



An
Bord
Pleanála

Inspector's Report ABP-321701-25

Development	Construction of a bungalow and all associated site works.
Location	Rathmore, Ballymahon, Co. Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2460260
Applicant(s)	Marie Byrne
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	4 th April 2024
Inspector	Kenneth Moloney

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.2. Longford County Development Plan, 2021 – 2027	8
5.3. Natural Heritage Designations	11
6.0 EIA Screening.....	11
7.0 The Appeal	11
7.1. Ground of Appeal.....	11
7.3. Observations.....	13
8.0 Assessment	13
9.0 AA Screening.....	26
10.0 Recommendation	27
11.0 Reasons and Considerations.....	27
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area situated approximately 4.2 km from Ballymahon, Co. Longford.
- 1.2. The subject site is currently a field that measures approximately 0.350 ha. The gradient of the appeal site slopes upwards from the public road to the rear of the site.
- 1.3. The appeal site has road frontage onto the L1131, and there are two existing two-storey detached houses located on the opposite side of the public road to the appeal site. The gradient of these sites is relatively flat and topography of the landscape on the opposite side of the public road is generally flat.
- 1.4. Farm buildings, and a house are located to the rear (east) of the appeal site and accessed from the public road L1130 which is situated east of the appeal site.
- 1.5. The River Inny is situated approximately 260m to the west of the appeal site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development.
 - Construction of a bungalow
 - Detached garage
 - Entrance, boundary and fence
 - On-site wastewater treatment with polishing filter
- 2.2. The proposed bungalow has a floor area of c. 167 sq. m., and layout consists of 3 bedrooms, study and living areas. The overall height of the proposed bungalow is 5.9 metres above ground level, and the width of the front elevation measures c. 19.1 metres.
- 2.3. The proposed bungalow will be finished in nap plaster finish and the roof will be finished in blue / black natural roof slate.
- 2.4. The proposed detached garage situated to the side of the proposed bungalow has a floor area of c. 45 sq. metres. The maximum height of the proposed garage is 4.5 metres above ground level.

- 2.5. The entrance will comprise of a 0.9m high wing wall either side of a proposed black wrought iron electric gate entrance. The proposed height of the electric gates are 1.1m. The proposed site boundary will comprise of existing hedgerow, to be strengthened where necessary.
- 2.6. The development will be served by a domestic wastewater treatment system which will comprise of a tertiary treatment system and infiltration / treatment area.
- 2.7. The first party appeal submission includes an amendment to the site layout to facilitate the relocation of the proposed house closer to public road and the reduction in the finished floor level. The amendment also reduces the roof pitch of the dwelling from 30 degrees to 25 degrees. A further amendment provides for the relocation of the proposed wastewater treatment system to the rear of the proposed house.

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to refuse permission for the following reasons.
 1. It is the policy of the Planning Authority, as set out in ROADS 2 section 5.1.1.1 of the current Longford County Development Plan 2015-2021 to provide a road network which is safe and efficient for all road users cognisant of the requirements of all traffic, including motorised vehicles, pedestrians and cyclists. As sightlines cannot be achieved from the proposed entrance the proposed development, if permitted, would create 3 separate entrances within a restricted area and could result in a hazard to all traffic, including motorised vehicles, pedestrians and cyclists, and would therefore, be contrary to the proper planning and (sic) development of the area.
 2. It is considered that the proposed development, by reason of its location within an area of high landscape sensitivity and its size, layout and design would be visually obtrusive and have a detrimental impact on the visual amenity of the surrounding landscape, the residential amenity of the adjoining dwellings and its proximity to the River Inny having regard to Policy CPO 14.31 of the Longford County Development Plan, 2021-2027. The development proposed would, if permitted, either by itself or the precedent it

would set for other similar development in the area, materially contravene this policy and would be contrary to the proper planning and sustainable development of the area.

3. It is the policy of the Council as set out in Section 4.8.12, CPO 4.24 of the Longford County Development Plan, 2021- 2027, which identifies the criteria for applicants seeking permission in Rural Areas Under Strong Urban Influence' must satisfy. It is considered that the applicants have not demonstrated a rurally generated housing need at this location and where the proposed development has the potential to impact adversely on the area. As such, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The Planning Authority are not satisfied that the proposed development, given its proximity to the River Inny and its resultant over-concentration of septic tanks, would not give rise to the risk of pollution of the water course and pose a significant threat to public health, including the health of the occupants of the proposed new dwelling and to the quality of ground and surface waters. The proposed development would, if permitted, therefore be contrary to Policy CPO 4.35 of the Longford County Development Plan, which aims to protect water quality, and as such would be contrary to the proper planning and sustainable development of the area.
5. It is considered that the proposed development would give rise to an excessive density of development in an un-serviced rural area, thus resulting in further pressure for community and public services which would be uneconomic to provide and would, if permitted, therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 17th December 2024, notes the following.

