



An
Coimisiún
Pleanála

Inspector's Report PL-501250-RN-26

Development	Construction of 4 town houses, together with all boundary treatments, road services, pre-treatment system and all ancillary site development works.
Location	Knockglass, Ballinameen, Boyle, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2560414
Applicant(s)	T.P. Halligan Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Mary O'Donnell
Observer(s)	None
Date of Site Inspection	27 th June 2026

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of c.0.210ha is located at Knockglass, Ballinameen, Boyle, Co. Roscommon. Ballinameen is situated c.5km to the south of Boyle and c. 15km to the west of Carrick-On-Shannon.
- 1.2. The appeal site is greenfield in nature and addresses the R370 along its northern boundary. The eastern boundary is formed by mature planting and is shared with a residential dwelling while the western boundary is formed with outbuildings associated with the public house which is further west. There is also a large shed structure situated to the south-west which is situated outside of the red line boundary but within the control of the applicant.

2.0 Proposed Development

- 2.1. This is an application for the construction of 4 no. 2 storey 3-bed dwellings, road services, a pre-treatment system, ancillary site works and a connection to public services.
- 2.2. The proposed dwellings are provided as 2 sets of semi-detached dwellings which address the R370 and are provided with private amenity space to the rear. The dwellings are identical in scale each being provided with a floor area of 120sq.m. They are finished with a pitched roof profile with the roof slope addressing the front boundary of the site and have a maximum ridge level of 8.5m. Plans submitted indicate that it is proposed to finish the front and rear elevation with nap planter render. 8 no. parking spaces are proposed to be provided in a communal area to the rear of the dwellings.
- 2.3. Following a request for further information the site layout was amended, and the dwellings were indicated to have been set back 2.1m from the original positioning. The scale and overall design ethos of the dwellings remain unchanged.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority following a request for further information and clarification of further information issued a decision to grant planning permission subject to 23 no. conditions on the 30th March 2026.

Conditions of note are as follows:

Condition no. 20 - a development contribution in the sum of €17,600.

Condition no. 21 - Bond of an insurance company in the amount of €17,600.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer sets out details of the site location, planning history, relevant planning policy, report from consultees and prescribed bodies received, details of submissions received, and provides for an EIA and AA Screening determination. The assessment raised concern over the proposed site layout plan in terms of the building line, quantum of parking spaces, extent of the access road and proposed wastewater treatment proposal.

The following further information was requested:

- Item 1

Submit a comprehensive detail of the pre-treatment design of the wastewater treatment arrangements.

- Item 2

Submit a revised site layout plan indicating the following:

- a) Building line of the proposed 4 dwellings be set back to reflect the historic building line of Ballinameen.
- b) Access road shall terminate and not extend beyond a parking square incorporating 7 no. parking spaces.

c) Remaining site area to the rear of the parking square be designated as open space.

d) Landscaping details for new landscaped area.

- Item 3

Submit a Tier 1 Construction and Demolition Resource Waste Management Plan.

- Item 4

Note the location of shed immediately south of subject site within the blue line boundary – clarify precise use of this structure and submit 3D imagery of the scheme as recessed in the context of the said structure.

A response to the further information request was submitted on the 23rd December 2025 and stated the following:

- Item 1

Set out specific details including system type; performance / operational information and maintenance / responsibility information.

- Item 2

Revised site layout plan submitted indicating all items requested.

- Item 3

Tier 1 C&D Resource Waste Management Plan was submitted.

- Item 4

The Shed is a machinery storage shed and has been on the adjoining lands since the 1950s. It is proposed to remain in place at this stage and will only be reconsidered/removed if and when the remaining lands to the rear become feasible to develop. Updated 3D perspectives were submitted.

The second report of the Planning Officer notes that the Water Services section raised concern over the proposed pre-treatment unit and that these concerns would need to be addressed. In addition, concern was raised over the lack of detail with regard to the surface treatments for the area forward of the building line – differentiating between

public and private areas and footways and carriageways. It was considered the response to item 3 and 4 were acceptable.

The planning officer concluded that the following clarification of further information should be requested:

- Item 1

Submit comprehensive details to demonstrate:

- a) That the proposed wastewater infrastructure will be constructed and maintained by a defined legal entity including legal incorporation with sufficient interest to construct and maintain the facility until a connection to the public infrastructure is made.
- b) Effluent can be disposed of in a manner that protects the quality of the ground and surface water in accordance with the Water Framework Directive.
- c) That the interim wastewater infrastructure will be fully bonded to secure its construction and satisfactorily maintained.

- Item 2

Submit revised layout plan detailing all of the proposed surface treatments for the area forward of the building line and clearly differentiate between public and private areas.

