



An
Bord
Pleanála

Inspector's Report ABP-321901-25

Development	Retention for shed, demolition of house and construction of single-storey house. Installation of percolation area together with all associated site works.
Location	Fearagh, Ballymurray, Roscommon.
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	2460552.
Applicant	Ann Naughton.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Ann Naughton.
Observer(s)	None.
Prescribed Bodies	Minister for Housing, Local Government and Heritage.
Date of Site Inspection	31 st March 2025.

Inspector

Ciarán Daly

1.0 Site Location and Description

- 1.1. The rectangular site of area 0.24 ha consists of a stone driveway on one side which leads from the entrance up to a mobile home and adjacent shed building located towards the rear section of the site which slopes modestly uphill. There is a small concrete shed building located towards the rear southern corner of the site. The site otherwise consists of long grass and some modest sized trees and bushes with some reeds growing towards the north-east section of the site.
- 1.2. An electricity/phone line traverses the site. The site is surrounded by grass fields on both sides and to the rear. Access is via an existing gateway with associated low pillars and walls with the remainder of the front of the site consisting of hedgerow and the south-east side of the site is also bounded by hedging. The site is accessed off a single lane local road.
- 1.3. There is a dwelling c.70m to the south of the subject site. The village of Knockcroghery is c.3.5km as the crow flies to the south-west and Lanesborough village is c.9km to the north-east. Roscommon town is just over 8km to the west. The River Hind is c.32m to the north-east and Lough Ree is c.1.3km to the east.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Demolition of existing “dwelling” (this is actually a shed and mobile home).
 - Decommissioning of existing septic tank and percolation area.
 - Construction of a single storey new dwelling.
 - New wastewater treatment system and percolation area.

3.0 Planning Authority Decision

3.1. Decision

Roscommon County Council decided to refuse permission for 5 no. reasons which relate to (1) failure to demonstrate compliance with the Development Plan criteria for a rural generated house; (2) failure to demonstrate that the wastewater from the

proposal can be disposed of in line with the EPA code; (3) failure to demonstrate that the site is not at risk of flooding or would not result in flooding elsewhere; (4) it would perpetuate and intensify unauthorised development; and (5) in the absence of a Natura Impact Statement it cannot be concluded that there would be no adverse or significant impact on the integrity of Natura 2000 sites.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Council's Planner's Report noted in relation to Appropriate Assessment that a Stage 2 AA is required. The report noted that the structure referred to by the applicant as a dwelling does not have the benefit of planning permission and the Development Plan policies for a new dwelling are therefore applicable. The proposal was noted not to constitute a replacement dwelling.

The site was noted to be located in an area under urban influence, 'Rural Policy Zone A' where applicants must have an economic or social need to live there and a failure to demonstrate a social need was noted. It noted that the removal of the temporary mobile home structure would enhance the visual amenity of the area. The existing site access was noted to not have planning permission.

In relation to wastewater treatment, the report noted that their environment section recorded water in the trial holes and requested further information. It noted a requirement for a flood risk assessment. The structures on the site were noted to be unauthorised and it considered that the development would perpetuate and intensify this type of development which is inappropriate.

3.2.2. Other Technical Reports

- Environment Section: The report that water was observed in both surface and subsurface percolation test hole. Based on the water level observed of 0.85m BGL recorded in the trial pit, further information was recommended to be requested.

3.3. Prescribed Bodies

- Uisce Éireann: No objection subject to conditions.

The following were consulted as part of this appeal:

- Development Applications Unit (Minister of Housing, Local Government and Heritage): AA Screening by a qualified ecologist recommended.
- The Heritage Council: No response received.
- An Taisce: No response received.

3.4. Third Party Observations

No third party submissions received.

4.0 Planning History

Subject Site

None.

Sites in the vicinity

06/1207: Permission granted by the P.A. at site c.100m to north for a dwelling house.

Permission never implemented.

