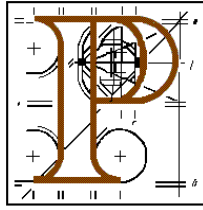


An Bord Pleanála



Inspector's Report

1. APPEAL DETAILS:

- (1) **An Bord Pleanála Ref. No.:** PL17.245579
- (2) **Planning Authority:** Meath Co. Co.
- (3) **Planning Authority Ref. No.:** LB/150747
- (4) **Applicant:** Amanda Manning
- (5) **Nature of the Application:** Permission
- (6) **Planning Authority's Decision:** Granted, with Conditions
- (7) **Location:** Minnistown, Laytown, Co. Meath
- (8) **Description of Development:** 'Retention' of replacement single storey detached dwellinghouse, which replaced the existing original detached cottage & 'retention' of assoc. site works
- (9) **Appeal Type:** 1no. 3rd Party (vs. Grant)
- (10) **Appellant:** John, Grainne & Hilda Lynch
- (11) **Observers:** None
- (12) **Date of Site Inspection:** 09th December 2015
- (13) **Inspector:** Leslie Howard

2. SITE CONTEXT AND DEVELOPMENT DETAILS / DESCRIPTION:

(1) Site Location and Description:

The application site, is located approx. 1.5km due N along the local co. road L-5616-0, from its junction with the R150, near the SE corner of Co. Meath (see copy of the OS regional locality map & 'Google-Earth Satellite Imagery attached). Specifically, the stated 0.0501ha site, is located fronting directly onto the W-edge of the co. road L-5616-0. The roughly 'square' shaped site enjoys an E-boundary frontage of approx. 21m onto the L-5616-0, with a site depth away from the L-5616-0 of approx. 25m, and a rear / W-boundary of approx. 21.5m. At the time of inspection, the site is developed with a single storey dwellinghouse, finished with plaster to exterior walls and charcoal slate roof tiles. Direct vehicular access from the L-5616-0, onto the application site is provided adjacent the sites SE corner. The sites E-roadside / front boundary onto the L-5616-0 comprises a white painted picket fence. The sites N-lateral & W-rear boundaries are formed by mature trees & hedgerow planting separating the site from the adjacent property to the N and agricultural lands to the W. The site's S-lateral boundary is demarcated with a timber post & panel fenceline, separating the site from the agricultural gated entrance (off the L-5616-09) and accessway serving the extensive agricultural lands to the W. A modest drainage ditch was noted passed the site's W-rear boundary. New 'screening' planting was also noted adjacent the sites W-rear & S-lateral boundaries (understood off-site). Topographically, the site was noted as flat. The primary land use in the surrounding area may be described as agricultural, but with an emerging, significant presence of what appear as standalone single houses along the L-5616-0. The L-5616-0 passed the site is in reasonable condition, with adequate sightline visibility apparent to each of the N & S approaches, having regard to road geometry and existing site boundary treatments. During the time of physical inspection, a low level of traffic movement, was apparent passed the application site frontage (see attached photographs taken at the time of physical inspection).

(2) Description of the Proposed Development:

Application was made by Amanda Manning (c/o Shay Scanlon – Shay Scanlon Architects.) for permission for 'retention' of development on the stated 0.0501ha application site, advertised as –

"... the 'retention' of the replacement single storey detached dwelling house which replaced the existing original single storey detached cottage / dwelling along with 'retention' of all assoc. ancillary works, services, service connections, landscaping and site development works", all at Minnistown, Laytown, Co. Meath.

The stated 83.87m². single storey 1-bedroomed house (ie. entrance hallway; living room; diningroom; kitchen; study room; bathroom & 1no. bedroom with 'robes'), for 'retention', is set back approx. 03m from the co. road L-5616-0, running N to S passed the site's E-boundary. Finishes incl. cream plastered exterior walls, with 'charcoal slate' roof. No vehicular access is apparent onto the site. A pedestrian gated entrance enables access onto the site, along a pathway, through a gated screen wall (separating the front and rear yards), to the primary entrance into the house. Water supply exists via existing connection to 'public mains' (located in the front NE corner of the site); wastewater management / treatment via existing onsite proprietary WWTS – 'Klargester' (located to the S of the house & granted planning permission under **Reg.Ref.No.SA130536**), and storm water disposal proposed to onsite 'Soakaway' (located to rear NW corner of the house). (see series of plans, drawings & documentation prepared by Shay Scanlon – 'Shay Scanlon Architect', date stamped received by the PA on the 16/07/2015).