A response to the clarification of further information was received by the Planning Authority on the 3rd March 2026 and can be summarised as follows:

- Item 1

Confirmed that any onsite wastewater treatment arrangement would remain private and the Applicant's responsibility to commission, operate and maintain, and that the Applicant shall fully decommission and remove the unit when the Ballinameen WwTP upgrade project is completed. The response was accompanied by a signed undertaking.

- Item 2

Updated drawing submitted to illustrate defined surface treatments for the area in front of the houses. The submitted further information response was also referred to Roscommon County Council's Roads Department for comment/observation

The final report of the Planning Officer consider the response to be acceptable and recommended that permission be granted in line with the decision issued.

3.2.2. Other Technical Reports

Environmental Department

Report dated 26/01/2026:

not in favour of pretreatment units in advance of connection to the public sewer.
Recommends permission be granted subject to condition.

Report dated 13/03/2026:

No further comments to make on this application

Area Engineer:

Report dated 23/9/2025: no objection to this application subject to Condition.

Roads Department

Report dated 16/10/2025: does not have any concerns with respect to traffic safety based on the information submitted however we would make the following recommendations:

- The properties should be set further back in line with the existing building line.
- A road opening licence will be required for all works on the main road.
- On site drainage to be in accordance with current nature based solutions

Report dated 12/01/2026: does not have any concerns with respect to traffic safety based on the further information submitted.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – dated the 8th September 2025 and requests that the Planning Authority have regard to official policy.

3.4. Third Party Observations

The planning authority received 1 no. submission which raises concerns that reflect the grounds of the appeal which I have summarised in section 7.1 of my report below.

4.0 Planning History

Appeal Site

PA Ref 23/60216 Outline permission refused to construct 11 no. houses. The development shall consist of 7 no. detached and 4 no. semi-detached dwellings with ancillary works.

Reason for refusal was as follows:

1. Indicative layout and density fails to represent an appropriate design response to strengthen and reinforce the character and forms of the core of Ballinameen Village. The proposal would fail to contribute to the provision of Section 4.21 and 12.6 and Policy Objectives TV 4.1 and TV 4.3 of Volume 1 of the Roscommon County Development Plan 2022-2028. The proposal also fails to accord with the development objectives for Ballinameen as set out in Volume II of the Roscommon County Development Plan 2022-2028 including in particular Ballinameen DO1 which promotes low density development at appropriate locations within the village settlement boundary. The proposal would therefore detract from the visual amenity of the area, would establish an undesirable precedent for same and not be in keeping with the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied based on submissions received and due to the proposed indicative layout which is

not considered to be sufficiently responsive to its proposed village context or conducive to sustainable placemaking, that the proposed development creates the standard of assimilation necessary for the amenities of the area and the residents of the proposed development. The proposed development would as a consequence be contrary to Sections 2.2.1, 2.2.3 and 3.3.1 of DMURS in addition to Section 3.3.5 of the Compact Guidelines. The Planning Authority furthermore consider that the proposed development has the potential to endanger public safety by reason of a traffic hazard due to the poor parking layout. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

PA Ref 04/2318 Permission GRANTED to construct 11 No. dwellings only, remove existing shed and mobile home and carry out associated site works.

PA Ref 11/447 Permission refused to construct 17 No. Two Storey Residential Units, remove existing shed and mobile home and carry out associated site works. The 17 No. Residential Units will comprise of 3 No. Four bed detached houses, 8 No. Three bed semi-detached houses and 6 No. 2 bed semi-detached apartments. The reason for refusal was as follows:

1. Having regard to the location of Ballinameen in an area classed as *Rural Area under Urban Influence* and the existing provision of residential development in the village of Ballinameen it is considered that the proposed development has not been justified in terms of housing need and would conflict with the provisions of Section 6.3.4 of the Roscommon County Development Plan 2008-2014 (as varied) which seeks to accommodate rural generated housing need within the

locality as they arise. It is considered that given the number of vacant units in the village that the rural generated housing needs of the locality can be readily provided for in the existing housing stock of the village. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.

2. The proposed development due to its close proximity to the adjacent dwelling, would injure the residential amenities of the dwelling located on the L1216 and would thereby be contrary to the proper planning and development of the area

PA Ref 94/138 Permission granted for a change of Use of Ground Floor from Residential to Stationery Shop.

5.0 Policy Context

5.1 Roscommon County Development Plan 2022-2028

5.1.1. Volume 1: Written Statement

Ballinameen is identified as a serviced village within the Core Strategy of the County Plan which is described at Settlements that are serviced by public sewerage and have a capacity to facilitate a degree of residential demand.

Policy CS 2.16 seeks to Ensure that the serviced settlements throughout the county maintain existing population levels and services, and to ensure that future growth is balanced and sustainable and is relative and appropriate to their scale, size and character.