01/334: Permission refused by the P.A. and on appeal (ABP ref. PL20.126952) for the erection of a bungalow.

Reason for refusal related to the soil conditions and high water table such that the site cannot be drained satisfactorily.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022-2028 (the CDP)

Chapter 3 – People, Places and Housing

- Section 3.10 Rural Area Types

Any rural areas located within the commuter catchment of a city or large town are considered to be areas under urban influence. As per National Policy Objective 19 of the NPF, single housing in such rural areas will be facilitated based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria and the viability of smaller towns and rural settlements.

- Table 3.1: Rural Area Types
- Rural Policy Zone A – Area under Urban Influence

AREAS UNDER URBAN INFLUENCE These areas encompass the open rural countryside where 15% of the workforce is employed in Metropolitan Areas, Regional Growth Centres and Key Towns identified in the RSES for both the NWRA and the EMRA. The areas are designated to support the sustainable growth of towns and villages and to provide for the rural community who have a genuine locally based housing requirement, while otherwise directing urban generated housing into designated settlements. Those seeking planning permission for single dwellings in these areas must have a demonstrable economic or social need to live there, as detailed in Table 3.2.

- Table 3.2: Rural Housing Need Criteria
- Social Need
 - *Persons who were born within the local rural area, or who are living or have lived permanently in the local rural area for a substantial period of their life at any stage(s) prior to making the planning application. It therefore includes returning emigrants seeking a permanent home in their local rural area who meet this definition;*
 - *Persons with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years prior to applying for planning permission or by the existence in this community of long established ties with immediate family members.*

- Policy Objective PPH 3.13

Facilitate single houses in rural areas subject to appropriate siting and design criteria, including demonstration of adherence to the principles set out in the County Roscommon Rural Design Guidelines. In addition, in the case of proposals for single houses in defined Areas under Urban Influence, applicants will be required to demonstrate a social or economic link (as per Table 3.2) to the rural area in which they proposed to build.

- Replacement Dwellings

Replacement dwellings can help to re-establish rural communities by redeveloping long established buildings. Notwithstanding this, the importance of these vernacular buildings to the character of an area means that replacement should only be considered where it is clear that the building is not capable of being made structurally sound. Replacement opportunities are beneficial in that they are normally in close proximity to existing infrastructure and also typically benefit from established mature boundaries. Where it is proposed to replace an existing dwelling, the house being replaced should clearly be recognisable as a dwelling i.e. the external walls, roof and openings are substantially intact, and it must also have been last used as a dwelling.

Chapter 7 – Infrastructure, Transport and Communications

- ITC 7.52

Ensure that a flood risk assessment is carried out for development proposals impacting on flood risk areas, in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management. This assessment shall be appropriate to the scale and nature of risk to the potential development.

Chapter 10 – Natural Heritage

- Section 10.4 Appropriate Assessment

NH 10.7 *Implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011.*

NH 10.8 *Ensure that no plans, programmes, etc. or projects are permitted that give rise to significant cumulative, direct, indirect or secondary impacts on the integrity of European Sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any*

other effects, (either individually or in combination with other plans, programmes, etc. or projects).

NH 10.9 *Ensure that any plan or project that could have a significant adverse impact (either alone or in combination with other plans and projects) upon the conservation objectives of any Natura 2000 Site or would result in the deterioration of any habitat or any species reliant on that habitat will not be permitted unless in exceptional circumstances*

Chapter 12 – Development Management Standards

- Section 12.7 Rural House Design Considerations

Roscommon County Council's County Roscommon Rural Housing Design Guidelines provides guidance on siting and design principles for rural dwellings in the countryside.

Rural dwellings are required to be designed to a high standard, to complement the character of the landscape, and to contribute in a positive manner to the built heritage of the county. Proposals for rural houses shall demonstrate adherence to the principles outlined in the County Roscommon Rural Housing Design Guidelines, and should follow the design process as outlined in the guidelines.

