



An
Bord
Pleanála

Inspector's Report

ABP-321409-24

Development	Construction of 20 houses and all associated site works.
Location	Carrownageelaun, Tulsk, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2460112
Applicant(s)	TH Contractors Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	TH Contractors Ltd.
Observer(s)	John and Gillian Clark & Others
Date of Site Inspection	24 th March 2025
Inspector	Ian Boyle

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Appendix A

Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site comprises a vacant plot of land in the northeast part of Tulsk in County Roscommon. It is immediately east of an existing residential estate called Meadowbrook and within the village settlement boundary. Longford and Carrick-on-Shannon towns are roughly 32km to the east and 24km to the north, respectively. They are two of the main population centres serving the region.
- 1.2. The site is mainly greenfield. However, there is evidence of site preparatory construction works having taken place onsite, indicating the property had once previously been earmarked for future residential development purposes. The works mainly comprise partially completed excavation groundworks, potentially for the laying of underground services, and the construction of hardstand and internal street surfaces. There is also various other construction-related debris on the site, including small piles of concrete, rubble, security hoarding and timber offcuts.
- 1.3. The areas towards the south and east of the property are characterised by a mix of low-density houses on spacious plots. The residential development on the western side of the site has been constructed in more recent times however and is made up of semi-detached dwellings. The land immediately to the north and east is used for agricultural purposes. The appeal site is therefore on the interface between suburban and rural land uses.
- 1.4. The property is within walking distance of Tulsk village centre (5 mins from the N5 / N61 intersection / crossroads and Garda Station building).
- 1.5. It has a stated area of approximately 1.6ha.

2.0 Proposed Development

- 2.1. The application originally sought permission for the construction of 20 houses and associated site works (8 no. 2-bedroom units, 10 no. 3-bedroom units and 2 no. 4-bedroom units). The proposal seeks to connect to the public mains and sewer.
- 2.2. The layout and design of the proposed scheme is similar to that of the adjacent residential housing estate at Meadowbrook.

2.3. The Planning Authority requested further information on 30th April 2024, including as follows:

- A revised design and layout which is reflective of a village setting (Item 1).
- A detailed Statement of Compliance demonstrating the proposal is in accordance with the 'Key Indicators of Quality Design and Placemaking' as set out in 'Sustainable Residential and Compact Settlements - Guidelines for Planning Authorities (2024)' (Item 2).
- Clarification of the status of service pipes and of construction and demolition waste present onsite (Item 3).
- Traffic and Transportation Statement (Item 4).
- Road Safety Audit (Stage 1/2) (Item 5).
- Must demonstrate compliance with the Design Manual for Urban Roads and Streets ('DMURS Statement') (Item 6).
- Further details of pedestrian crossing points and continuity, including around the proposed public open space area and where the proposed development meets Meadowbrook (Item 7).
- Removal of the sharp bend in the proposed access road (immediately west of proposed Unit 12). Revised Proposed Site Layout required. (Item 8).
- A minimum of 10% of proposed dwelling units must meet universal design requirements (Item 9).
- Part V agreement with the Housing Department is required (Item 10).
- Requirement to contact the trustees of the private Group Water Scheme and evidence of consent required to make a connection to this private infrastructure (Item 11).
- Nature-based solutions for surface water management required (Item 12).
- Surface water design calculations required, including to demonstrate the existing network can accommodate increased discharge (Item 13).
- Construction and Demolition Waste Resource Management Plan (CDWMP)

2.4. The Applicant submitted further information on 17th October 2024.

- 2.5. The proposed scheme was redesigned as part of further information. A revised proposed site layout was prepared with a view to addressing the concerns raised by the Planning. The total number of units sought was reduced from 20 no. houses to 14 no. houses.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The Planning Authority refused permission on 13th November 2024 for 3 no. reasons, which can be summarised as follows:

- 1) The proposed development constitutes a suburban-type multi-unit residential development which would be contrary to Policy Objective Tusk DO 1 of the Roscommon County Development Plan 2022-2028.
- 2) The proposed development by reason of its location, layout and design constitutes a suburban type of multi-unit residential development which would not meet the required standard of urban placemaking according to Policy Objectives TV 4.1, TV 4.2 and Tusk DO1 and the 'Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (DHLGH; 2024). The Planning Authority is not satisfied that the proposed built form is an appropriately responsive urban placemaking solution given the site's context.
- 3) Inadequate evidence demonstrating an adequate supply of potable water can be provided to serve the development.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The main issues raised are as follows:

- The planning authority is not satisfied that the proposed development by reason of spatial extent, layout and urban design is a suburban, multi-unit residential type of development. This is discouraged under Policy Objective Tusk DO1 of the County Development Plan.

