



Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/38

APPEAL by Carmel Donnellan care of Kieran O'Malley and Company Limited, Town Planning Consultants of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 20th day of July 2021 by Meath County Council to grant subject to conditions a permission to Patricia Thorpe care of BGM Consulting Engineers of Ranagan, Castlepollard, County Westmeath.

Proposed Development: Planning permission for five number detached dwelling houses, each with a proprietary treatment system and percolation area, each with a domestic garage, entrance onto the public road and all associated site services at Lismullen, Garlow Cross, Navan, County Meath as revised by the further public notices received by the planning authority on the 24th day of June 2021.

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. Having regard to:
 - (a) the location of the site within a rural area identified as being Under Strong Urban Influence, in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities, published by the Department of the Environment, Heritage and Local Government in 2005,
 - (b) National Policy Objective 19 of the National Planning Framework (February 2018) and RP04.80 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031, which seek to facilitate the provision of 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,
 - (c) the provisions and policies of the Meath County Development Plan 2021-2027 in respect of residential development in Rural Nodes and the provision of rural housing in such areas for persons who can demonstrate a local housing need,

the Board was not satisfied, on the basis of the information on the file, that the speculative development proposal for a cluster of houses at this location could in practice be restricted to persons who meet the rural

housing need criteria and would therefore not accord with other policies within the County Development Plan and with the national and regional policy approach of facilitating the site-specific needs of members of the rural community in such areas under strong urban influence. In addition, the provision of five individual proprietary wastewater treatment systems on this site would exacerbate the proliferation of such systems in an area that is already subject to significant rural and ribbon development, notwithstanding its status in the current plan as a rural node. In the absence of any identified locally based need for a house at this location, the proposed development would result in a haphazard and unsustainable form of development in an unserviced area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding on the site or of property in the vicinity, and that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided in relation to hydrological conditions pertaining on site and potential connectivity with European sites. It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations 1997, that the proposed development will not adversely affect the integrity of a European site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area. 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 *29th* day of *March* 2022