- Section 12.12 Wastewater Treatment

On-site septic tank and associated treatment systems shall be assessed and constructed under the terms of the Code of Practice: Wastewater Treatment Manual Treatment Systems for Single Houses³⁶ or any subsequent update or revised standards.

- Section 12.14 Flood Risk Protection

Some lands are liable to flooding or development proposals may give rise to flooding in other areas. In such cases a Site Specific Flood Risk Assessment may, as appropriate be required. Flood Risk Assessments shall be carried out by suitably qualified persons, in accordance with The Planning System and Flood Risk Management Guidelines (DECLG,2009) and in accordance with the flood relating Policy Objectives set out in Section 7.10 of Chapter 7 (Infrastructure) of this Plan.

5.2. Regional Spatial and Economic Strategy (RSES) (2020) for the Northern and Western Regional Assembly Area

“The NPF confirms that there needs to be a distinction made between areas under urban influence and elsewhere. It confirms that the capacity to provide for single rural housing should be retained for those that have a demonstrable economic or social need to live in the area, subject to all other proper planning and sustainable development considerations. The management of these pressures is a matter for individual local authorities through the development plan process, having regard to the provisions of Ministerial Guidelines and other material considerations”.

5.3. Project Ireland 2040 – National Planning Framework (NPF)

National Policy Objective 19 of the NPF states the following,

“Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”.

5.4. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The above guidelines seek to facilitate people from rural areas in the planning system. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes.

5.5. EPA Code of Practice 2021: “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”

This code of practice is relevant in relation to the assessment of the proposed wastewater treatment system.

5.6. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.0.11km west of Lough Ree Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000440).
- c.0.7km west of Lough Ree Special Protection Area (SPA) (site code 004064).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of the first party appeal on behalf of the applicant, Ann Naughton, can be summarised as follows:

- Full and appropriate weight was not given to the long established use of the site and lands.
- It is asserted that the dwelling has been occupied since at least 1961 and letters from long-time residents of the area submitted.
- The application is for a direct replacement dwelling.
- There is also sufficient information in the application to meet the requirements for a new dwelling.
- The proposal will free up the applicant’s existing dwelling in Cork.
- The new dwelling will meet the accommodation needs of a vulnerable person happy to give an undertaking that the dwelling will remain in family ownership.
- Failure to properly consider the information provided by the applicant.
- The information in relation to social need should be accepted in good faith.

- No new dwelling has been constructed in the area in 10 years and Zone A is based on the 2016 Census data.
- Failure to consider the probability of site flooding and environmental impacts.
- The site has never flooded and the ground levels are 2.5m above the bank level of the River Hind.
- The site is not identified as at flood risk by the OPW and improvements have been made in the area since the 1954 flood event.
- The Council failed to consult with the prescribed bodies.
- The Council did not obtain the best scientific information available to inform their decisions.
- The Board should accept the quality of the professionally designed sewage treatment system and further information can be requested if required.
- The Council erred in the information used to undertake an appropriate assessment screening.
- There is no source-pathway link between the site and Lough Ree and this was based on unsubstantiated flood risk. The AA screening is not supported by any surveys or reference that there are no surface water drains on the site.
- The percolation test results suggest any leaked emission from the site will have dissipated with no adverse impact on the SAC. The modern designed sewage treatment system should also be considered.

6.2. Planning Authority Response

No response received.

6.3. Observations

None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Policy
- Wastewater Treatment
- Flood Risk
- Potential Unauthorized Development
- Appropriate Assessment Screening of the Planning Authority
- Visual Impact
- Access
- Other Issues.