- The revised version submitted as further information has been designed as an extension of the existing suburban housing estate, Meadowbrook. The revised layout, design solution and development strategy is still not considered appropriate.
- The revised proposal is a lower density iteration of the originally proposed development on the same footprint. However, the Planning Authority is not satisfied that the proposed development satisfies the provisions of Section 4.4 Key Indicators of Quality Design and Placemaking of 'Sustainable and Compact Settlements – Guidelines for Planning Authorities, 2024' or Policy Objectives TV 4.1 and TV 4.3 as per the Roscommon CDP.
- The Traffic and Transport Assessment concludes that the proposed development would not generate undue significant traffic volumes or have an adverse impact on the future operational capacity of the N5 Junction or road network generally.
- The revised design include the addition of two attenuation tanks but has not incorporated any nature-based solutions as requested.
- The applicant has not provided evidence of consent to make a connection to private water supply infrastructure serving the development.
- In summary, the proposed development would be contrary to the provisions of RCDP Policy Objective Tulsk DO 1 which discourages further suburban type multi-unit residential developments. The proposed development by reason of its design and layout does not provide an appropriate site specific design solution that would provide a high quality environment for future residents of the proposed development, and residents of the overall settlement of Tulsk, and therefore contrary to the proper planning and sustainable development of the area.
- A refusal is recommended.

3.3.2. Other Technical Reports

Environment Section: No objection upon receipt of further information, subject to conditions requiring a Construction and Demolition Waste Resource Management Plan (CDWMP). Also noted no nature-based drainage solutions, such as rain

gardens, dry swales and or paving to car parking areas where incorporated into the revised scheme design.

Roscommon National Roads Regional Office:

No objection and stated that given the location of the site and the existing housing development to the west of the proposed site, the application is considered unlikely to impact on plans for the implementation of the N61 Tulsk to Clashaganny Road. Recommended that a Road Safety Audit be carried out to identify potential hazards to all road users.

Roads Section: No objection, however raised design concerns including in relation to compliance with DMURS, pedestrian connectivity, vehicle turning areas not required, internal road bend to be softened, realignment of footpaths, internal stormwater attenuation and retention to be designed to meet standards, all parking to be within the curtilage of the site.

Housing Section: No objection, however noted that no Part V agreement in place with the RCC Housing Department as part of the application. The Applicant did not liaise with the Housing Department and the Part V proposal submitted with this application was not agreed. Details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act should also be furnished with this application.

3.4. **Prescribed Bodies**

Transport Infrastructure Ireland (TII): No objection.

Uisce Éireann: No objection, subject to standard conditions. A Confirmation of Feasibility has been issued to the applicant advising that a wastewater connection is feasible. There is sufficient capacity for wastewater.

In respect of water, the area is served by a private Group Water Scheme (GWS), the Applicant should contact the GWS to make a connection to private infrastructure.

3.5. Third Party Observations

3.5.1. The Planning Authority received several third party observations in relation to the proposed development. The main issues raised are as follows:

- Traffic concerns and road safety.
- The creation of three new entrances on the eastern side of Meadowbrook housing estate is unacceptable and will lead to danger to children and pets.
- Residential amenity impact due to dust, noise and dirt from construction traffic.
- Impact on existing utilities and services.
- Wastewater issues will be exacerbated.
- Inadequate community services such as schools and medical facilities.

4.0 Planning History

Subject Site

Reg. Ref. 041746: The Planning Authority **granted** permission for the construction of 30 houses, associated site works, services and new access road in April 2005 (application had sought permission for 40 houses).

Surrounding Area

Reg. Ref. 03/329: The Planning Authority **granted** outline permission to construct 30 semi-detached dwelling houses, 4 detached dwelling houses and associated site works on the site to the west of the appeal site in July 2003.

Reg. Ref. 04/786: The Planning Authority **granted** permission to construct 48 houses on the site to the west of the appeal site in November 2004.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022-2028

Background

The Roscommon County Development Plan 2022-2028 ('County Development Plan' / 'CDP') was adopted at a Special Planning Meeting on the 8th of March 2022. The Plan has been in effect since 19th April 2022.

The following chapters and sections are considered particularly relevant in the assessment of this appeal case:

Chapter 2: Core Strategy and Settlement Policy

Table 2.3 and Map 2.2 'Settlement Hierarchy' identifies Tusk as a Serviced Village which are settlements that are serviced by public sewerage and have capacity to facilitate a degree of residential demand.