3. PLANNING CONTEXT:

(1) **Meath Co. Development Plan (2013-2019):**

Relevant provisions are referenced as follows –

- (a) The application site is located on rural lands, outside of any identified settlement in the Co. Dev. Plan 2013;
- (b) Sect.10.2-10.3 sets out the relevant 'policy' regarding the assessment of housing within in rural areas;
- (c) **'Replacement Houses':**

Sect.10.15 provides for 'Vernacular Rural Building's & Replacement Dwellings'. Relevant 'policies' incl.:

RD POL 30: "to promote the viable re-use of vernacular dwellings without losing their character & to support applications for the sensitive restoration of disused vernacular or traditional dwellings";

RD POL 31: "to encourage & facilitate the appropriate refurbishment of existing housing stock in rural areas & in certain limited cases the replacement of existing dwellings subject to development assessment criteria outlined below";

These criteria incl.:

- re. 'refurbishment & extension' proposals – "that the scale & architectural treatment of proposed works are sympathetic to the character of the original structure & the

surrounding area incl. adjoining or nearby development”;

- re. ‘replacement’ dwelling’s – “that the original structure was last used as a dwelling & that its roof, internal & external walls are generally intact”;
- re. ‘replacement’ dwelling’s – “... provided at locations where safe access & acceptable wastewater disposal arrangements can be put in place & where specific development objectives or other policies of Meath Co. Co. are not compromised”;
- re. ‘replacement’ dwelling’s – “... shall be designed to be of a size & scale appropriate to the site”;
- re. ‘replacement’ dwelling’s – “... shall comply with the ‘Meath Rural Design Guide”;
- re. assessment of “habitable or not” – Council “will rely on the definition contained in Sect. 2 (Interpretation) of the Planning & development Acts 2000-2011.

RD POL 32: “to oppose the demolition & replacement of traditional or vernacular rural houses in order to protect the varied types of housing stock in rural areas of the County & to preserve the rural built heritage”;

(d) ***‘Design & Technical Requirements’:***

- Weighted reference on ‘design standards’ for new housing in rural areas;
- Policy RD POL 9 requires compliance with the Co. ‘Rural Housing Design Guide’;
- Sect.10.19 outlines technical requirements re. new housing;

(e) Chapter 11 of the Co. Dev. Plan sets out the ‘Development Management Standards & Guidelines’;

(f) Appendix 15 sets out the Co. ‘Rural Housing Design Guide’.

(2) **Planning History of the Appeal Site and its environs:**

The following relevant planning history is apparent on the application site (ie. as referenced in PA documentation on file) –

Reg.Ref.No.SA/S51436: “A declaration made in accordance with Sect. 5 of the Planning & Dev. Act 2000, as amended for “the clarification of exempted

development consisting of maintenance works to the original house, extension to front porch & addition of chimney as part of the heating system”.

The PA determination was that the development constituted development which was not exempted development.

The PA decision appealed to ABP who found that the works constituted development which was not exempted development”

Reg.Ref.No.SA130536:

Applicant: Amanda Manning

Proposed dev.: “...the removal of existing septic tank system and its replacement with a proprietary wastewater treatment system and polishing filter”, all at ‘The Cottage’, Minnistown, Laytown, Co Meath

PA decision: Granted (Managers Order No. S918/13; dated 17/10/2013), subject to 4no. stated ‘Conditions’, summarised as follows:

- compliance with plans & particulars (ie. as proposed);
- requirements re. construction, installation & operation of the new WWTS:
- requirements re. sustained maintenance of the new WWTS; &
- requirements re. decommissioning of existing septic tank.