7.2. **Rural Housing Policy**

7.2.1. Having visited the site and having observed the mobile home on the site adjacent to a shed like structure, whether or not there was previously a dwelling on site is irrelevant, as it is clear that a temporary mobile home and adjacent shed now occupy the site which I observed on my site visit. In this context, even if there was a permanent pre-1963 dwelling on the site as asserted by the applicant, no such permanent dwelling remains. I also note the site location map showing the wider (blue line) family land holding which has been annotated with “family home place (in ruins) handwritten description adjacent what could be a historic structure. I can confirm this is also shown on historic 6 inch mapping for the area. However, I have no confirmation that this was an historic dwelling, for example it could have been another type of structure, or of the connection to the family. Accordingly, I cannot consider this to be an application for a replacement dwelling having regard to the history of the site or the wide family landholding.

- 7.2.2. I also note that I do not consider the letters submitted attesting to the existence of a permitted pre-1963 dwelling to substantiate that to be the case in the absence of other independent supporting documentation.
- 7.2.3. Accordingly, I will consider the application on the policy basis that it is a new single rural dwelling on the site. Per the CDP, the site is located within Rural Policy Zone A – Area under Urban Influence. While the appeal states that this is based on the 2016 Census, I note that if there is a basis to change this area, that the forward planning plan-making process for the next Development Plan will consider this including updates based on the most recent census and the NPF. It is not the Board's role to make policy, but rather to implement existing policy. In these areas, applicants must demonstrate an economic or social need to live in the area for a rural dwelling to be allowed in principle. I note the applicant has put forward a case in her application in relation to social need.
- 7.2.4. The applicant asserts that she was born and reared at Galey, Knockcroghery, which is a rural area less than 4km from the subject site. The applicant's current address is Douglas, Co Cork. The applicant asserts a requirement for a fully accessible house.
- 7.2.5. The applicant is an existing owner occupier of a house in Douglas, Co Cork. On the supplementary form, it states she is originally from the rural area, lived there previously for 25 years, has immediate family members in the area, does not own a residential property in the area, the site forms part of a family land holding and permission has not previously been granted to her for a dwelling house in the rural area. The applicant is retired. I also note the health grounds asserted to live in this rural location. However, I do not consider these grounds give rise to a specific need to reside at this particular location.
- 7.2.6. In terms of supporting documentation, a letter from St Mary's N.S., Knockcroghery, has been submitted confirming attendance there for 8 years. This letter confirms the applicant was born in the area but does not definitively establish a connection to this rural area. In the absence of any verifiable information to confirm that the applicant is from the rural area, I do not consider that she has established a social need in line with the criteria under Table 3.2 of the CDP. As there is a presumption against single rural dwellings in this type of rural area in the CDP, as supported by regional and national policy, any assertions made in relation to social need must be

substantiated. Whether the proposal frees up a house or not in Cork is not a relevant consideration. I therefore recommend that refusal reason no. 1 be upheld.

7.3. Wastewater Treatment

- 7.3.1. The application includes a Site Suitability Assessment report. The aquifer type is Karstified, a regionally important aquifer. The soil type is noted to be limestone till diamictons and the bedrock is visseam limestone and calcareous shale. The report notes wetlands to the low level areas 50m to the east leading to the River Hind. The depth of the trial hole is noted to be 1.7m where bedrock is encountered. The depth of water ingress is noted to be 0.2m. The depth from the ground surface of the water table is noted to be 1.45m. The groundwater protection response is noted to be R2(3).
- 7.3.2. The sub-surface percolation value is noted to be $T = 58$. The P value (surface percolation) is noted to be 25 which the report considers to be reasonable draining topsoil and recommends a secondary treatment system with raised soil polishing filter. The report recommends a 60 sqm area for the filter. The secondary system would be located just over 10m to the north-east of the dwelling and the percolation area would be between this and the road and would be 5m from the nearest boundary and 6.91m from the front site boundary. Based on Table 6.4 from the EPA code of practice, secondary treatment system and soil polishing filter is suitable for percolation values between 3 and 75.
- 7.3.3. For this response, Table 6.3 of the EPA guidance notes a minimum 1.2m depth for polishing filters following secondary systems and infiltration areas following tertiary systems. Table 6.2 of the EPA code sets out minimum separation distances and I note these have been satisfied. I note the Council's Environment section noted water in the trial hole on their site inspection. I note that the trial hole was excavated on 29th October 2024 and the date of examination was 2nd November 2024. I was unable to locate the trial holes on my site visit with the unpaved areas of the site in long grass/reeds or overgrown. I also note that the area of the site towards the north-east section included reeds.
- 7.3.4. Noting the inconsistency between the Site Suitability Report and the Council's Environment section's observations in relation to the ground conditions, noting that the applicant has not submitted any further technical information in relation to this

matter at appeal stage, and based on the precautionary principle, I consider that the submitted report, in the absence of further information addressing the P.A. concerns, cannot be relied upon.

- 7.3.5. I note the appellant's contention that further information should have been requested in relation to this issue. However, it is standard practice not to do this where there are other substantive reasons recommended for refusal. This, among other reasons, is to avoid unnecessary expense for the applicant when there is no prospect of permission being granted. As I have also recommended that permission be refused on other substantive reasons, I recommend that the P.A.'s second reason for refusal be largely upheld given that it has not been demonstrated that the requirements of the EPA code have been met and given that it has not been demonstrated that a risk to public health would not arise in this circumstance as a result.

7.4. Flood Risk

- 7.4.1. The site is located a short distance across the road to the north-east from the River Hind. I note the submitted drawings do not include site levels by reference to the River Hind. Having viewed the OPW CFRAM maps, I note that the site is located outside of Flood Zones A and B with these zones located a short distance away across the road to the north-east. However, the planner's report noted that the site was subject to a historic flood event.
- 7.4.2. Having reviewed the OPW Past Flood Events maps, I note the site is located within the area of a past flood event (in 1954) extent albeit it appears to be towards the western edge of this area. Having regard to policy ITC 7.52 of the Development Plan, I note the requirement for the submission of a flood risk assessment relates to an area at risk of flooding. For the determination of such, I note that the OPW CFRAM maps are applicable where risk of flooding by area has been determined based on up to date data and best practice methodology. I note the site is located in Flood Zone C and is across the road from the nearest flood zone, Flood Zone B per the CFRAM maps. Accordingly, I am satisfied that no significant on site or off site flood risk would result from the development. I recommend that the P.A. refusal reason no. 3 be overturned on this basis notwithstanding the historical flood event on part of the site in 1954.

7.5. Potential Unauthorized Development

- 7.5.1. I note the application and appeal documentation has failed to put forward documentation that shows that there was a previous permission for a dwelling on the subject site. As outlined above, I do not consider the submitted letters purporting to be from local people asserting that a pre-1963 dwelling stood on the site, to be persuasive as there is no supporting documentation and this cannot be regarded as documentary evidence.
- 7.5.2. I propose to give full weight to the long established use of the lands, which in terms of a history of a dwelling on site, demonstrate at most that a temporary dwelling in the form of a caravan existed/exists on the site and that it was occupied at some stage after 1963 (given the age and condition of the mobile home). I note that there is no evidence of planning permission having been granted for such a temporary or permanent residence on the site. I am not aware of any formal finding that unauthorised development has taken place in this regard. Based on the evidence before me, I consider the P.A.'s rationale for refusal no. 4 that the proposal would perpetuate and intensify an unauthorised development and use of the site, is not supported by the required level of evidence. Therefore, I do not consider there to be a basis for refusal reason no. 4 to be upheld.

7.6. Appropriate Assessment Screening of the Planning Authority

- 7.6.1. I note that the appeal has argued that the P.A. did not obtain the best scientific information available to it and erred in its appropriate assessment. I note that the precautionary principle applies in relation to the protection of European sites given their legal status and that in the absence of the required information in the form of a Natura Impact Statement (NIS), that where there is reasonable doubt, it is incumbent on a consenting authority to not screen out a development for AA, to ensure the conservation objectives of the European site are protected.
- 7.6.2. I note the submission of the Development Applications Unit of the Department which noted the location of the development in close proximity to the River Hind and c.120m from the boundary of the Lough Ree SAC. The Department recommended that the development be screened for AA by a suitably qualified ecologist in order that a determination be made as to whether there would be an adverse effect on the

qualifying features and conservation objectives of the Lough Ree SAC and Lough Ree SPA.

- 7.6.3. The appeal states that there is no source-pathway link to Lough Ree SAC which is c.111m to the north-east across the road. However, it noted that the site is c.36m from a tributary of the River Hind which feeds directly into the SAC and this flows into Lough Ree SPA. Given the close proximity and that the applicant has failed to submit an AA Screening Report or NIS prepared by a qualified ecologist for the proposed development and has failed to demonstrate that, I am not satisfied that it has been definitively demonstrated that the proposed wastewater treatment system would accord with the EPA Code of Practice, I cannot assume that no untreated wastewater would escape the site and pass to the tributary of the River Hind and flow to the SAC or that potential construction impacts would not arise.
- 7.6.4. The appeal notes that the low percolation rate from the site would make it likely that no wastewater/pollution would travel to the SAC and that if any did it would only be an imperceptible amount. I do not concur with this rationale in the absence of expert scientific opinion to support it, as effectively sought by the DAU, and I consider it appropriate to follow the precautionary principle.
- 7.6.5. Per the findings of my AA Screening in this report, and noting the failure to submit an AA Screening Report prepared by a qualified ecologist, I recommend that refusal reason no. 5 be upheld as it cannot be concluded that the development would not have an adverse effect or significant impact on the integrity of the Lough Ree SAC and Lough Ree SPA to the east.

7.7. Visual Impact

- 7.7.1. I note the proposed dwelling would be located towards the rear of the site and would take the form of two pitched roof elements joined centrally by a modest sized flat roof element. The dwelling would be aligned with the gable ends facing the road and noting the scale of the dwelling and that it apes the form of an agricultural building, I consider that this design aligns with the design principles for rural dwellings in the countryside per Section 12.7 of the CDP.
- 7.7.2. Noting the site landscaping and levels, the external materials including timber clad walls and standing seam metal clad roof, and the nature of the surrounding development, I consider that the dwelling would complement the character of the

landscape and would not be unduly visually obtrusive in the rural landscape. Based on the presence of the existing structures on the site, I consider that this would be an improvement in visual impact terms.

7.8. Access

- 7.8.1. Per Section 12.24 of the CDP, I note the submitted 'Proposed Site Plan' shows 90m sightlines from the site entrance in both entrances but that this is achieved via the use of land on the adjacent sites to the north-west and south-east and it would require the removal of the front boundary hedgerow. I note the adjacent lands are shown in blue to be within the control of the applicant. I am satisfied that the applicant has demonstrated the required 90m sightlines can be achieved although a significant loss of hedgerow would occur.

7.9. Other Issues

- 7.9.1. In relation to the retention permission sought for the domestic shed at the rear of the site, given the recommended refusal reasons including in relation to unauthorised residential development and noting that no residential development is recommended to be permitted, there is no rationale for the retention of the shed. This is because it is a domestic shed associated with a dwelling for which no permission has been granted. Therefore, I do not propose a split decision that would grant permission for the shed on a standalone basis.
- 7.9.2. In relation to the issues raised in relation to referral to prescribed bodies, I note that the Board has referred the file to the Development Applications Unit, The Heritage Council and An Taisce for comment. The DAU recommended that AA be carried out but otherwise had no objection.
- 7.9.3. In relation to the appellant's version of the pre-planning meeting in respect of the proposed development, I note even if this is the case, that a P.A. is not bound by any pre-planning feedback given and that this is not a relevant planning consideration as I am required to consider the application on a de novo basis. In any event, the record of the pre-planning meeting is largely consistent with the subsequent assessment of the planning application.

8.0 EIA Screening

- 8.1. See Form 1 and Form 2 appended to this report. The proposed development is located within a rural area on un-serviced land for wastewater treatment. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of direct connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. See Appendix 3 below. I note the submission from the Development Applications Unit recommending AA screening carried out by a qualified ecologist which has not been furnished.
- 9.2. The subject site is located c.0.11km west of Lough Ree Special Area of Conservation (SAC) and c.0.7km west of Lough Ree Special Protection Area (SPA) (site code 004064).
- 9.3. The proposed development comprises the demolition of the existing dwelling, demolition of existing shed and mobile home, construction of a detached single storey dwelling and wastewater treatment system.
- 9.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Lough Ree Special Area of Conservation and Lough Ree Special Protection Area in view of the sites conservation objectives. Appropriate Assessment is required.
- 9.5. This determination is based on:
- The c.32m distance to the River Hind and the short subsequent distance, c.79m to Lough Ree SAC and the c.0.7km distance to Lough Ree SPA.

- The potential for construction related impacts and operational impacts in the absence of demonstrated compliance of the wastewater treatment system with the EPA Code of Practice.
- The potential for indirect transmission via groundwater to the River Hind and on to the two European sites.

10.0 Recommendation

I recommend that permission be refused.

11.0 Reasons and Considerations

1. The proposed development is in Rural Policy Zone A (Areas under Urban Influence) as set out in Table 3.1: Rural Area Types in the Roscommon County Development Plan 2022-2028. Based on the information submitted, the proposed development fails to satisfy the requirements of Policy Objective PPH 3.13 of the Development Plan which requires applicants to demonstrate a social or economic link per Table 3.2 to the rural area in which they propose to build. The Board is not satisfied that the applicant has demonstrated a rural generated housing need in accordance with the Sustainable Rural Housing Guidelines. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the observed ground conditions on the site the Board is not satisfied that the wastewater from the proposed development can be disposed of in accordance with provisions of the EPA Code of Practice 2021: "Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" as required by Section 12.12 (Wastewater Treatment) of the Roscommon County Development Plan 2022-2028. The proposed development if permitted would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. In the absence of a Natura Impact Statement (NIS) to enable the Competent Authority to undertake an Appropriate Assessment, based on the information submitted and on the precautionary principle, it cannot be concluded that the development would not have an adverse or significant impact on the integrity of the Natura 2000 network of designated sites and in particular the proximate Lough Ree Special Area of Conservation (SAC) and Lough Ree Special Protection Area (SPA). The proposed development is therefore contrary to Policy Objective NH10.7, Policy Objective NH 10.8 and Policy Objective NH 10.9 of the Roscommon County Development Plan 2022-2028 which seeks to protect designated sites, and furthermore has the potential to contravene the EU Habitats Directive.

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.

Ciaran Daly
Planning Inspector

21st May 2025

Appendix 1 – Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321901-25		
Case Reference			
Proposed Development Summary	Retention for shed, demolition of house and construction of single-storey house. Installation of percolation area together with all associated site works.		
Development Address	Fearagh, Ballymurray, Roscommon.		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Class 10(b)(i).	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Threshold: Construction of more than 500 dwelling units and urban development which would involve	Proceed to Q4

		an area greater than 20 hectares outside of a built-up area.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Single dwelling on a site of 0.24ha.	Preliminary examination required (Form 2)

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

Inspector: _____

Date: _____

Appendix 2 – Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321901-25
Proposed Development Summary	Retention for shed, demolition of house and construction of single-storey house. Installation of percolation area together with all associated site works.
Development Address	Fearagh, Ballymurray, Roscommon.
<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>	Demolition of shed and mobile home, new single storey dwelling (152sqm and 40sqm to be retained), and connection to public water and construction of wastewater treatment plant and polishing filter.
<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 rural location is c.32m from the River Hind which leads to Lough Ree SAC a sensitive designated site. The site is not proximate to any sites of cultural interest.</p> <p>No significant loss of hedgerow / trees is proposed in the context of the EIA threshold.</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).		All of the water based impacts may not be contained within the site with any water based run-off contained on site and wastewater could make its way to the River Hind but not at a significant scale relative to the threshold under Class 10(b)(i).
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)