Appendix 4 'Wastewater Treatment Capacity' states that there is 'Adequate Capacity' for anticipated growth over the Plan period. The wastewater treatment plant has a design PE (population equivalent) capacity of 820.

Chapter 3: People, Places and Houses

- Policy Objective PPH 3.6 requires that new residential developments in excess of 10 residential units to include a minimum of 10% universally designed units, in accordance with the requirements of 'Building for Everyone: A Universal Design' published by the Centre for Excellence in Universal Design.

Chapter 4: Towns and Villages

- Policy Objective TV 4.1 is to promote and facilitate the sustainable development of a high-quality built environment in order to create a distinctive sense of place, with attractive streets, spaces, and neighbourhoods that are accessible and provide safe places for the community to meet and socialise.
- Policy Objective TV 4.2 is to develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas. Promote new compact mixed-use forms of development in urban

settlements and rural villages, served by public transport and green infrastructure.

- Policy Objective TV 4.3 is to enhance and develop the fabric of existing urban and rural settlements in accordance with the principles of good urban design, including the promotion of high quality, well designed, visually attractive main entries into towns and villages.
- Policy Objective TV 4.7 is to promote enhanced and increased public realm opportunities including the shared use of spaces, for outdoor experiences, with a priority on pedestrian usage and designed to accommodate people with disabilities.

Chapter 7: Infrastructure, Transport and Communications

- Section 7.8 is in relation to Water Services.
- Section 7.9 is in relation to Surface Water Drainage.
- Section 7.11 is in relation to Waste Management.

Volume 2 (Section 3): Village Plans

- Section 3.28 is in relation to Tulska and states that more recent residential development has led to expansion towards the northwest and southeast of the village, close to the church and national school.
- The appeal site is within the settlement boundary (Page 169 of Volume 2 of the CDP).
- Development Objective Tulska DO 1 is to facilitate quality low density residential development at appropriate locations within the village settlement boundary. Further suburban type multi-unit residential developments will be discouraged.

Other Chapters and Sections:

Chapter 10: Natural Heritage

Chapter 12: Development Management Standards

5.2. Other Relevant Policy

National Policy

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities, 2024 ('Compact Settlement Guidelines').
- Design Manual for Urban Roads and Streets, 2019 ('DMURS').
- Flood Risk Management Guidelines for Planning Authorities, 2009
- Development Management Guidelines for Planning Authorities, 2007 ('Development Management Guidelines')

Regional Policy

- Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region, 2020-2032

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not directly affected by, or adjacent to, any designated European Sites.
- 5.3.2. The nearest European Site is Mullygollan Turlough SAC (Site Code: 000612) which is roughly 3.3km to the southwest.

5.4. EIA Screening

- 5.4.1. Having regard to the nature the proposed development, which is for the construction of 20 houses and associated site works, the proposed means of wastewater disposal which is a new connection to the public mains and sewer, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.4.2. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 5.4.3. See Appendix A for further details.

6.0 The Appeal

6.1. Grounds of Appeal

The Board received an appeal from TH Contractors Ltd. The main grounds of appeal can be summarised as follows:

- Permission was previously granted on this site for a large development of 30 no. dwellings (Reg. Ref. 04/1746 refers) (see Appendix B of Appeal).
- A preplanning meeting was held with the planning department for 20 no. dwellings. The number of dwellings however was reduced to 14 no. as part of further information and a revised scheme layout developed to address concerns raised by the Planning Authority.
- A density less than the propose 14 units on the site (1.6ha) would equate to 8.7 units per hectare (uph). This would not effectively utilise the zoned and serviced nature of these lands.
- The Council's view is that the proposal constitutes suburban type development and that this is not supported by planning policy. However, the site is within the settlement boundary for Tulsk. The Planner's Report also states that the application is on lands which are not specifically zoned for development in the current RCDP, but provides opportunity for appropriate development, given its inclusion in the identified Village Plan boundary.
- The proposed development is in accordance with Planning Objectives Tulsk DO 1, DO 2 and DO 3. These objectives provide support for low density residential development, local and community services, and employment generation in Tulsk, respectively.
- The proposed development is of a high design quality and would contribute to a sustainable local community. It is a low density residential development at an appropriate location within a defined settlement boundary.
- The proposal is consistent with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The guidelines provide national planning policy and guidance in relation to the planning and development of urban and rural settlements and have a focus on sustainable

residential development and the creation of compact settlements. They seek to minimise urban sprawl and utilise available brownfield land.

