



Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: NA/200013

APPEAL by Goretti Donnelly care of John Callaghan, Civil Engineer of 10 The Cloisters, Kells, County Meath against the decision made on the 16th day of September, 2020 by Meath County Council to grant subject to conditions a permission to John O'Brien care of Enda Shiels and Associates of Brownstown, Navan, County Meath.

Proposed Development: Construction of a three bedroom bungalow, separate waste water treatment system, percolation area, connection to existing mains water and entrance onto public roadway and all ancillaries at Mill Lane, Kilcarn, Navan, County Meath. The proposed development was revised by further notices received by the planning authority on the 26th day of August 2020.

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. On the basis of the information provided with the application and the appeal and having regard to the Stage 1 Appropriate Assessment Screening and the Natura Impact Statement submitted, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects, notwithstanding the modest nature of the proposed development and the mitigation measures set out to address the impacts of the proposed development, would not adversely affect the integrity of the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) or any other European site, in view of the sites' Conservation Objectives, by way of water quality issues in the area, given the prevalence of existing dwelling houses in the vicinity served by individual wastewater treatment systems and given the proximity of the site to these European sites. In these circumstances, the Board is precluded from giving further consideration to a grant of planning permission.
2. The site of the proposed development is located in a 'Rural Area Under Strong Urban Influence' as set out in Section 2.7 and Map 10.1 of the Meath County Development Plan, 2013 to 2019, and, in accordance with Section 3.2 of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, where it is policy to distinguish between urban-generated and rural-generated housing

need. For such areas, Policy RD POL 2 of the Meath County Development Plan requires that urban generated housing be directed to areas zoned for new housing development in towns and villages in the area of the Development Plan.

Furthermore, National Policy Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, planning authorities should 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, having regard to the viability of smaller towns and rural settlements.

Having regard to the documentation submitted with the application and appeal, including the further documentation received, notwithstanding the justifications put forward by the applicant as to the social need to reside close to family members that live on Mill Lane, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered that the proposed development would contravene objective RD POL 2 of the County Development Plan, would be contrary to the Ministerial Guidelines and to the over-arching national policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2021