Appendix 3 – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Retention for shed, demolition of house and construction of single-storey house. Installation of percolation area together with all associated site works.		
Brief description of development site characteristics and potential impact mechanisms		The new dwelling would be 152sqm and 40sqm would be retained on a site area of 0.24ha. The nearest European sites include Lough Ree SAC (0.11km to the east) (site code 000440) and Lough Ree SPA (0.7km to the east) (site code 004064). A wastewater treatment system is proposed and there are no potential emissions other than in relation to wastewater.		
Screening report		N		
Natura Impact Statement		N		
Relevant submissions		No expert scientific submissions. A submission was received from the Development Applications Unit recommending AA Screening be carried out by a qualified ecologist.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Ree SAC (site code 000440)	Conservation Objectives	0.11km to the east	Indirect via groundwater and surface water (flooding) leading to the River Hind which connects to the SAC.	Y

Lough Ree SPA (site code 004064).	Conservation Objectives	0.7km to the east	Indirect via groundwater and surface water (flooding) leading to the River Hind which connects to the SPA.	Y

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lough Ree SAC (site code 000440) Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]; Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]; Active raised bogs [7110]; Degraded raised bogs still capable of natural regeneration [7120]; Alkaline fens [7230]; Limestone pavements [8240]; Bog woodland [91D0];	Direct: None. Indirect: Potential construction related emissions from sediment and construction related pollution. Potential water quality impacts due to untreated wastewater release through groundwater to River Hind and on to this European site.	Potential effects on water quality and to undermine conservation objectives related to water quality with potential impacts on vegetation, grasslands, species such as otter etc. and on habitat quality /function with potential for habitat loss arising. Potential effects on species via water quality degradation. Potential effect on restoration of habitat including degraded raised bogs via water quality degradation. Given the absence of a NIS, there is uncertainty in relation to the possibility of significant effects which cannot be ruled out without further analysis and assessment.

Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]; <i>Lutra lutra</i> (Otter) [1355].		
X	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
X	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 2: Lough Ree SPA (site code 004064). Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]; Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050]; Teal (<i>Anas crecca</i>) [A052]; Mallard (<i>Anas platyrhynchos</i>) [A053]; Shoveler (<i>Anas clypeata</i>) [A056]; Tufted Duck (<i>Aythya fuligula</i>) [A061]; Common Scoter (<i>Melanitta nigra</i>) [A065]; Goldeneye (<i>Bucephala clangula</i>) [A067]; Coot (<i>Fulica atra</i>) [A125]; Golden Plover (<i>Pluvialis apricaria</i>) [A140];	Direct: None. Indirect: Potential construction related emissions from sediment and construction related pollution. Potential water quality impacts due to untreated wastewater release through groundwater to River Hind and on to this European site.	Potential effects on water quality and to undermine the habitat for the bird species listed for protection. Given the absence of a NIS, there is uncertainty in relation to the possibility of significant effects which cannot be ruled out without further analysis and assessment.

Lapwing (Vanellus vanellus) [A142]; Common Tern (Sterna hirundo) [A193]; Wetland and Waterbirds [A999].		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
X	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that the proposed development alone would result significant effects on Lough Ree Special Area of Conservation and Lough Ree Special Protection Area from effects associated with construction impacts including release of sediment and its effects on groundwater and release of untreated wastewater and its effect on ground water and ground water impacts could be transmitted to the River Hind in close proximity and to the above European sites via the River Hind.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Lough Ree Special Area of Conservation and Lough Ree Special Protection Area in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The c.32m distance to the River Hind and the short subsequent distance, c.79m to Lough Ree SAC and and the c.0.7km distance to Lough Ree SPA.
- The potential for indirect transmission via groundwater and surface water flow to the River Hind and on to the two European sites.