- Planning Objective PPH 3.19 is to 'encourage the provision of housing within designated rural villages to act as a viable alternative to single housing in the open countryside'. The Council's decision conflicts directly with this and the provision of new homes in this location would provide a viable alternative to rural 'one-off' housing and help to underpin the positive benefits of compact growth in the serviced settlement of Tulsk.
- The Council's view that the proposed development constitutes 'suburban' type housing is misplaced in policy terms and would actually mitigate against other policies in the CDP, as well as national policy, which support more compact forms of development and the creation of sustainable communities.

Note: The Applicant's Appeal also has several appendices, including the Council's Notification of Decision to Refuse Planning Permission for Reg. Ref. 2460112 (dated 13th November 2024), the Council's Notification of Decision to Grant Planning Permission for Reg. Ref. 04/1746 (dated 20th April 2005), and a Compliance Report on the 'Sustainable Residential and Compact Settlements - Guidelines for Planning Authorities (2024)'.

6.2. Observations

6.2.1. The Board received an observation from a third party. The main issues raised are as follows:

- The proposed development would be to the detriment of the residents of Meadowbrook estate.
- The appeal does not address previous concerns regarding the creation of three new entrances leading off Meadowbrook estate into the new housing estate. This will lead to speeding cars and vehicles causing disruption and accidents.
- Construction traffic concerns – noise, dirt, dust, safety for children.
- Motorists do not currently obey the 30km/hr and this is not addressed in the Road Safety Audit.

- The guards cannot cope with the existing level of crime in the area and police services are overstretched.
- Lack of community infrastructure, including medical facilities.

7.0 **Assessment**

The main planning considerations relevant to this appeal are:

- Location, Layout and Design
- Water Supply
- Other Issues

7.1. **Location, Layout and Design**

- 7.1.1. The Planning Authority's first and second reasons for refusal are in relation to the location, layout and design of the proposed development.
- 7.1.2. They state that the proposal constitutes a suburban-type multi-unit residential development which does not meet the required standard of urban placemaking, and that it is not in accordance with the provisions of the Roscommon County Development Plan 2022-2028, including Policy Objectives Tulsk DO 1, TV 4.1, and TV 4.2. The Decision also states that the proposal is not in accordance with the 'Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities' (2024) ('the Compact Settlement Guidelines'). [Section 5.1 of my report above cites the full wording for Policy Objectives Tulsk DO 1, TV 4.1, and TV 4.2.]

Location

- 7.1.3. In terms of its contextual surroundings, and receiving environment, I note that the appeal site is a vacant plot of land in the northeast part of Tulsk in County Roscommon. There is a fence running along the western site boundary which has collapsed in places. The property is covered in part with construction-related debris, including small piles of concrete, rubble, security hoarding and timber offcuts. There is an abandoned portacabin in the corner of site, likely used as a former site office.

- 7.1.4. The property is immediately east of an existing residential estate called Meadowbrook (semi-detached houses). The areas towards the south and east of the property are low-density houses on expansive plots. The land to the north and east is used for agricultural purposes. The receiving context is therefore peri-urban. It is within walking distance of the village centre, where there are community services available, including a community centre, national school, childcare centre, GAA club and a service station together with a number of shops, cafés / restaurants.
- 7.1.5. The site is unzoned; but is within the settlement boundary for the village (see Page 169 of Volume 2 of the CDP), which indicates the land is earmarked for future growth purposes. In this regard, I note that the Planner's Report states that this approach to developing land has been applied to other identified serviced villages in County Roscommon. The Planner's Report also states the Council's growth strategy for these settlements is for their existing role to be maintained and strengthened and that any future growth will correspond with the capacity in available infrastructure.
- 7.1.6. The proposed development would connect to the public wastewater system and has ready access to a potable water supply. In this regard, I note that a Confirmation of Feasibility (CoF) has been issued by Uisce Éireann (UÉ). The correspondence advises a wastewater connection is feasible and that there is sufficient capacity in the network to take wastewater generated by the proposed development. UÉ has also advised that the area is served by a private Group Water Scheme (GWS) and that the Applicant should contact the GWS representative to obtain a new connection to this scheme.
- 7.1.7. I also consider that expanding the village in this direction, towards the north / northeast in the manner proposed would not lead to an uncontrolled or inappropriate spreading out of the village core. I am satisfied that no 'leapfrogging' or unplanned, disjointed housing development would occur were new houses constructed in this location. Such unrestrained growth patterns can often result in piecemeal or adhoc development occurring, and subsequent environmental impacts, increased infrastructure costs and difficulties in services provision. However, I consider that this would not be the case here given the proximity of the site to the village centre, its location within the formal designated settlement boundary, and because of its setting directly adjacent to an existing residential housing estate.

- 7.1.8. Therefore, and in having regard to the above, I consider that the proposed development is in accordance with Section 2.7 of the County Development Plan which states that the growth strategy for 'serviced villages' is for their existing role to be maintained and strengthened, and that any future growth should correspond with the capacity in available infrastructure. Appendix 4 (Chapter 2) of the CDP also states that for Tulsk that there is 'adequate capacity' for the growth anticipated over the Plan period and that the wastewater treatment plant is capable of taking additional loading (PE of 820).
- 7.1.9. In summary, I am satisfied that the subject lands are appropriately located and designated for residential development purposes.

Layout and Design

- 7.1.10. The Planning Authority raises concerns regarding the layout and design quality of the proposed development and state in their reason for refusal (no. 2) that the scheme is akin to a suburban multi-unit type of housing estate which is not appropriate for the site or its receiving environment.
- 7.1.11. I note that the application would result in the construction of a residential scheme which would effectively extend the existing housing estate, Meadowbrook, eastwards. As noted above, the site is within the village settlement boundary and there is adequate capacity available in terms of the required infrastructure. I am also satisfied that the development proposed is of a sufficiently high quality and has adhered to good urban design practice. It would contribute to creating a sense of place, with attractive streets and spaces, whilst also delivering an appropriate quantum and density of residential units in this rural settlement. I outline my reasoning for taking this position below.
- 7.1.12. The proposed development was amended as part of further information to address concerns raised by the Planning Authority. The total number of units sought was reduced from 20 no. houses to 14 no. houses and a revised site layout was prepared (see Proposed Site Layout, dated Oct 2024). The residential mix is now 6 no. 2-bedroom units, 6 no. 3-bedroom units, and 2 no. 4-bedroom units. The scheme has four different house types, including bungalows and two-storey detached dwellings. The proposed layout has changed during the application process and has positively evolved from its original design and layout. It adopts a more bucolic layout and

character by prioritising open space, having a less dense arrangement of houses on more generous plot sizes, with more substantial landscaping and green buffers between properties and alongside site boundaries.

7.1.13. The revised scheme is in accordance with Development Objective Tusk DO 1 of the County Development Plan, in my opinion, which is to facilitate quality low density residential development at an appropriate location within the village settlement boundary. The scheme has a residential density of 8.7uph – reduced down from 12.5uph proposed as part of the original application – and I consider that this is an appropriate density having regard to scale, form and character of Tusk as a small rural and serviced village, but which has also the capacity to facilitate a degree of residential demand in line with the Core Strategy.

7.1.14. I also refer to the Compact Settlement Guidelines (Section 3.3.5 and Table 3.7) which provides guidance on ‘areas and density ranges for rural towns and villages’. The Guidelines state that rural settlements with a population of less than 1,500 persons are not identified for significant population growth under the NPF and should grow at a limited pace appropriate to the service and employment function of the town / village and the availability and capacity of infrastructure to support further development. The guidelines add that planning authorities ‘should look to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct rural one-off housing in the surrounding countryside in rural towns and villages’. The CDP also reflects this policy position under Objective PPH 3.21 which is to encourage the provision of housing within designated Rural Villages, to act as a viable alternative to single housing in the open countryside.

7.1.15. It is therefore a key priority for rural settlements such as Tusk to be able to deliver sustainable housing development at the edge of the settlement, at a suitable location, and that this housing can be integrated into the existing built-up footprint of the settlement and serviced by the necessary supporting infrastructure. I am satisfied that the proposal would achieve this, and the density proposed would respond positively to the established context of the surrounding environment, including the existing pattern of residential development in the vicinity.

- 7.1.16. The second part of Objective Tusk DO 1 emphasises discouraging further suburban-type multi-unit residential developments in the village. In this context, I consider that it is important to differentiate the proposed design from what is typically classified as a suburban estate. I have reviewed the amended proposal and consider that the Applicant has positively engaged with the process by formulating a much-improved design response. They have put forward a scheme which is more closely aligned with that of a village style cluster type of housing. The scheme has a more organic layout and would be consistent with the preferred built form and existing rural character of Tusk, in my opinion.
- 7.1.17. The proposal no longer follows a conventional suburban format which is often defined by a more uniform arrangement of units in an area, a homogeneous style of house types and sizes and repetitive street patterns. The proposed development now is of a layout, design and style that would integrate well with the existing character of the village, in my view, rather than impose an incongruous suburban model of housing, which Policy Objective Tusk DO 1 seeks to avoid. Instead, I consider that the development would promote and facilitate the sustainable development of a high-quality built environment and create a distinctive sense of place which is in accordance with Policy Objective TV 4.1. It would also help to consolidate the growth of Tusk at a density which would be appropriate for this village settlement, be in proximity to existing public transport services¹, and be well-served by green infrastructure and open space as required under Policy Objective TV 4.2.
- 7.1.18. The revised scheme also makes provision for dedicated pedestrian crossing points, new footpaths to tie-in with existing footpaths in the adjoining housing estate and for existing turning bays to be removed and given over to open space instead. These were concerns raised by the Planning Authority in their request for further information and I consider that this would further promote walking, foster a sense of community, provide good access to areas of open space, and help to remove potential hazards for all types of road users. The proposed development is therefore in accordance with Policy Objective TV 4.7, which is to promote enhanced and

¹ The appeal site is roughly a 10-minute walk from bus stops in the village centre. The bus services travel to Dublin City Centre, Dublin Airport and Ballina, as well as other regional villages and towns.

increased public realm opportunities, including the shared use of spaces, with a priority on pedestrian usage and accommodating people with disabilities.

- 7.1.19. In summary, I conclude that the proposed layout and built form is an appropriately responsive urban placemaking solution. It is cognisant and in keeping with the surrounding context of the site, and its receiving environment, and in accordance with the provisions of the Roscommon County Development Plan 2022-2028, including Policy Objectives TV 4.1, TV 4.2 and TulsK DO1.

7.2. Water Supply

- 7.2.1. The Planning Authority's third reason for refusal is that inadequate evidence has been provided demonstrating a supply of potable water can be provided to serve the development.
- 7.2.2. I further note that the Planner's Report states having examined the documents lodged as part of further information it would appear that evidence confirming that the proposed development would be able to access the private Group Water Scheme (GWS) has not been included. As a result of this, the Planning Authority is not satisfied that an adequate supply of potable water can be provided to serve the development and, therefore, permission should be refused.
- 7.2.3. I note that the submission from Uisce Éireann in respect of water confirms that the area is served by a private Group Water Scheme (GWS) and that the Applicant should contact the GWS to make a connection to this private infrastructure. I consider that this is not unusual or atypical for a proposed scheme of this nature where direct access to the public mains system is not available.
- 7.2.4. The Applicant states in their further information cover letter under Item 11 (dated 17th October 2024) the following: "please find enclosed evidence of consent so as to make a connection to the private Group Water Scheme (GWS) so as to service the proposed development". However, having reviewed the file, I also cannot find the information referred to by the Applicant. The Applicant has also failed to engage with this issue as part of their appeal. However, I do not consider that this necessarily means the proposal is premature or that it is a sufficient reason for refusing permission, in and of itself, particularly as it appears there is capacity in the GWS to cater for what is a relatively modest residential scheme of fourteen houses.

- 7.2.5. The Development Plan also indicates there is adequate capacity in the area in terms of water supply serving Tusk, which is an identified serviced village in the County Development Plan. Section 3.28 of the CDP states that a public water supply is available, and I note that Table 2.3 (Settlement Hierarchy) identifies certain existing rural villages provide important services and facilities serving their own population and rural hinterland – Tusk is one such village.
- 7.2.6. The CDP goes on to say that there is capacity in these villages to accommodate a modest level of growth, with the growth capacity being dependent on the size of the village. I note that Tusk is listed as a ‘serviced village’ which has capacity to grow and that it is a specific policy objective to facilitate quality low density residential development at appropriate locations within the village and its settlement boundary (Objective Tusk DO 1 refers). I consider that without the necessary services and infrastructure, such as an adequate water supply, it is not likely that Tusk would be identified in these formal planning policy terms to take further residential development as it has been.
- 7.2.7. Notwithstanding the above, and in a case where the Board considers the issue of water supply to be a deficiency in the application – one which cannot be readily addressed under condition – I would suggest that the option of seeking further information from the Applicant should be explored, rather than issuing a refusal.
- 7.2.8. It appears the Applicant may have already obtained the necessary consent to proceed with connecting to the private GWS, but that this documentation was inadvertently omitted from the further information submitted to the Planning Authority. This seems to have been an oversight, rather than failure to secure the documentation, and could be addressed either at appeal stage, or under condition, as outlined above, before the commencement of development.

7.3. Other Issues

Drainage

- 7.3.1. I note within the Planner’s Report that a concern is expressed regarding the proposed method of surface water drainage. It is stated that there is an absence of any nature-based solutions incorporated into the design of the proposed development and that this is a requirement under the ‘Nature-based Solutions to the

Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document', as published by the Department of Housing, Local Government and Heritage. [The County Development Plan describes sustainable urban drainage systems (SuDS) as systems designed to efficiently manage the drainage of surface water in the urban environment and this is encouraged through various Policy Objectives, including CAEE 8.22, CAEE 8.23, and ITC 7.47, and Figure 8.1 'Nature Based Solutions'.]

- 7.3.2. The proposed surface water layout is shown in Drwg. No. 03. This is available to view on the file. It provides details of the proposed attenuation tanks, surface water connection point and interceptor. It does not indicate any detailed SuDS measures, however, which could assist in a more efficient collection and treatment of surface water runoff. Whilst the proposed development is not particularly dense, and there are expansive areas of public open space throughout, the amount of impermeable area is not insignificant. Furthermore, and in line with the above-mentioned guidance, the slowing and filtration of stormwater runoff from roofs, streets, and wider public realm can be achieved naturally by more sustainable solutions in the form of green roofs, raingardens, swales, permeable surfaces, bioswales, natural water collection, storage ponds, etc.
- 7.3.3. I consider that given the open nature and relatively expansive size of the site, that a better integrated approach to rainwater management in the form of dedicated SuDS measures should be incorporated as part of the development. Therefore, and in having regard to the above, I consider it appropriate to address this issue under condition. I recommend that the condition should require the Applicant to submit a detailed SuDS strategy to the Planning Authority for their written agreement, prior to the commencement of construction and show consideration / the inclusion of the types of nature-based drainage solutions referred to above.

Construction Phase

- 7.3.4. The duration of the construction phase would depend on several factors but could be expected to last approximately 10 to 18 months. This would be typical for a relatively small residential scheme such as that proposed.
- 7.3.5. The works phase is an inevitable part of delivering new development in an area, however. I consider that the preparation of a Construction and Environmental

Management Plan (CEMP) would help to manage and reduce potential impacts on the surrounding environment, including residents, and this should be conditioned as part of a decision to grant permission. The CEMP should set out clear protocols and procedures for best practice in construction and sustainable development and include mitigation, where appropriate.

- 7.3.6. The limitation of site works to certain hours and days of the week would further assist in addressing potential negative impacts caused by the construction phase of the project.

Community Services and Security

- 7.3.7. I note the concerns raised by observers that there is an existing deficit in certain services in the village, such as medical facilities and policing / garda numbers.
- 7.3.8. The proposed development is for fourteen houses and related site works. I consider that the proposed quantum of development is in keeping with the Vision Plan for Tulsk as per Section 3.28 of the County Development Plan.
- 7.3.9. The anticipated increase in population would be relatively modest, in my opinion, and unlikely to result in excessive or undue demands being placed on the existing facilities, amenities, or community services in the village.

8.0 AA Screening

- 8.1. The appeal site is not directly affected by, or adjacent to, any designated European Sites. The nearest European Site is Mullygollan Turlough SAC (Site Code: 000612) which is roughly 3.3km to the southwest.
- 8.2. The application is not accompanied by an AA Screening Report or Natura Impact Statement. I note also that the Planning Authority completed an AA Screening Exercise (see Page 8 of the Planner's Report). In completing the screening exercise, the Planning Authority concluded that a Stage 2 Appropriate Assessment would not be required.
- 8.3. Having regard to the nature and modest scale of the proposed development, which is for the construction of construction of 14 houses and associated site works (revised downwards from 20 houses as part of the Applicant's further information), the separation distances from the nearest European Sites, and that the proposal

would connect into and would be adequately served by the existing communal WWTP (itself managed and monitored under a discharge licence in accordance with EPA requirements) it is considered that no Appropriate Assessment issues arise.

- 8.4. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site and the requirement for a Stage 2 Appropriate Assessment is not required in this instance.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the existing pattern of development in the area, the location and setting of the site within the designated settlement boundary for Tulsk, which is identified as a 'serviced village' according to the Core Strategy and Settlement Policy under the Roscommon County Development Plan 2022-2028, and as a settlement that is serviced by public sewerage with the capacity to facilitate a degree of residential demand, and to the relevant policies, objectives and development standards, in particular Policy Objectives Tulsk DO 1, TV 4.1 and TV 4.2, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, is appropriate in terms of design, scale and layout and consistent with the established built character of the vicinity, and that it would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 17th October 2024, 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>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</p>
4.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for</p>