Relevant sections are considered to be as follows:

Chapter 3 – People, Places and Houses

- Section 3.6 – housing mix

Chapter 4 – Town and Villages

- Section 4.3 Place Making
- Section 4.10 Backland

Chapter 7 – Infrastructure, Transport and Communications

- Section 7.4 – Road Transportation and Movement.
- Section 7.5 - Electric Vehicles.
- Section 7.6 - Cycling and Walking.
- Section 7.8 – Water Services.

Chapter 12 – Development Management Standards

- Section 12.5 – Overarching Planning Principles.
- Section 12.6 – Residential Development (unit).

5.1.2. Volume 2: Plans

Section 3.3 - Ballinameen

The appeal site is situate within the village boundary as per Map 3 – Ballinameen Village Plan.

Relevant Objectives:

Ballinameen DO 1 - To facilitate quality low density residential development at appropriate locations within the village settlement boundary.

5.2. **National Planning Framework – First Revision (April 2025).**

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure. NPOs for appropriately located and scaled residential growth include:

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and

Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.3. **Delivering Homes, Building Communities 2025-2030 : An Action Plan on Housing Supply and Targeting Homelessness.**

The Plan is built around two pillars Activating Supply and Supporting People, with four key priorities under each pillar.

Pillar 1 - Activating Supply focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

- *Key Priorities*
 - Ensure a strong pipeline of zoned and serviced land is available.
 - Create the conditions to attract the required investment.
 - Increase skills and support the adoption of Modern Methods of Construction in the residential construction sector.

Pillar 2 - Supporting People sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and

renting homes more affordable and support the development of villages, towns and cities across the country.

- *Key Priorities*

- Focus on ending homelessness, deliver homes for older people and support social inclusion.
- Deliver an average of 12,000 new social homes every year over the lifetime of the Plan.
- Promote affordable homeownership, protect renters and make buying and renting homes more affordable.
- Invest in the built environment of towns, villages and cities across the country to enhance community well-being.

5.4. **Section 28 Guidelines**

5.4.1. The Sustainable and Compact Settlements Guidelines for Planning Authorities, 2024.

Section 3.3.5 of the guidelines relates to density in Rural Towns and Villages and states that Rural Towns and Villages are small in scale with limited infrastructure and services provision. It is a policy and objective of these Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure). Lands zoned for housing at the edge of rural towns and villages at locations that can be integrated into the settlement and are connected to existing walking and cycling networks can offer an effective alternative, including serviced sites, to the provision of single houses in the countryside. The density of development at such locations should respond in a positive way to the established context.

5.5. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European site. The appeal site is situated:

- C.5.029km to the north-east of the Cloonshanville Bog SAC (site code 000614).

- C.9.233km to the north-east of the Bellanagare Bog SAC (site code 000592).
- C.9.233km to the north-east of the Bellanagare Bog SPA (site code 004105).

6.0 EIA Screening

- 6.1. The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.
- 6.2. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 3rd Party appeal against the decision of the Planning Authority to grant permission and the grounds of the appeal can be summarised as follows:

Ground 1 – Failure to address unauthorised site clearance and deposited material.

- Planning Authority failed to address unauthorised site works carried out one year in advance of the application being lodged.
- Included extensive land clearance/dumping.
- Resulted in 20 feet high mounds of debris immediately adjacent to dwelling.
- Works were undertaken as preparation for proposed development.
- Decision treats site as if these works has not occurred as is the deposited materials did not exist.
- Decision does not meaningfully address presence of this material or its impacts on adjoining property and surrounding environment.
- No condition requires the assessment, testing or removal of this material prior to commencement of development.

Ground 2 – Serious Impact on Residential Amenity

- Impact on existing dwelling is severe and ongoing.
- Large volume of material from site clearance was piled over a two day period along the full length of dwelling within a few feet.
 - Resulted in exceptional level of dust and airborne particles
 - Contaminated interior and exterior of property including personal belongings.
 - Exposure resulted in repeated physical irritation to eyes skin and airways on exposure – persisted for extended periods.
- Material continued to shed since September 2024
 - Scale and proximity and duration of this impact have rendered dwelling effectively uninhabitable.
- This impact is not confined to the immediate point of deposition:
 - Fine particulate materials has dispersed across the surrounding environment – including yard, street and external surface.
 - Easily distributed by normal weather conditions.
- Exposure occurs even when accessing the property
 - Contamination of internal surface and makes cleaning or reoccupation impossible.
 - Attempts to reside in dwelling following initial exposure resulted in a significant deterioration in health – indicating the persistent and atypical nature of the material involved.
 - Impact not comparable to ordinary construction disturbance.
- No condition requires remediation of the affected residential environment.

Ground 3 – Conditions only address future waste

- Conditions imposed refer to waste management measures to be implemented prior to the and as a result of the proposed development:

- do not directly address the substantial volume of material already deposited on site from unauthorised works carried out prior to the lodgement of the application.
- Condition no. 6 and note relating to condition no. 22 noted.
- Primary waste issue raised in original submission not addressed.

Ground 4 – No assessment of potential Hazardous Material

- Deposited material may include contaminated or hazardous materials arising from former waste ground and demolition activity.
- No condition requiring testing assessment or remediation of this material
- Development has been approved without the condition or safety of the site.

Ground 5 – Ongoing Environmental Concern

- Deposited material have been subject of a complaint to Councils Environment Section and has been treated as a potential asbestos-related issue
- No findings or actions arising from this have been incorporated into the planning decision – permission granted without resolving this issue.

Conclusion

- Contended that Planning Authority failed to properly address existing condition of the site or the significant environmental and residential impacts arising from it.
- Request that the Commission refuse permission or impose conditions that require a full assessment and testing of deposited material/safe removal and disposal/remediation of the affected residential environment.

The appeal has been accompanied by a number of photographic evidence and a copy of the original submission made to the Planning Authority.

7.2. Applicant Response

A response from the applicant was received by the Commission on the 14th May 2026 and can be summarised as follows:

1. Preliminary request: appeal should be dismissed

- Appeal does not raise any substantive planning grounds that would justify permission being refused.
- Appeal not directed to the planning merits of the approved residential development.
 - Does not identify any substantive planning deficiencies.
- Appeal is concerned with historic and now resolved matters relating to clearance of trees/vegetation which it is contended were deposited adjacent to neighbouring property.
 - Photographs included on present conditions on site.
- Issues raised not a live planning reason to refuse permission.
 - Appeal is therefore a complaint regarding an alleged past site management matter rather than an appeal on the proper planning and sustainable development merits of the proposed 4 house scheme.
 - Request appeal be dismissed.

2. Appeal concerns historic site clearance issues – not the development.

- Grounds relate primarily to an alleged mound of clearance/alleged health issues/nuisance arising from previous site clearance.
- Concerns do not amount to a planning basis for overturning the grant of permission.
- Material referred to does not form part of the development proposed.
- All allegations regarding past unauthorised activity before making the planning application is a separate matter for the relevant enforcement/environmental section of the local authority.
- Not a proper basis for refusing permission.
- Material complained about has now been removed – factual basis of the appeal has therefore fallen away.

3. No evidence has been submitted to substantiate alleged contamination or hazardous material.

- Appellant refers to hazardous material – no technical report/laboratory analysis/environmental assessment/asbestos survey/waste classification report/expert evidence has been submitted to substantiate those assertions.
 - Photographs submitted by appellant indicate cleared vegetation/roots/soils/organic material.
 - Do not establish that the site is contaminated or that proposed residential development would give rise to unacceptable environmental or public health impact.
 - Applicant willing to oblige to comply with all statutory waste/environmental/health and safety requirements during construction phase.
 - If contaminated waste is found it will be dealt with appropriately.
 - Speculative allegations – unsupported by technical evidence cannot justify a refusal of planning permission.
4. Existing conditions already addressed construction waste, amenity and site management.
- Plannign authority imposed a suite of conditions to control the construction and operation phase including:
 - Condition 7 – hours of operation,
 - Condition 10 – maintain public realm free of construction debris.
 - Condition 11- surface water run-off maintenance.
 - Condition 13 – boundary treatment.
 - Condition no. 22 advice note controls disposal of construction waste.
 - Conditions directly address construction phase issues raised – no necessity for a refusal.
5. Proposed development remains acceptable in planning terms
- Proposal makes efficient use of serviced land contributing to housing supply.
 - Appeal does not raise concern that development would be unacceptable by reason of unacceptable impact on residential or visual amenity.

- Proposal does not conflict with any development plan policy.
- No substantive planning basis for refusal.

6. No oral hearing required.

- No request for oral hearing – matters raised are limited.

7. Conclusion

- Respectfully request that:
- The appeal is dismissed
- Uphold the decision of the planning authority.

7.3. Planning Authority Response

A response from the Planning Authority was received and states that they are satisfied that the decision made on the planning application, satisfactorily took into account all relevant issues and applied conditions to appropriately regulate the undertaking of the proposed new development. The Planning Authority does not have any further observations to make.

7.4. Observations

None received.

7.5. Further Responses

The Commission received a further response from the 3rd Party Appellant on the 24th July 2024 relating the comments of the 1st party on their response document. This can be summarised as follows:

Observation 1 - Problem with dates regarding the removal of the debris

- photographic evidence showing removal occurred May 3rd
- photos on May 5th showing fully removed.
- metadata is highlighted on these photos, but these were also sent to both Environment and Planning Enforcement at Roscommon County Council on May 5th, and 6th, with confirmation of having been received May 7th.
- Attempted to submit same to An Coimisiún Pleanála – was returned.

Observation 2: Problem with his description of debris scale and content

- material in question was deposited along my home over the course of 2 full days having been previously stockpiled all over the site for 2 months.
- transcript of a video recording of a conversation between applicant and appellant
- various types of land cleared as preparation of this site including – public road, back yards including that of a pub, but in particular the large dilapidated shed which he repurposed for commercial use as advertised on daft.ie and a mobile home which was reported to the Planning Authority.
- Currently remains two open investigation files at Roscommon county council, including an open asbestos investigation ongoing during his rushed unregulated removal of the mound May 3rd 2026 - UDR form attached from Sept 2025 which testifies to the mixed and questionable nature of the debris and photo evidence also.

Observation 3: Problems with the timing of the removal of the mound of debris:

- Within a week of appeal developer rushed to remove the mound of debris which he had left in situ 1.5 years prior to that – during a life appeal process.
- Developer throughout his submission seeks to determine the situation as 'historic' and then in his submission in points 1 and 2 refers to 'past site management', 'not part of the development now', and 'past unauthorised activity'.
- state of the site current at the time of the appeal and council's permission remains a live issue.

- testing is still possible, because the scale of the deposition of debris was such that it entered and remained in neighbouring property.

Observation 4: Exposed flaws in the conditions of the original permission

- Previous removal of mound did not adhere to conditions 7, 10 and 13 of permission granted.
- Fails to reference or adhere to Condition no. 22 and note on same.
- Debris was removed on a Sunday outside of the operation hours set out in condition no. 7.
- Planning failed to address the debris shedding into neighbouring home, yard, immediate environment and allowed him to continue to do so.
- Mound required removal in order to comply with condition no. 13.
- Condition no. 22 requires clarity - the deposited debris was generated as part of the proposed development, but it is open to interpretation and open to exploitation.

Observation 5: Removal is neither Remediation nor Resolution

- Removal of waste in an unregulated way - this type of activity inherently generates airborne particulate matter and further disperses material into the surrounding environment.
- Complete failure has occurred in the original planning permission conditions to regulate to protect amenity and public health.
- activity of removal of the mound is directly relevant to the grounds of the appeal.
- displaced from my home September 2024 and unable to safely use or access the property as a result of the deposition of waste.
- conditions outlined in the transcript of the conversation with the applicant in October 2024 have been recreated into a second massive exposure with catastrophic consequences for the very amenity and public health they are supposed to encompass.
- Due to failure of Planning Authority to address unauthorised site clearance request they correct the permission conditions to directly specify condition 22.

- conditions in the interest of residential and visual amenity and public health apply to the site current at the time of application and appeal and as it is now as regards remediation
- the remediation is the responsibility of the developer for debris causing problems outside of his development applies to homes as well as footpaths in the interest of public health.

The response was accompanied by a number of images of the site, a completed enforcement compliant form, and a transcript of a conversation held with the applicant.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Principal of Development.
- Grounds of Appeal.
- Layout and Design.
- Residential Amenity.
- Public Health.

8.2. Principal of Development

8.2.1. The appeal site is situated at Ballinameen, Boyle, Co. Roscommon. The appeal site is located within the village plan boundary of Ballinameen as per Map 3 of Volume 2 of the Roscommon County Development Plan 2022-2028 (RCDP). The settlement context for Ballinameen identifies that the village is logistically central to a number of larger settlements, including Boyle and Carrick-on-Shannon towards the north/northeast, as well as Castlerea towards the southwest.

8.2.2. Ballinameen objective D01 seeks to facilitate quality low density residential development at appropriate locations within the village settlement boundary. The

appeal site has a stated area of c.0.210ha and the proposal is seeking permission for a development of 4 no. dwellings which in turn would generate a residential density of 19 units per hectare.

8.2.3. Section 3.3.5 of the Sustainable Residential Development and Compact Guidelines relates to density in Rural Towns and Villages and states that rural villages are small in scale with limited infrastructure and services provision. It is a policy and objective of these Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure).

8.2.4. I note that from undertaking a site visit the appeal site is situated proximate to the main cross roads of Ballinameen Village next to what can be considered as the village core which is formed by a public house and undertakers. The village also comprises of 2 no. additional residential estates both located on the periphery of the village. Coill Rua, situated to the north, has a permitted density of 15 units per ha while Green Hill, located to the east, has a permitted density of 6.4 units per ha.

8.2.5. I consider that the proposed development which generates a density of 19 units per hectare can be categorised as being low density development, would accord with the established character of the village area, and as such would be considered acceptable in terms of Ballinameen objective D01 of the County Plan and Section 3.3.5 of the Sustainable Residential Development and Compact Guidelines.

8.3. **Grounds of Appeal**

8.3.1. The 3rd Party Appellant to this appeal has raised a number of grounds surrounding works which were undertaken on site relating to ground works, clearance and alleged dumping, prior to the lodgement of the subject planning application. The appellant contends that the Planning Authority failed to address unauthorised site works and that there is no condition requiring the assessment, testing or removal of this material prior to commencement of development. It is further argued that the piling of this waste on the shared boundary gave rise to a negative impact upon the residential amenities of the neighbouring property causing the property to have to be vacated due to health issues. I note that these issues were further elaborated upon in a response received from the appellant in relation to the response received from the applicant.

- 8.3.2. I have reviewed all documents available to me on file and note that in the 1st instance the works undertaken on site to date which do not benefit from a valid permission of planning are a matter to be dealt with through the enforcement process. Enforcement is a function of the Planning Authority and not one for the Commission to comment on.
- 8.3.3. Secondly, from undertaking a site visit I note that I did not witness any debris or piling of materials within the boundary of the appeal site. From a review of images submitted to the commission within both the 3rd Party Appeal and the response document from the 3rd Party Appellant, it would also appear that the mounding/storing of waste was situated on lands which is situated outside of the red line boundary of the site on lands addressing Acres Hill to the south-west of the appeal site. I do note that it is within the blue line boundary associated with the appeal site and as such the applicant appears to be the owner.
- 8.3.4. While I note that previous works on site may have caused disturbance to the appellant and I do not want to dismiss the concerns raised, I consider that the substance of the grounds of appeal do not relate to that of matters of the subject proposed development, that being solely the construction of 4 no. Town Houses, boundary treatments, road services the provision of a on-site pre-treatment system and all associated site works.
- 8.3.5. Section 138(1)(b)(i) of the Planning and Development Act 2000 (as amended) states that:
- “(1) The Board shall have an absolute discretion to dismiss an appeal or referral—*
- (b) where, the Board is satisfied that, in the particular circumstances, the appeal or referral should not be further considered by it having regard to—*
- (i) the nature of the appeal.”*
- 8.3.6. Therefore, the Commission if minded could dismiss the appeal in a accordance with Section 138(1)(b)(i) of the Planning and Development Act 2000 (as amended). However, in the event that this may not be the case I have provided for a robust assessment of the scheme below.

8.4. Layout and Design

- 8.4.1. The development is seeking permission for 4 no. Town Houses, together with all boundary treatments, road services, pre-treatment system and all ancillary site development works. The proposed dwellings are provided as 2 sets of semi-detached dwellings and have been situated on site in a manner where the front (northern) elevations address the R370.
- 8.4.2. The Planning Authority in their assessment raised concern over the original layout submitted and considered that the dwellings should be set back from the R370 so that they respect the established historic building line of Ballinameen Village. This building line has been established by structures situated to the west.
- 8.4.3. The amended site layout plan submitted to the Planning Authority on the 23rd December 2025 indicated that the layout was amended and the dwellings were set back to respect the established historic building line.
- 8.4.4. Parking has been proposed to the rear of the site in what can be described as a parking square, allowing for the proposed dwellings to be the main focal point of the development when viewed from the streetscape of the R370. Furthermore, the public open space provided to serve the development has also been situated to the rear of the site make it more amenable to use by the future potential residents.
- 8.4.5. Overall, I consider that the layout and design proposed is in keeping with the character of Ballinameen Village and would not be visually obtrusive upon the streetscape of the R370 and would therefore accord with the Ballinameen objective D01 and the settlement strategy for Ballinameen as set out in Volume 2 of the Roscommon County Development Plan 2022-2028.

8.5. Residential Amenity

- 8.5.1. A previously noted that proposed dwellings have been set out in 2 sets of semi-detached dwellings which have been situated proximate to the front of the appeal site with a northern orientation. The dwellings are also situated in closest proximity to the north-western boundary of the site which is shared with the front elevation of an existing dwelling. The side dwelling of unit no. 4 is provided with a separation distance of 11.24m from the front elevation of the existing dwelling to of the existing dwelling.