(see case history documentation attached on file);

Reg.Ref.No.SA130060:

Applicant: Amanda Manning

Proposed dev.: “...demolition of the existing partially constructed two storey rear extension and the construction of a two storey extension of 63sqm to the rear of existing single storey house including a first floor balcony on the rear facing wall, alterations to the pitched roof of the existing house to provide a hip at the north gable. Alterations to provide a pitched roof porch to

the front of the existing house. Removal of existing treatment system and its replacement with a proprietary effluent treatment system and polishing filter, relocation of vehicular and pedestrian access gates and all associated site works”, all at ‘The Cottage’, Minnistown, Laytown, Co Meath

PA decision: Refusal (Managers Order No. S276/13; dated 26/03/2013), for 2no. stated ‘refusal reasons’, summarised as follows:

- Visual Obtrusion & detrimental to the visual amenities of this area (ie. contrary to Sect.11.2.4 of the Co. Dev. Plan 2013 re. “... high quality design for house extensions ...”)
- Prejudice to public health (ie. contrary to RDPOL 48).

(see case history documentation attached on file);

Reg.Ref.No.SA/121055: “Incomplete application”;

Reg.Ref.No.SA/130023: “Incomplete application”;

PA “Enforcement” Cases (as referenced by the PA) –

Reg.Ref.No.UD14/147: “Description of dev.: Existing dwelling demolished & construction commenced on a new development without planning permission”;

Reg.Ref.No.UD11/197: “File closed. Extension under 40m²”;

Reg.Ref.No.UD11/252: “File closed. Planning obtained for septic tank”;

(3) **Planning Authority Reports:**

(a) The Planning Officers report dated the 03/09/2015, recommends that permission be GRANTED, subject generally to the same ‘Conditions’ set out in the Managers Order below. This recommendation was made having regard to:

- (i) Confirmation of the nature and composition of the proposed development;
- (ii) Consideration of the locational context of, and character of the application site;
- (iii) The relevant planning history (see 3(2) above);

- (iv) Site services as follows:
 Water Supply – Public Mains;
 Effluent Disposal – On-Site Waste Water Treatment System;
 Surface Water – Soakpit;
- (v) Relevant National & Local Planning Policy provisions, partic.:
- ‘Sustainable Rural Housing Guidelines for Planning Authorities’ (Dept. of Environment, Heritage & Local Govt – 2005);
 - ‘Regional Planning Guidelines’ for the Greater Dublin Area 2010-2022’;
 - ‘Meath Co. Dev. Plan 2013-2019’:
 See para. 3(1) above;
- (vi) Confirm 1no. 3rd party objection / submission lodged (see 3(b) below). Confirm further, that the issues argued – “have been taken into account in the assessment of the application”;
 Weight reference to the clarification that “compliance with building regulations is a separate consent process governed by separate legislation to the planning application process”;
- (vii) Clarify no referrals re. Co. Departmental, and Statutory Bodies;
- (viii) Confirm ‘pre-planning’ consultations prior to lodgement of the application;
- (ix) Having clarified background to, and substance of the current application for ‘retention’, confirm the key planning issues as:
- Appropriate Assessment;
 - Planning Policy;
 - House Design, Layout & Siting;
 - Road Access; &
 - Water Services.
- (x) **Planning assessment:**
Requirement for Appropriate Assessment:
- Reference Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC);
 - Under the DoEHLG direction (ie. “Appropriate Assessment of Plans & Projects in Ireland: Guidance for PAs”) –
 “... where, from the nature, size & location of the development, it is unclear if the proposal will have

a significant effect on a Natura 2000 site(s), a Natura Impact Statement will be required”;

- Confirm the application site is not located within or directly adjoining any Natura 2000 site. Further, several Natura 2000 sites located within a 15km (approx.) radius, as follows :
 - ‘River Boyne & River Blackwater SPA & SAC’ (Site Codes 004232 & 002299):
 - ‘River Nanny Estuary & Shore SPA’ (Site Code 4158):
 - ‘Boyne Estuary SPA’ (Site Code 4080):
 - ‘Boyne Coast & Estuary SAC’ (Site Code 1957):
 - ‘Clogher Head’ (Site Code 001459):
 - Noting and having regard to:
 - the provisions of Article 6;
 - the location of the application site, proximate to Natura 2000 sites;
 - the nature & scale of the development proposed; and
 - the absence of clear pathways to Natura 2000 sites;
- the PA is satisfied that the proposed ‘retention’ of development, “would not give rise by itself or in combination with other developments to impacts on any Natura 2000 site”;
- Accordingly, conclude “a Stage 2 Appropriate Assessment is not required in this case”;