- Site is located on a prominent elevated site. Proposed house located on highest point of the site over 2m above road level.

- Level of proposed landscaping is minimal.
- PA has concerns in relation to capacity of the landscape to assimilate the proposed development.
- No potential for significant effects on the Natura 2000 network arising from the proposed works
- EIA not required.
- Applicant is not owner of the land and no letter of consent submitted from landowner.
- PA not satisfied that the over-concentration of septic tanks would not give rise to the risk of pollution of the water course and pose a significant threat to public health.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

Uisce Éireann: No objection subject to standard conditions.

3.4. Third Party Observations

3.4.1. A total of 6 no. observations received during the course of the planning application. The issues raised can be summarised as follows.

- Contamination of drinking water is a concern due to proximity of proposed wastewater treatment system to established wells, which lie down gradient.
- EPA requires minimum set back distance of 45 metres between a proposed percolation area and any down gradient well. Minimum distance is not achieved.
- Site Characterisation Form indicates that ground water flow is in a western direction from proposed percolation area, directly affecting existing established neighbouring wells.
- Potential for microbial pollution, causing a serious health hazard.

- Ponding occurs locally contrary to the Site Characterisation Form which indicates no ponding within 250m of the subject site. Ponding is problematic locally given proximity to River Inny.
- Common rushes are abundant in the periphery of the site which is omitted from the Site Characterisation Form. These features suggest high water table and poor percolation characteristics.
- There are outcrops within 120m of the proposed site indicating insufficient depth of subsoil to treat wastewater and allowing entry to ground water too rapidly.
- The Site Characterisation Form indicates that the trial hole depth shall be a minimum depth of 1.2m, however rock was encountered at 1 metre deep, questioning the thoroughness of the findings.
- Proposed vehicular entrance will result in 3 no. vehicular entrances converging onto the L1131. The road experiences heavy traffic and there is a dangerous bend on the road c. 153 metres from the site.
- Proposed house situated on an elevated site resulting in overlooking of existing properties.

4.0 Planning History

Subject site

- None

5.0 Policy Context

5.1. National Guidelines

The ‘*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*’ promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘*Stronger Rural Areas*’ as identified by the Guidelines.

5.2. Longford County Development Plan, 2021 – 2027

- 5.2.1. Chapter 4 – ‘Core, Settlement and Housing Strategies’ provides guidance in respect of the rural settlement strategy and includes a Rural Typology Map¹ that classifies the county geographically into two defined areas for the purpose of delivering rural housing. This includes areas defined as ‘Rural Areas under Strong Urban Influence’ and ‘Rural Areas Elsewhere’. The Plan advises that dwellings in the countryside need to be sited and designed to ensure minimum impact on their setting and the utilisation of existing features is recommended.

The following policies are relevant to the proposed development.

- CPO 4.24 – Criteria to satisfy rural housing in ‘Rural Areas Under Strong Urban Influence’.

Policy Objective CPO 4.24 states as follows;

“Accommodate demand from individuals for permanent residential development in defined ‘Rural Areas Under Strong Urban Influence’, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

Applicants seeking permission for the development of single dwelling rural housing in areas defined ‘Rural Areas Under Strong Urban Influence’ must satisfy the following criteria:

1. *The applicant was born within the local rural area or is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The ‘Local Rural Area’ for the purpose of this policy is defined as the area generally within an 8km radius of where the applicant was born, living or has lived. For the purpose of this policy, the rural area is taken to include ‘Rural Settlement Clusters’ listed in the Settlement Hierarchy, but excludes the Key Town, Self-Sustaining Growth Town, Self-Sustaining Towns, Towns and Villages and Serviced Rural Villages listed in the Settlement Hierarchy.*

¹ Figure 4.5 Longford County Development Plan, 2021 – 2027

2. *The applicant has a functional economic or social requirement to reside in this particular rural area such as in any of the following 2 situations:*
 - a. *Economic requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. It includes persons involved in full-time farming, horticulture or forestry as well as similar ruralbased part-time occupations where it can be demonstrated that it is the predominant occupation.*
 - b. *Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Longford shall be taken as compliance with point 1 above. Special consideration shall be given in cases of exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person.*
3. *The applicant does not already own or has not owned a house in the open countryside.*
4. *If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control.*
5. *High quality siting and design”.*

Other relevant policies include;

- CPO 4.32 – Ribbon Development
- CPO 4.35 – Site Suitability

5.2.2. Chapter 14 – ‘*Landscape Character*’ includes guidance on landscape character in the county and identifies 7 no. broad landscape character types within the county defined in Table 14.1 and mapped in Figure 14.1. The Plan advises that it is policy to

identify, protect and enhance landscapes and landscape features of special environmental, historic or cultural interest.

The following policies are relevant.

