



An
Bord
Pleanála

Inspector's Report ABP-320070-24

Development	House with detached garage, entrance, boundary fence/wall, proprietary wastewater treatment system with percolation area and all ancillary works.
Location	Creevy, Granard, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2360162
Applicant(s)	Brendan Quinn
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Brendan Quinn.
Observer(s)	None
Date of Site Inspection	25/09/2024.
Inspector	Bébhinn O'Shea

1.0 Site Location and Description

1.1. The site is located in a rural area outside Granard, and is an open field between two existing dwelling houses, single storey to east and dormer to north west. The site rises gently from road level to rear (south) and from west to east, and is surrounded by low hedges. The surrounding landscape is gently undulating.

2.0 Proposed Development

2.1. Single storey dwelling finished in napp render and stone, and detached garage proprietary wastewater treatment system with percolation area. Entrance, boundary fence/wall, and all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority initially sought Further Information (FI):

1. Details of the applicants rural housing need, including clarification of ownership of the neighbouring residential unit, reasoning why an additional residential unit is being sought
2. Details of the location, size and nature of agricultural lands and farm holding in family ownership intended to be taken over.
3. Alternative sites available given site constraints and density of development in the area.

3.1.2. The Planning Authority sought Clarification of Further Information (CFI):

1. Confirmation and evidence the existing dwelling house adjacent was occupied by the applicant's son.

3.1.3. Permission was ultimately refused for three reasons:

1. The applicants had not demonstrated a rurally generated housing need for a Rural Area under Strong Urban Influence.

2. 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.
3. 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

- **First Planning Report**

The report noted:

- The applicants who own the site and adjoining property have lived in America for 32 years and own other properties including a residence in the same townland and the applicant's rural housing need is unclear.
- The details of the farm landholding the applicants intend to take over are unclear.

Further information (FI) was recommended in relation to the applicant's rural housing need and availability of alternative sites.

Second Planning Report

The report noted:

- The applicant's agent submitted a letter confirming the neighbouring residential unit is in their ownership and is being lived in by their son.
- The applicants own other properties, and their work is in the USA
- The Applicants confirm that they do not own additional other lands other than the site and other dwelling.
- The response indicated that the lands do not form part of a larger family landholding/farm which they would be running, as indicated on the Local Need Form initially submitted.
- The proposed development of this site would appear to be speculative.

Clarification of Further information (CFI) was recommended for evidence that the applicant's son lives in the existing adjacent dwelling.

- **Third Planning Report**

The report noted:

- That a utility bill had been submitted satisfying the CFI request.

Refusal was recommended for the reasons set out above at 3.1.3.

3.2.2. **Other Technical Reports**

Area Engineer: No objection subject to conditions

3.3. **Prescribed Bodies**

Uisce Eireann: No objection subject to conditions.

3.4. **Third Party Observations**

One representation

4.0 **Planning History**

22-230 Permission refused to Brendan Quinn for dwelling house –

- The applicant had not demonstrated a rurally generated housing need for a Rural Area under Strong Urban Influence.
- 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.
- The proposed development would give rise to an excessive density of development in an un-serviced rural 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. Longford County Development Plan 2021 – 2027 (LCDP)

- 5.3.1. 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 Areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large towns within the county with evidence of considerable pressure for development of housing owing to their proximity to such settlements. The policy in these areas is to facilitate housing development by people who have strong links to the particular rural area, who are an intrinsic part of the rural community. Such persons would normally have spent substantial periods of their lives living in the rural area as part of the

established rural community, e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

Rural Areas Elsewhere *These areas are the residual rural areas of the county not under Strong Urban Influence which can range from strong rural areas where population levels are generally stable within a well-developed town and village and in the wider rural areas around them to structurally weaker rural areas which exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth.*

The site is within an area categorised as Rural Areas Elsewhere. See Appendix 2

5.3.2. 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.

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

CPO 4.24 Sets out criteria for Applicants seeking permission for the development of single dwelling rural housing in areas defined 'Rural Areas Under Strong Urban Influence' must satisfy.

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 4.28 Sets out circumstances where occupancy conditions will apply, i.e. in Rural Areas Under Strong Urban Influence.

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. In regard to septic tanks, the Planning Authority will be positively disposed towards the use of septic tanks and/or with additional package treatment systems, where necessary, with Irish Agrément Board Certification. In order to protect groundwater, all site suitability tests shall be carried out in accordance with the Environmental Protection Agency's 'Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses

CPO 4.38 Restrict new accesses for one-off dwellings onto regional roads, where the 80km/hr speed limit applies in order to avoid the premature obsolescence of regional roads through the creation of excessive levels of individual entrances and to secure investment in non-national roads.

5.5. Natural Heritage Designations

Lough Kinale and Derragh Lough SPA & NHA c. 2.7km from site

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

Derragh Bog SAC 4km from site

Moneybeg & Clare Island Bogs SAC 4.8km from site

5.6. EIA Screening

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

- The applicant was born and raised in Ballynacross, Granard, Co. Longford within same parish as the development site. The applicant's son lives in the existing dwelling house on the applicant's landholding. The applicant wishes to return home and build a dwelling and live next door to his son. The applicant is willing accept an occupancy condition.
- The proposed proprietary wastewater treatment system and polishing system provides a greater standard of effluent treatment to that previously proposed under PL 22/230. It is incorrect to state that an over concentration of septic tanks in the area would result. The development will not have an adverse effect on ground water and ill health. The applicant's agent will be in a position to service the treatment system.
- The proposed development would constitute a third dwelling in a row at this location. Other dwellings are a substantial distance away. The development does not constitute ribbon development.