- 8.5.2. SPPR 1 of the Residential Compact Guidelines state that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. It further states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms. In this instance I note that proposed dwelling no. 4 is not served with any window opens along the eastern elevation at 1st floor level and as such issues of overlooking are not anticipated.
- 8.5.3. Dwelling no. 1 has been set c.18m from the western boundary of the site and as such no issues of overlooking or overbearance on the dwelling situated to the west are anticipated.
- 8.5.4. Each of the dwellings proposed have been provided with private amenity space to the rear which is in excess of 64sq.m and have a southern orientation. In addition, plans submitted indicate the internal amenity would accord with the requirements as set out in section 5.3 of the Quality Housing for Sustainable Communities Guidelines (2007).
- 8.5.5. Having regard to the orientation of the appeal site relative to the path of the sun together with the overall layout and separation distances provided I do not anticipate that issues of overshadowing will occur.
- 8.5.6. Overall, I considered that the proposed development will not give rise to undue levels of negative impact upon the current level of residential amenity enjoyed by the neighbouring properties and will provide a good level of amenity for future potential residents.

8.6. Public Health

- 8.6.1. The applicant has indicated that it is proposed to serve the development via a connection to mains in terms of water supply and wastewater treatment. The application was accompanied by a confirmation of feasibility from Uisce Eireann dated the 28th January 2025.
- 8.6.2. The letter confirms that water connection is feasible without the requirement for upgrades. It further states that wastewater connection is feasible subject to upgrades. It states that there is currently insufficient capacity at the Ballinameen WwTP for the proposed development and that an upgrade of the Ballinameen WwTP is planned and

is currently being progressed through detailed design stage by Uisce Éireann which is envisaged to be completed onsite in Q1 2028. It concludes that an untreated wastewater discharge from your proposed development could be facilitated at that stage.

- 8.6.3. The confirmation of feasibility sets out that if the applicant wishes to connect to the wastewater network in advance of the planned upgrades then they would be required to undertake pre-treatment on site. As such, the applicant included the provision of a pre-treatment system. The report received from the Environmental Section of the Local Authority noted concern over the inclusion of a pretreatment units in advance of connection to the public sewer.
- 8.6.4. In response to the request for further information the applicant set out specific details including system type; performance / operational information and maintenance / responsibility information with regard to the pretreatment system being provided. The second report of the reiterated the first comments but made a recommendation that if permission was granted that a number of conditions be included.
- 8.6.5. The Planning Officer considered, having regard to the second Environmental report, issued a request for clarification of additional information and requested that the applicant submit further information with regard to the pretreatment system.
- 8.6.6. The applicant confirmed that any onsite wastewater treatment arrangement would remain private and the Applicant's responsibility to commission, operate and maintain, and that the Applicant shall fully decommission and remove the unit when the Ballinameen WwTP upgrade project is completed. The response was accompanied by a signed undertaking. The final report from the Environmental Section noted that they had no further comment.
- 8.6.7. As such, I consider that the concerns raised were addressed appropriately and that the pretreatment system proposed would meet the standards required by both the Local Authority and Uisce Eireann and would adequately serve the proposed development and not be detrimental to the surrounding environment.

9.0 AA Screening

- 9.1. 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Cloonshanville Bog SAC (site code 000614), the Bellanagare Bog SAC (site code 000592) or the Bellanagare Bog SPA (site code 004105), or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 9.2. This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
 - Distance from and weak indirect connections to the European sites.
 - Taking into account screening determination by Planning Authority.
- 9.3. See Appendix 3 of this report for Appropriate Assessment Screening Determination. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion

10.0 Water Framework Directive

- 10.1. The subject site is situated at Knockglass, Ballinameen, Boyle, Co. Roscommon. The application is seeking permission to construct 4 town houses, together with all boundary treatments, road services, pre-treatment system and all ancillary site development works.
- 10.2. The Bella River is situated c.452m to the south of the site which has a good status. The site is also situated within the Carrick on Shannon groundwater catchment which has a good status.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent

deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend permission be granted.

12.0 Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, and would accord with the requirements of the Roscommon County Development Plan 2022-2028 and is therefore in keeping with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 27th August 2025; the 23rd January 2025 and the 3rd March 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions

require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

3. (a) The pre-treatment system shall be installed and maintained in accordance with the details submitted to the Planning Authority on the 27th August 2025; the 23rd January 2025 and the 3rd March 2026. The installation of this system shall be to the manufacturers instructions and in compliance with Part H of the Building Regulations and SR66: 2015

(b) The installation shall be supervised by a suitably qualified person. A certificate confirmation that the installed system complies with the aforementioned shall be provided by a suitably qualified person and submitted to the Planning Authority for record purposes.

Reason: In the interest of public health.

4. (a) Prior to occupation, a copy of a maintenance agreement with the manufacturers/installers of the pre treatment system or other suitably qualified persons shall be submitted for the records of the Planning Authority. Evidence of renewal shall subsequently be submitted.

(b) The pre-treatment system shall be removed when the upgrade of Ballinameen WWTP is completed by Uisce Éireann.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities

6. Prior to commencement of development, a Demolition Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

7. Site development and building works shall be carried out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. Noise from the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.

Reason: To protect the amenities of property in the vicinity.

9. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

11. Existing road drainage shall not be impaired by the development of the new accesses, and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off. The applicant/developer shall be responsible for the cost of any repairs to the public road deemed necessary as a result of any damage done to this road, to facilitate the development hereby granted.

Reason: To prevent damage to the public road in the interests of traffic safety.

12. All rear gardens shall be bounded by block walls between 1.2 and 2 metres in height, capped, and rendered, on both sides. In all other respects landscaping and boundary treatments, as per the details submitted on 23rd December 2025, shall be completed to the satisfaction of Roscommon County Council within the first planting season following substantial completion of the development or prior to the occupation of the completed new residential units (whichever is sooner). Any planting which fails in the first planting season shall be replaced

by the applicant/developer and landscaping shall be permanently retained and maintained as part of this overall development.

Reason: In the interest of orderly development and visual amenity.

13. A grease trap shall be installed to serve the kitchen area of each dwelling house and shall be maintained in accordance with the manufacturers' instructions.

Reason: In the interests of public health.

14. No dwelling hereby permitted shall be occupied until all access works, car parking provisions and individual boundary treatments throughout the overall site have been completed to the satisfaction of the Planning Authority.

Reason: In the interests of orderly development and residential amenity.

15. All services including electrical, communal television, telephone and street lighting cables shall be placed underground. The developer shall provide and lay underground all aforementioned service cables at the time of construction. Prior to construction a detailed schedule of works shall be agreed with the relevant statutory bodies and Public Utility Authorities to carry out all diversions, re-routing, modifications etc. as required during the construction phases. The applicant/developer shall adhere to the works required by the statutory bodies and Public Utility Authorities.

Reason: In the interest of orderly development, public health and safety and visual amenity.

16. A minimum of one EV charge point space shall be provided within the car parking area with ducting provided for all car parking spaces to enable the provision of future EV charging infrastructure. A revised site layout making provision for the foregoing shall be submitted for the agreement of the Planning Authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

17. The development shall be undertaken as a single entity developer led project. For the avoidance of doubt, the sale of sites for individual development is not permitted.

Reason: In the interests of orderly development and to ensure the timely and satisfactory completion of the overall development.

18. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Kathy Tuck
Planning Inspector

31st July 2026

Appendix 1

EIA Pre-Screening

Case Reference	PL-501250-RN-26
Proposed Development Summary	Construction of 4 town houses, together with all boundary treatments, road services, pre-treatment system and all ancillary site development.
Development Address	Knockglass, Ballinameen, Boyle, Co. Roscommon.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	

☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 10 (b)(i) Construction of more than 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	PL-501250-RN-26
Proposed Development Summary	Construction of 4 town houses, together with all boundary treatments, road services, pre-treatment system and all ancillary site development.
Development Address	Knockglass, Ballinameen, Boyle, Co. Roscommon.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This is an application for the construction of 4 no. dwellings and all associated site works at a greenfield site situated Knockglass, Ballinameen, Boyle, Co. Roscommon. The proposed dwellings will be connected to the mains for both water supply and wastewater treatment. While it is noted that the wastewater treatment plant is currently operating to capacity, the applicant has proposed to provide for an onsite pre-treatment system which Uisce Eirann has deemed to be acceptable. Upgrade works to the local wastewater treatment plan have progressed to design stage and Uisce Eireann in their submission noted that once work has been undertaken it will be feasible to serve the proposed development.

	The development would not result in the production of significant waste, emissions, or pollutants
Location of development (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).	The appeal site is situated within the village boundary of Ballinameen. The subject site is not located within a designated Natura 2000 Site. The appeal site is situated: • C.5.029km to the north-east of the Cloonshanville Bog SAC (site code 000614). • C.9.233km to the north-east of the Bellanagare Bog SAC (site code 000592). • C.9.233km to the north-east of the Bellanagare Bog SPA (site code 004105). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments. There are no other locally sensitive environmental sensitivities in the vicinity of relevance.
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).	There would be no significant cumulative considerations.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

AA Screening Determination

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The proposed development comprises the construction of 4 no. dwellings and all associated site works on a site situated at Knockglass, Ballinameen, Boyle, Co. Roscommon.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. It was concluded that a full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km of 3 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- Cloonshanville Bog SAC (site code 000614).
- Bellanagare Bog SAC (site code 000592).
- Bellanagare Bog SPA (site code 004105).

There are no direct natural hydrological connections from the subject site to any Natura 2000 Sites.

Screening Determination

Finding of no likely significant effects

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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Cloonshanville Bog SAC (site code 000614), the Bellanagare Bog SAC (site code 000592), the Bellanagare Bog SPA (site code 004105) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by Planning Authority.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.