- CPO 14.3 – Landscape Protection
- CPO 14.4 – Landscape Preservation
- CPO 14.31 – Inny Basin

Policy Objective CPO 14.31 states as follows;

“Consider rural housing where appropriate and in accordance with normal planning criteria with the exception of high sensitivity areas in the vicinity of protected woodlands and riverbanks. Rural housing shall not be permitted in close proximity to the River Inny.”

- 5.2.3. Chapter 16 – Section 16.4.5.7 of the Plan advises that notwithstanding applicant’s compliance with rural housing criteria (Chapter 4), applicants are also required to satisfy visual impacts, design standards, environmental and traffic safety issues.

The following Development Management Standards are relevant to the proposed development.

- DMS 16.88 – Site Selection and Design
- DMS 16.89 – Material and Detailing
- DMS 16.90 – Domestic garage / shed / store
- DMS 16.91 – Access and Sightlines
- DMS 16.92 – Surface and Wastewater Treatment
- DMS 16.93 – Boundary Treatment

Section 16.4.7 of the Plan provides guidance on Road Safety and Access. The following Development Management Standard is relevant to the proposed development.

- DMS 16.114 – Sight Distances

5.2.4. Annex 7: Rural Design Guidelines for Residential Developments in Rural County Longford.

5.2.5. Policy Objective 4.44 of the Plan is related to Annex 7, and states as follows,

“Prepare an updated ‘Rural Design Guidance for Residential Developments in Rural County Longford’ over the lifetime of the Plan. Until such time as this is prepared, all new housing in the rural countryside shall achieve the highest quality of layout and design in accordance with the Development Management Standards set out in Chapter 16 of this plan and the current Rural Design Guidance for Residential Developments in Rural County Longford set out in Annex 7 of this Plan”.

5.3. **Natural Heritage Designations**

- Lough Ree SAC (Site Code 000440) c. 2.8km west
- Lough Ree SPA (Site Code 004064) c. 2.8km west
- Lough Ree pNHA (Site Code 000440) c. 2.8km west

6.0 **EIA Screening**

6.1. (See Form 1 and Form 2 attached). 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, or an EIA determination therefore is not required.

7.0 **The Appeal**

7.1. **Ground of Appeal**

The grounds of appeal may be summarised as follows.

Refusal Reason no. 1 (Vehicular Sightlines)

- Sightlines in excess of the minimum requirements for the existing road type can be achieved.

- Submitted Google Map aerial view² indicates the relevant road is perfectly straight and travels in a north – south direction.

Refusal Reason no. 2 (Visual Impact / Landscape)

- A single storey house is proposed as site is elevated above adjoining public road.
- Applicant willing to accept a condition to amend design to address concerns.
- Amended proposals³ include.
 - House relocated closer to public road, therefore reducing finished floor level.
 - Reducing roof pitch of dwelling from 30 degrees to 25 degrees.

Refusal Reason no. 3 (Local Need)

- Applicant satisfies Section 4.8.12 and CPO 4.24 of the Longford CDP, 2021 – 2027.
- Relevant Rural Housing Form⁴ and cover letter with application included with appeal.

Refusal Reason no. 4 (Wastewater Treatment)

- Proposed wastewater treatment system provides tertiary treatment through a coco filter before discharging treated effluent to ground water via a stone bed.
- Proposed wastewater treatment system will not impact on ground or surface water quality, given existing site permeability characteristics.
- Amended drawings (Appendix C) with the appeal provide for relocation of wastewater treatment system to maximise distance from proposed bored well and existing bored wells servicing dwellings opposite the appeal site.

² Appendix B of Appeal Submission

³ Appendix C of Appeal Submission

⁴ Appendix D of Appeal Submission

- Revised location of wastewater treatment system exceeds minimum requirements set out in Table 6.2 of the EPA Code of Practice 2021.

Refusal Reason no. 5 (Excessive Development)

- Proposal does not constitute ribbon development and would not give rise to an excessive density of dwellings in the area.
- The relevant Longford CDP provision is Section 16.4.8 and DMS 16.115 which states that ribbon development is 5 or more dwelling houses that exist in a row.