6.2. Planning Authority Response

None

6.3. Observations

None

7.0 Assessment

7.1. I consider the main issues in determining this appeal are

- the applicant’s compliance with Longford County Council rural housing policy in terms of rural housing need,
- Compliance with EPA Code of Practice for The Environmental Protection Agency Domestic Waste Water Treatment Systems 2021
- Density of rural development in the area

7.2. The site is just within the category “Rural Areas Elsewhere”. (See Appendix 2). The policy in the CDP differs significantly to that for Rural Areas under Strong Urban Influence. There is no requirement in this instance for the applicant to demonstrate ‘local need’ i.e. compliance with the criteria set out in CPO 4.24. Occupancy conditions do not apply to this category.

7.3. A proprietary wastewater treatment system with polishing system is proposed. Proposed distances from the WWTS to the proposed dwelling, neighbouring dwellings, site boundary and road meet the EPA standards. It is not entirely clear the separation distance of 10m to the soakpit/percolation of the neighbouring dwelling to the northwest have been met, as exact locations on neighbouring property are not shown, however this can be accommodated with slight amendments to the layout of the percolation area to main greater distance from site boundary. Public mains water supply is proposed. Required minimum depths of unsaturated soil and/or subsoil are present, percolation values of the soil and/or subsoil are within the acceptable ranges; no other issues arose e.g. vegetative indicators, ponding on site. The site suitability report indicated that the requirements of the EPA Code of Practice are met.

- 7.4. There is limited pressure for housing in the area, there have been approximately 15 applications for rural housing in the past 5 years within a 3 km radius of the site. The application does not constitute ribbon development; The proposed dwelling would be the third in a row and would create 4 houses within 250m road frontage on the south side of the road. 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. While there is sporadic housing in the area, and a pattern which grows in density towards Granard and the national road network (N55), it is not of notably dense levels in the vicinity of the site.
- 7.5. 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. The dwelling is to be sited within two existing dwellings, and will not be visually obtrusive or extend suburbanisation of a rural area. There are no sensitive environmental receptors in the vicinity, or records of sites and monuments. The groundwater body at this location is Not at Risk. Access is acceptable and the Area Engineer notes that sightlines are achievable. I am satisfied based on site inspection that no road safety issues are likely to arise from the proposed development and that the dwelling, due to the nature of the site, will not detract significantly from the character of the rural area.
- 7.6. To conclude, notwithstanding the fact that the applicant owns the adjacent dwelling, as per the LCDP the applicant is not required to demonstrate a rural housing need, and I consider all other planning considerations to have met the requirements of the LCDP.

8.0 AA Screening

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 near Granard, County Longford.

The proposed development comprises the construction of a dwelling and garage and associated site works.

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 small scale and nature of the development
- The location and distance from the nearest European sites (Lough Kinale and Derragh Lough SPA at c. 2.7km from site)
- Taking into account the screening report/determination by Longford County Council.

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) is not required

9.0 Recommendation

Grant permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Longford County Development Plan 2021-2027, the location and the characteristics of the site and the surrounding area, it is considered that the proposed development would comply with County Policy Objectives CPO 4.26, CPO 4.27 CPO 4.28 and would not lead to an excessive density of rural housing in the area, or detract from the landscape character of the area and therefore would be acceptable.

11.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>(a) The roof colour of the proposed house and garage shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
3	<p>(a) The entrance gates to the proposed house shall be set back not less than 4 metres and not more than 6 metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1 metre in height.</p> <p>(b) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site. No walls, other than wing walls forming the entrance, shall be constructed to form the boundary of the site.</p> <p>Reason: In the interest of visual amenity.</p>
4	<p>(a) 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 onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>(c) The area of ground between the edge of the existing public road and the line of the new boundary wall/fence shall be filled with a minimum depth of 450mm suitable granular material and capped with clause 804 granular material type B, to a minimum depth of 200mm, properly ABP-316106-23 Inspector's Report Page 12 of 13 compacted. This filling should slope away from the existing road edge at a minimum slope of 2.5% and particular care should be taken to ensure that the storm water runoff from the area and the adjoining public road is disposed of properly to an adjoining watercourse. This entire area shall be surfaced with a final layer</p>

	<p>of material to the relevant TII standards. Any utility poles exposed shall be relocated to a position adjoining the new front boundary at the developers expense</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
5	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) the establishment of a hedgerow along all side and rear boundaries of the site,</p> <p>(b) planting of trees at intervals along the boundaries of the site, and</p> <p>(c) a timeframe for implementation</p> <p>Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of 5 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.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity, and to comply with Section DMS16.93 of the Longford County Development Plan.</p>
6	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 11th October 2023 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
6	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann, formerly Irish Water.</p>

	Reason: In the interest of public health.
8	<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 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>

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.

Bébhinn O'Shea
Senior Planning Inspector

10/2/2025

Form 1
EIA Pre-Screening

An Bord Pleanála	320070-24		
Case Reference			
Proposed Development Summary	Dwelling, garage and WWTP		
Development Address	Creevy, Granard Co. Longford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) Construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) Threshold is 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	

Yes	Screening Determination required
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Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	24-320070
Proposed Development Summary	Dwelling, garage and WWTP, entrance, boundary fence.
Development Address	Creevy, Granard Co. Longford
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</p>	
<p>Characteristics of proposed development</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 single storey dwelling house, detached garage, WWTP, entrance and boundary walls.</p>
<p>Location of development</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 nearby.</p> <p>Not environmentally sensitive, removed from pNHAs and European sites without hydrological connection.</p> <p>200m to nearest watercourse.</p> <p>Area not designated for the protection of the landscape or natural heritage. No built heritage/archaeological features.</p>

Types and characteristics of potential impacts		
(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.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
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.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date: