



An
Bord
Pleanála

**Board Order
PL17.249340**

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council

Planning Register Reference Number: KA/170071

Appeal by Michael Farrelly care of Frank Burke and Associates of Baldara, Trim Road, Navan, County Meath against the decision made on the 13th day of September, 2017 by Meath County Council to grant subject to conditions a permission to Bernard Murphy care of Lloyd Fitzsimons of Kells Art Studio, 13 John Street, Kells, County Meath.

Proposed Development: Erection of a bungalow, detached domestic garage and new entrance. Also the provision for proprietary wastewater treatment system and all ancillary site works at Curragh, Carnaross, Kells, County Meath.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. It is the policy of Meath County Council to direct development into settlements in accordance with its hierarchy and to restrict rural housing to those with a rural housing need in accordance with national policy. Based on the information submitted with the planning application and the appeal, the Board is not satisfied that the applicant comes within the scope of the rural housing need criteria for an additional dwelling at this location and does not have a demonstrable need to live in the open countryside. It is considered that the proposed development would, therefore, be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of Environment, Heritage and Local Government in April 2005 and, would place an unwarranted demand for the uneconomic provision of services in a rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the proposed use of a proprietary wastewater treatment system and construction of a percolation area, having regard to underlying site characteristics which include indications of a risk of a seasonal high-water table, the Board is not satisfied that a risk of contamination of ground water or surface water in adjoining lands can be sufficiently ruled out. The proposed development would, therefore, pose an unacceptable risk of pollution to water quality and environmental quality of agricultural land and would, therefore, be prejudicial to public health.

3. It is considered that a house at this location and within a constrained site for the purposes of wastewater treatment would conflict with a dominant agricultural use of land in the vicinity and would be contrary to strategic policies RD POL 12 and RD POL 13 as set out in the current Meath County Development Plan in managing its natural resources.

4. On the basis of the information provided in connection with the planning application and the appeal and in the absence of a Natural Impact Statement, the Board cannot be satisfied that the proposed development will not impact adversely on the designated site, individually or in combination with other plans or projects and would not be likely to have a significant effect on the River Blackwater and River Boyne (Special Protection Area, Site Code 004232/Special Area of Conservation, Site Code 002299) in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Stephen Bohan
Member of An Bord Pleanála
Duly authorised to authenticate
the seal of the Board.

Dated this day of 2018