7.2. Planning Authority Response

- None

7.3. Observations

- None

8.0 Assessment

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Access and Vehicular Sightlines
- Domestic Wastewater Treatment
- Visual Impact and Landscape
- Material Contravention
- Development Density

8.1. Principle of Development

- 8.1.1. I would note that the appeal site is located in the open countryside in an area designated '*area under urban influence*' in accordance with Figure 4.5 'Rural Typology Map' of the Longford CDP, 2021 – 2027.
- 8.1.2. In order to satisfy the requirements of the development plan, the applicant must demonstrate sufficient genuine local rural housing need consistent with Policy CPO 4-24 of the LCDP, 2021 – 2027, to construct a house in this rural location.
- 8.1.3. Policy CPO 4-24 requires that applicants for housing in rural areas designated '*area under urban influence*' must meet criteria relating to the following, in summary;
- Demonstrate local need
 - Demonstrate functional economic and social requirement to reside locally
 - Applicant does not own or previously own a house in the open countryside
 - If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control.
 - High quality siting and design

8.1.4. Local need

In terms of demonstrating local rural housing need, I would note that the applicant submitted a Local Need Form with the application documentation. The Local Need Form states that the applicant has lived in the local area, approximately 1.2 km north of the appeal site, for a period greater than the minimum required 5 years, as required by CPO4.24 of the LCDP. The application documentation states that the applicant is currently living with immediate family members, and I note from the Local Need Form that the applicants extended family have lived locally for an extensive period. In paragraph 8.1.7 below I consider the landholding that relates to the application for a rural house on the appeal site.

- 8.1.5. The LCDP states that in rural areas designated '*areas under strong urban influence*' it is the objective of the Plan to manage sustainable growth and to facilitate the provision of single houses in the countryside based on the core consideration of demonstratable economic and social requirement to live in a rural area. In this

respect I would note that section 4.8.12 of the Plan advises that in rural areas under strong urban influence the policy will facilitate housing for people with strong links to a particular area, and who are an intrinsic part of the rural community. The Plan refers to people with strong links to a particular area, as follows;

“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”.

8.1.6. Notwithstanding the applicants claims to strong local connections to the rural area, I would consider that the applicant’s local rural housing need has not been substantiated by supporting documentation that documents proof of local residence for a minimum period of 5 years at any stage prior to making the planning application. I would consider that the onus is on the applicant to demonstrate that they fully comply with CPO-24 of the LCDP. In this regard documentary evidence demonstrating the applicant’s current residence or place of birth would demonstrate their local need for the proposed house in this rural area. Therefore, in my opinion, the applicant’s local housing need has not been satisfactorily substantiated to determine whether the applicant meets the criteria of CPO 4-24 (1) of the County Development Plan.

8.1.7. Economic and Social

In terms of demonstrating economic and social requirements to reside locally I note that the applicant is in an occupation recognised within an employment category for people working in rural areas, however the applicant’s place of employment is some 35 km from the appeal site. The location of the applicant’s place of work is not in the local rural area and therefore I would not consider that the applicant’s place of employment would justify a local housing need in this rural area. Further in terms of social requirements to the live locally in this rural area, again, the applicant does not

include any documentary evidence that would justify their need to live in this local area, in terms of caring needs or proximity to elderly parents, etc.

8.1.8. House Ownership

The applicant submits that they have not previously owned a house in the local area. The PA disputes the applicant's ownerships claims to the appeal site and this is consistent with the applicant's response to Question 6 of the submitted Local Need Form. Specifically, the PA notes that no letter from landowner has been submitted. I would acknowledge that the submitted Site Location Map includes a blue line boundary that includes the appeal site, however the ownership status of the subject site is unclear from the application documentation. A key criterion for the applicant is to demonstrate that the proposed house is for their sole occupation and clearly that the proposed house is required to meet their local rural housing need. Based on the information available this criterion has not been adequately demonstrated.

8.1.9. Area of Special Control / High quality siting and design

In relation to item 4 (Area of Special Planning Control) I would consider that this not relevant to the current appeal. I have considered high quality siting and design in the assessment below under paragraph 7.4.

Conclusion

- 8.1.10. Therefore, I would consider, based on the information available, that the applicant has inadequately demonstrated sufficient genuine local housing need consistent with Policy CPO 4-24, in particular parts (1), (2) and (3) of the same policy objective, and as such I would support the PA's refusal reason no. 3.

8.2. Access and Vehicular Sightlines

- 8.2.1. I would note that the PA's refusal reason no. 1 refers to the ROADS 2 section 5.1.1.1 of the Longford CDP, 2015 – 2021, which is now superseded by the Longford CDP, 2021 – 2027, and as such the LCDP, 2015-2021, is not relevant to this assessment.
- 8.2.2. Section 16.4.7 of the LCDP, 2021 – 2027, provides guidance on Road Safety and Access, and Development Management Standard 16.114 provides guidance in relation to sight distances for vehicular entrances.

- 8.2.3. DMS 16.114 advises that on a local road with a speed limit of 60kph that unobstructed sight distances of 65m shall be provided. Furthermore, DMS 16.114 advises that in terms of local roads, the sightline provision is also subject to the discretion of the Planning Authority where a lesser distance is demonstrated to be adequate in terms of traffic safety.
- 8.2.4. Table 9.3 '*Design Speed Related Parameters*' of the TII '*Rural Road Link Design*⁵' advises that the desirable minimum stopping sight distance for a road with a speed limit of 60km is 90 metres, which is greater distance than that required in the LCDP, 2021 – 2027. In addition, TII publication DN-GEO-03060 (May 2023) advise in Table 5.5⁶ the same distance of 90m for design speed of 60 kph.
- 8.2.5. I noted from my site assessment that the speed limit on this local road is 60kph. The applicant in their appeal submission⁷ submits sightline provisions of 90m in either direction of the proposed vehicular entrance, from a setback distance of 3m from the public road.
- 8.2.6. I noted from my site assessment that the vertical alignment of the public road to the north and south of the appeal site is straight and the applicant's proposed 90m sightline in either direction is achievable. The proposed sightline distances are therefore in excess of the provisions of the LCDP, 2021 – 2027, and consistent with the TII '*Rural Road Link Design*' and DN-GEO-03060. There are two existing houses on the opposite side of the public road both with sightline provisions consistent with that proposed in this application before the Board. I would not consider that 3 no. entrances at this location would result in a hazard, having regard to the horizontal alignment of the road and the purpose of the rural road.
- 8.2.7. Based on the documentation on the file, it is my view, that the vehicular entrance, the subject of the application before the Board, is in accordance with the LCDP, 2021 – 2027, and TII guidelines in terms of sightline provision and therefore, having regard to the road horizontal alignment of the road to the north and south of the appeal site, the proposed vehicular entrance would not endanger public safety by reason of a traffic hazard. I therefore would not support the PA's first reason for refusal.

⁵ April 2017

⁶ Visibility Distances from the Minor Road

⁷ Drawing no. 01

8.3. Domestic Wastewater Treatment

8.3.1. Introduction

The proposed domestic wastewater treatment system (DWWTS) to serve the house is comprised of a tertiary treatment system and infiltration / treatment area, and I note from the applicant's submitted Site Characterisation Form that the DWWTS will discharge to ground water.

- 8.3.2. The observations to the PA raised concerns in relation to potential impacts on local drinking water given the proximity of the proposed percolation area to existing private wells. In particular this relates to the two existing houses downgradient of the appeal site, situated on the opposite side of the public road. The observers submitted that an existing private well is located within 30 metres of the proposed percolation area and second private well is located approximately 43 metres from the proposed percolation area. The observers also submit that the local area experiences pooling and poor drainage.
- 8.3.3. In respect of the submitted observations the EPA Code of Practice for Domestic Wastewater Treatment Systems, 2021, in Table 6.2 sets out a minimum set back distance from the entire DWWTS. The minimum separation distance from domestic wells, assuming depth of soil/subsoil 1.2 – 8.0m between invert level and bedrock, is 45 metres.
- 8.3.4. Therefore, having regard to the location of the DWWTS situated to the front of the appeal site, and its proximity to private wells, the proposed development would give rise to concerns that effluent from the development would not be satisfactorily treated and disposed on site without detriment to local water supply.
- 8.3.5. I would also acknowledge that the PA's refusal reason no. 4 stated that the PA was not satisfied that the proposal would not give rise to a significant threat of public health, given the overconcentration of septic tanks locally. Further the PA is also concerned with pollution implications for ground and surface waters arising from the proposed development, and in particular the River Inny.
- 8.3.6. In a response to the concerns of the observers and the PA the appeal submission includes an amendment to the site layout providing for the relocation of the proposed wastewater treatment system to the rear of the proposed house, i.e. further up the

site and closer to the eastern boundary of the subject site. The amended site layout plan provides for a separation distance of approximately 75 metres from the entire DWWTS to the two neighbouring private wells downgradient and this amendment to the site layout would ensure compliance with Table 6.2 EPA COP, 2021, in respect of achieving minimum separation distances.

8.3.7. Impacts on Local Ground Water

I would have a number of concerns in relation to the proposed DWWTS and the site suitability, based on the information available. In relation to the original proposal to locate the proposed DWWTS to the front of the site I would share similar concerns of the observers and PA, given the proximity of the DWWTS to existing private wells and the potential for effluent from the development to have a detriment impact on water supply for the existing houses on the opposite side of the public road to the appeal site. I noted during my site assessment there was no visible evidence of pooling on the appeal site or in the immediate context of the appeal site. Further I noted from my site assessment that rushes, which can indicate poor drainage, were not present on the appeal site or in the immediate context of the appeal site.

8.3.8. I would note that the applicant's Site Characterisation Form indicates that bedrock was encountered in the trial hole at 1m below ground level. The depth of the bedrock is important as the presence of bedrock closer to the surface can indicate faster flow of effluent to ground water.

8.3.9. I would note from the Site Characterisation Form that the subsurface percolation test recorded a value of 25.3 and the surface percolation test recorded a value of 31.17. These percolation values would be consistent with Table 6.4 of the EPA Code of Practice, 2021, and the COP recommends a tertiary treatment system and infiltration area for these recorded percolation values, which is consistent with that proposed for the DWWTS.