	<p>effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
5.	<p>Prior to the commencement of development, the developer shall enter into a connection agreement with the delegates of the private Group Water Scheme (GWS) serving the area and provide evidence of this to the planning authority prior to commencement of construction.</p> <p>Reason: In the interest of public health and to ensure access to a potable water supply.</p>
6.	<p>Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection(s) to the wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate wastewater facilities.</p>
7.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of Sustainable Urban Drainage Systems (SuDS) measures shall be submitted to the planning authority for written agreement prior to the commencement of construction.</p> <p>Reason: In the interest of sustainable drainage and public health.</p>
8.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p>

	<p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development. The scheme shall include lighting along pedestrian routes and open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
10.	<p>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:</p> <ul style="list-style-type: none"> a) A plan to scale of not less than 1:500 showing – <ul style="list-style-type: none"> i) Existing trees, hedgerows, shrubs, and other relevant features 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 leylandii.

	<p>v) Details of roadside/street planting, which shall not include prunus species.</p> <p>vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment(s).</p> <p>c) A timescale for implementation.</p> <p>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, or until the development is taken in charge by the local authority, whichever is the sooner, 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 the interest of residential and visual amenity.</p>
11.	<p>Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
12.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall</p>

	<p>be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
13.	<p>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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. Any existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400</p>

	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 the 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 developers 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>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority</p>

	<p>and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</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.

Ian Boyle

Senior Planning Inspector

26th March 2025

Appendix A

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321409-24		
Proposed Development Summary	The proposed development is for the construction of 14 houses and associated site works (revised down from 20 no. units as part of the further information submitted to the Planning Authority).		
Development Address	The appeal site comprises a vacant plot of land in the northeast part of Tulsk in County Roscommon. It is immediately east of an existing residential estate called Meadowbrook and within the village settlement boundary for Tulsk.		
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	✓
		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	✓		Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	10. Infrastructure Projects (b)(i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Preliminary examination required (Form 2)

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

Inspector: Ian Boyle

Date: 26th March 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321409-24
Proposed Development Summary	The proposed development is for the construction of 14 houses and associated site works (revised down from 20 no. units as part of the further information submitted to the Planning Authority).
Development Address	The appeal site comprises a vacant plot of land in the northeast part of Tulsk in County Roscommon. It is immediately east of an existing residential called Meadowbrook and within the village settlement boundary for Tulsk.
<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>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and	<p>The size, design and nature of the proposed development is not exceptional in the context of its existing environment.</p> <p>The County Development Plan states that Tulsk is a Serviced Village, which means it is serviced by public sewerage and has capacity to facilitate a degree of residential demand.</p>

<p>nuisance, risk of accidents/disasters and to human health).</p>	<p>Appendix 4 of the CDP states that there is 'Adequate Capacity' for anticipated growth over the Plan period. The wastewater treatment plant has a design PE (population equivalent) capacity of 820.</p> <p>The site is largely greenfield in nature. However, there is evidence of site preparatory construction works having taken place onsite, indicating the property had once previously been earmarked for future residential development purposes. The works mainly comprise abandoned excavation and groundworks. There is also various other construction-related debris on the site, including small piles of concrete, rubble, security hoarding and timber offcuts.</p> <p>The areas towards the south and east of the property are characterised by a mix of low-density houses on spacious plots. The residential development on the western side of the site has been constructed in more recent times however and is made up of semi-detached dwellings. The land immediately to the north and east are used for agricultural purposes.</p> <p>During the construction phase the proposed development would generate demolition waste. However, given the relatively modest size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context. The development of the site</p>
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	<p>would also 'clean up' the existing construction waste left on the site which has been in situ for many years.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which for residential use.</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>The appeal site is not directly affected by, or adjacent to, any designated European Sites.</p> <p>The nearest European Site is Mullagollan Turlough SAC (Site Code: 000612) which is roughly 3.3km to the southwest on the far side of Tulsk village centre.</p> <p>It is considered that no Appropriate Assessment issues arise, and the proposed development would not be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>There is no potential for significant ecological impacts given the proximity of other residential housing and I do not consider that there is potential for the proposed development to negatively affect other environmental sensitivities in the area.</p> <p>The proposed development includes landscaping and planting which would help provide some level of foraging and resting opportunities for birds and other species.</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 site is in a peri-urban location adjoining an existing residential housing estate called Meadowbrook. The proposal is for 14 houses across a range of house types. It would be slightly smaller in size, scale and density than Meadowbrook but would not be exceptional in the context of its receiving environment. I do not consider there is potential for significant impacts in terms of those described.	
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 not required. ✓	EIA is not required.	No. EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector: Ian Boyle

Date: 26th March 2025

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)