screening in-combination with other plans and projects is required.

**Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

**Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.**

e.g. approved but uncompleted, or proposed

Plan /Project	Effect mechanism
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I have reviewed recent planning applications within 2kms of the site in the past 5 years of which there are c. 20 which are predominantly minor in scale and domestic /agricultural in nature with individual surface water disposal arrangements. They are not

of a nature, scale or location that would result in in-combination effects with the proposed development in terms of potential effects on water quality.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Distance from European Sites where connections exist and the limited zone of influence of potential impacts (given dilution), restricted to the immediate vicinity of the proposed development
- Lack of direct connections to other European Sites
- The AA Screening conclusions of the Planning Authority

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

**Inspector:**

**Date:**