8.3.10. I would acknowledge that the relocation of the proposed DWWTS to the rear of the site would address minimum separation distances, as discussed above, however although addressing minimum separation distances, the applicant is relying on the same trial hole and percolation test results for a completely different part of the site.

8.3.11. Having regard to the amount of bedrock in the trial hole, as recorded in the Site Characterisation Form, it is not adequately demonstrated that further up the slope of

the site you travel, that the bedrock is further from the surface or closer to the surface. The presence of bedrock closer to the surface would give rise to faster flow of discharge to ground water. In the absence of another trial hole and further percolation tests in an area closer to the proposed new location I would have concerns, having regard to the submissions on the file, in relation to the site suitability for the revised DWWTS, and the potential implications for ground water, and in turn local wells.

- 8.3.12. In addition to not adequately demonstrating that the site is capable of the safe disposal of treated effluent without risk to public health on the proposed site or on adjoining sites, I would further note that the site is located in an area of extreme groundwater vulnerability and the Aquifer Type is Locally Important (L1), and I have verified the findings of the Site Characterisation Form, in respect of groundwater vulnerability and Aquifer Type on www.gsi.ie.
- 8.3.13. Therefore, having regard to Table E1 (Response matrix for DWWTS) of EPA COP, (2021) the groundwater protection response for the subject site is R2¹ and with this type of site the EPA COP advises that particular attention should be given to the depth of the subsoil over bedrock such that minimum depths are achieved. The presence of bedrock closer to the surface, than that recorded in the Site Characterisation Form, would have implications for the minimum unsaturated soil and/or subsoil depth requirement for the proposed infiltration / treatment area.
- 8.3.14. Based on the above considerations I would not be satisfied, in the absence of new trial hole and percolation tests in the location of the revised location for the DWWTS, that the applicant has adequately demonstrated that the site is capable of the safe disposal of treated effluent without risk to public health.

8.3.15. Impacts on Surface Water

The PA also had concerns in respect of the proposed development and implications of pollution on the River Inny. In considering potential pollution implications of the River Inny, I would note from the Site Characterisation Form that till is the soil type and the subsoil, and no water table or mottling was evident from the trial hole excavation. Till soil and subsoil would indicate low permeability.

- 8.3.16. Although I note the concerns of the PA in relation to the River Inny, I would consider, having regard to the separation distance to the watercourse, c. 280m from the

DWWTS, and the absence of any demonstrated pathway or connection from the subject site to the River Inny, that the proposed development would be adequately set back. Based on the above considerations I would not consider that the proposed development would be a risk of pollution to the water course.

8.3.17. Conclusion

In conclusion therefore, and based on the foregoing, I am not satisfied with the original site layout plan which provides for the DWWTS located to the front of the site given the proximity to existing domestic wells and the potential for effluent from the development to have a detriment impact on water supply of existing houses.

Furthermore, I am not satisfied, in the absence of new a trial hole and percolation tests in respect of revised location for the DWWTS, that the applicant has adequately demonstrated that the site is capable of the safe disposal of treated effluent without risk to public health.

8.4. **Visual Impact and Landscape**

8.4.1. Introduction

I have referred to the details of the proposed development in section 2.0 above, and in summary the proposal comprises of a single storey house, with a floor area of 167 sq. metres. The overall height of the proposed bungalow is 5.9 metres above ground level, and the width of the front elevation measures c. 19.1 metres.

8.4.2. The PA and the submitted observers both have raised concerns in relation to visual impact of the proposed development having regard to the receiving landscape. The PA is concerned principally that the subject site is located in a prominent elevated location and the landscape has limited capacity to assimilate the proposed development.

8.4.3. In respect of the PA's refusal reason no. 2, I would note that this refusal reason refers that the proposed development would be contrary to CPO 14.31 (Landscape Unit 5 – Inny Basin). Notwithstanding the proximate location of the appeal site to the River Inny, c. 260 metres, I have identified from Figure 14.1: '*County Longford's Landscape Character Areas*' of the LCDP, that the subject site is located outside the designated area 'Landscape Unit 5 – Inny Basin'. As such LCDP policy objective

CPO 14.31, which refers to the River Inny Basin protection area as a high sensitivity landscape, would not apply to the appeal site given its location outside of this 'Landscape Type' and the provisions of the LCDP.

8.4.4. In terms of landscape designations, I would note that the LCDP identifies 7 no. broad landscape character types within the county defined in Table 14.1 and mapped in Figure 14.1. Figure 14.1: '*County Longford's Landscape Character Areas*' of the LCDP, identifies that the appeal site is located within the landscape character type of 'Open Agriculture' (Landscape Unit 7). In addition, Table 14.1 '*County Longford's Landscape Character Type and Sensitivity*' of the LCDP advises that the visual sensitivity of the landscape within 'Open Agriculture' is generally low to medium, with the exception of the designation in the vicinity of the River Inny, which is located c. 260m from the appeal site boundary.

8.4.5. I would also note that in addition to the above referenced landscape designations Appendix 9 (Landscape Character) of the LCDP includes a Protected View Map which sets out full views and intermitted views for protection within the county. However, I would note that these protected views are removed from the appeal site and would not be impacted by development on the appeal site.

8.4.6. Impacts on Visual Amenities and Landscape

I would agree with the PA's, and the observers concerns in respect of visual impact in relation to the original location of the proposed house on the most elevated part of the appeal site.

8.4.7. In respect of the amended proposal submitted with the first party appeal the footprint of the proposed house is relocated westwards towards the public road and away from the highest elevation of the subject site. In the revised proposal the north corner of the proposed house is set back approximately 17.5 metres from the rear site boundary. This compares to the original application which included a setback of approximately 13.3 metres at the same location, therefore a relocation of the proposed house approximately 4 metres down the site.

8.4.8. I would accept that the siting of the proposed house to a lower elevation on the site, would reduce the relative scale of the proposed house, as viewed from the public road, and from the neighbouring residential properties on the opposite side of the public road, as such reducing scale and visual impact of the proposed development.

- 8.4.9. Further to the above amendment, the roof pitch of the proposed house is amended in the appeal submission and is altered from 30 degrees to 25 degrees. The submitted drawings with the appeal submission illustrate the difference in the roof profile, and I would consider that the amendment has reduced the visual impact of the proposed development and also addresses any potential overlooking concerns.
- 8.4.10. I have referred above to the PA's refusal reason which refers to the proximity of the River Inny, however having regard to my site assessment I would note that the visibility of the river from public road, adjacent to the appeal site, is poor and the presence of two houses on the opposite side of the public road would mitigate visual impacts of the proposed development from the River Inny. Therefore I would consider that the proposed development would not have an adverse impact on the River Inny.
- 8.4.11. Notwithstanding the amended proposal I would have concerns with the proposed development in respect of visual impact and its impact on the landscape. A notable feature of the local landscape is the relatively flat topography to the immediate west of the appeal site adjacent to the two existing houses, on the opposite side of the public road, and approaching the River Inny to the west. However, to the east of the public road the appeal site is distinctive locally as the gradient of the subject site rises steadily from the public road to the rear of the site, generally consistent with the local topography, meaning that the proposed house would be sited above the public road.
- 8.4.12. The nature of the appeal site which rises steadily from the public road would mean any development on the site would be prominent in terms of visual impact and a sensitive design would therefore be required. In this regard DM Standard 16.88 of the LCDP, 2021 – 2027, requires rural housing proposals to be sensitive to its surroundings and visually integrate with the receiving landscape and shall not be visually dominant in the landscape.
- 8.4.13. Furthermore, policy objective CPO 14.3 of the LCDP requires that any new developments do not detrimentally impact on the character, integrity, distinctiveness, or scenic value of their area.
- 8.4.14. The design of the proposed single storey bungalow, in my view, in particular the width of the front elevation of approximately 19.1 metres, which is significant relative

to the width of the two existing houses on the opposite side of the public road which are c. 13m and 15m respectively, would add to the scale of the proposed house and the visual prominence of the proposed house. In addition, the site levels indicated on the submitted site layout plan illustrate a 1.5m level difference between the public road and the site of the proposed house.

8.4.15. I would consider that the elevated positioning of the proposed development, together with its scale, having regard to the local landscape which is relatively flat, would be a discordant and obtrusive feature on the landscape at this location, which would seriously injure the visual amenities of the area.

8.4.16. Conclusion

The scale of the proposed bungalow, on an elevated site, and situated within the Landscape Character type 'Open Agriculture' in an area where the landscape is predominantly flat would unduly impact on the character of the landscape and form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity

8.5. **Material Contravention**

8.5.1. The Planning Authority's second refusal reason is based on the proposal being a material contravention of Policy Objective 14.31 (Landscape Unit 5 – Inny Basin) of the LCDP, 2021 – 2027.

8.5.2. I would not consider that the proposed development would contravene Policy Objective 14.31 which relates to high sensitivity landscapes in the vicinity of riverbanks. This policy requires that rural housing shall not be permitted in close proximity to the River Inny, however given the location of the site outside of the area designated *Landscape Unit 5 – Inny Basin* in the LCDP and having regard to the scale and nature of the development proposed, the established pattern of development in the area, the proposed development would not contravene CPO 14.31. As referred to in paragraph 8.4.4 above the appeal site is located within the

Landscape Unit 7 – ‘Open Agriculture’. Therefore, in this instance, I would not consider that the proposed development would materially contravene the Longford County Development Plan 2021-2027.

- 8.5.3. However, should the Board consider that the proposed development materially contravenes the LCDP, 2021 – 2027, and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

8.6. Development Density

- 8.6.1. Refusal Reason 5 of the planning authority’s decision to refuse the proposed development relates to concerns that the proposal would give rise to an excessive density of development in an un-serviced rural area. I would acknowledge that this refusal reason relates to general settlement patterns in rural areas and demand for services. I have considered the principle of proposed development in paragraph 8.1 above and concluded that such development in this rural area would, in the absence of any identified locally based need for the house, contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.
- 8.6.2. Notwithstanding the above conclusion the appellant’s rebuttal in respect of refusal reason no. 5 argues that the proposed house would not give rise to an excessive density in this rural area and therefore the proposal would not constitute ribbon development in this area.
- 8.6.3. I would note that section 4.8.11 ‘Open Countryside’ of the LCDP, is relevant, and states as follows;
- ‘The open countryside is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and overspill development from urban areas and protecting environmental qualities’.*
- 8.6.4. The policy provision CPO 4.32 of the LCDP relates to ribbon development (5 or more houses alongside 250 metres of road frontage). The criteria for assessing whether

proposals exacerbate ribbon development in accordance with CPO 4.32 includes (a) the type of rural area and the circumstances of the applicant, (b) whether the proposal would represent infill development, (c) whether the existing ribbon development would coalesce as a result of the proposed development and (d) local circumstances including planning history and social need requirements.

- 8.6.5. I noted from my site assessment that the local road (L1131), onto which the appeal site adjoins provides a connection from the N55 to the south to the L1130 to the north. The approximate distance of the L1131 is 1.2 km, and the overall number of existing houses on the L1131 is a total of 3 no. dwellings. There are two houses located on the opposite side of the public road from the appeal site, and a further house situated approximately 150 metres to the south of the appeal site. I would therefore consider that the proposed development, based on the local context and the type of rural area, as described above, would not be infill development and would not coalesce to create ribbon development as defined in CPO 4.32 of the LCDP.
- 8.6.6. The development along this public road (L1131), in my view, would not be a scale that would make the development of an additional house inconsistent with the objectives of CPO 4.32 or give rise to an excessive density of development in this local rural area.

9.0 AA Screening

- 9.1. I have considered case ABP-321701 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises of the construction of a bungalow and includes a tertiary treatment system and infiltration / treatment area and is located in a rural area. The closest European Site, part of the Natura 2000 Network, is the Lough Ree SAC and Lough Ree SPA, both located approximately 2.8 kms west of the proposed development.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and nature of the development.
- The absence of any ecological pathway from the development site to the nearest European site.
- Location-distance from nearest European site.

I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that planning permission be refused for the reasons set out below.

11.0 Reasons and Considerations

1. Having regard to the location of the site within an 'Area Under Strong Urban Influence' as identified in Longford County Development Plan, 2021 – 2027, and in an area where housing is restricted to persons demonstrating local need in accordance with Policy Objective CPO 4-24 of the Longford County Development Plan, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site without

detriment to ground waters and water supplies in the area, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its scale, and the location of the site within the Landscape Character Type 'Open Agriculture', in accordance with the Longford County Development Plan, 2021 – 2027, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary 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.

Kenneth Moloney
Senior Planning Inspector

28th April 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321701-25
Proposed Development Summary	Construction of a bungalow and all associated site works.
Development Address	Rathmore, Ballymahon, Co. Longford.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) of Part 2: threshold 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321701-25
Proposed Development Summary	Construction of a bungalow and all associated site works.
Development Address	Rathmore, Ballymahon, 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>The proposed development consists of a rural dwelling in a rural area situated approximately 4.2km from Ballmahon, Co. Longford. There are a number of established residential properties within the immediate context of the development site, including two houses located on the opposite side of the public road to the subject site. The proposed single storey house</p>

	<p>has a floor area of at 167 sq. m.</p> <p>The proposal is not considered exceptional in the context of neighbouring houses.</p> <p>During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition works.</p> <p>The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</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,</p>	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological</p>

<p>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>importance, or any sites known for cultural or historical significance.</p> <p>The nearest site boundary of the subject site is located some 260 metres from the River Inny, which flows to Lough Ree SAC (Site Code 000440) and the Lough Ree SPA (Site Code 004064). The River Inny meanders towards the Lough Ree SAC and Lough Ree SPA, for c. 4.5km, from a location nearest the appeal site. Given that there are no hydrological connections I have concluded in my AA Screening that that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</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 subject development, given its scale and prominent site location, would impact on local visual amenities however having regard to the scale of the proposed development (i.e. a single dwelling house served by an on-site wastewater treatment system) and the limited nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment. The
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:** _____
DP/ADP: _____ **Date:** _____
 (only where Schedule 7A information or EIAR required)