Planning Policy:

- Ref. that the Meath Co. Dev. Plan 2013-2019 ‘policies’, “generally encourage the ‘retention’ & ‘restoration’ of existing structures”;
- Having reference to “images of the original cottage on site, It is considered that the cottage was not of such architectural merit as so to require its retention”;
- the ‘principle’ of replacing the original cottage, with a new dwelling “is therefore considered acceptable”;
- satisfaction that the original cottage would comply with the ‘habitable dwelling’ definition set out in the Co. Dev. Plan;

- re. 'replacement houses', the Co. Dev. Plan criteria address the design of new houses in Sect.9.3;

Design, Layout & Siting:

- Original house – 39m². New house – 84m².
- New / replacement house “constructed along the N site boundary, in the area where the previous house stood, but with an elongated form ... extended in a westerly direction”;
- “The space is organised around a courtyard area to the rear of the dwelling”;
- Confirm the form of the front elevation as “similar to that of the previous cottage on the site” (ie. a pitched roof to the main structure & to the porch);
- The design of the new / replacement house :
 - considered acceptable in the context of the ‘Meath Rural House Design Guide’; and
 - would not give rise to a negative impact on the visual amenities locally;
- the replacement house:
 - a single storey building; &
 - much of the fenestration directed in a southerly orientation;
- mature planting exists along site’s N-boundary;
- no threat of overlooking of adjoining properties exists, such as would result in negative impact on residential amenity;

Access:

- Application site served with existing vehicular access;
- Sightline visibility considered adequate from the entrance;

Water Services:

Wastewater:

- Ref. permission granted under **Reg.Ref.No.SA130536** for removal of an existing septic tank system & replacement with a proprietary WWTS & polishing filter;
- Ref. that the ‘Site Characterisation Form’ was based on an occupancy of 2no. persons in the dwelling;
- Point out the replacement house (ie. to be retained), has one bedroom;

- The replacement house would not generate additional loading on the system;
- Further, as built, the house to be retained, will not “generate additional issues in respect of waste water over those previously considered during the assessment of **Reg.Ref.No.SA130536**”;

Water Supply:

- Reference that the “development has an existing connection”;

Development Contributions:

- Ref. Meath Co. Dev. Contributions Scheme 2010-2015;
- The DCS allows for reductions in the Contributions for ‘replacement houses’ (ie. area to be replaced calculated as a percentage of the replacement dwelling, & this percentage deemed exempt from Contribution);
- Original house – 39m². New house – 84m².
- Area of original house comprises 46% of the area of the new house. Therefore, Contributions of 54% of the usual rate applies;
- Deduced ‘Contributions’ at a rate of 54% calculated as:
‘Social Infrastructure’ – € 1223.64, and
‘Roads’ – € 1376.46

(xi) **Conclusion:**

- Provision of a dwelling, to replace the existing house on site, is considered acceptable, having regard to:
 - the criteria outlined in Sect.10.15 of the Meath Co. Dev. Plan 2013-2019; &
 - the Meath Rural House Design Guide;
- Subject to compliance with stated Conditions, the proposed ‘retention’ of the new dwelling, would:
 - not give rise to unacceptable impacts on the visual or residential amenities of the area; &
 - be in accordance with the proper planning & sustainable development of the area.

(xii) **Recommendation:**

Recommend ‘Grant’ of ‘retention’ permission, subject to Conditions.

(b) **Objections / Submissions:**

1no. 3rd party objection / submission apparent, from John, Grainne & Hilda Lynch – Minnistown, Laytown, Co. Meath (16/08/2015; #). The issues argued incl.:

- history of unauthorised dev. on the site;
 - the new house is not of a similar footprint, nature & design as stated in the application documentation;
 - a ‘ditch’ exists to the rear of the site;
 - min. separation distances re. waste water treatment system “cannot be achieved on the site”;
 - submitted plans do not reference ‘building regulations’ or ‘the building control act’;
 - the development gives rise to overlooking;
- # – current 3rd party appellants’

(c) **Departmental and Statutory Body Comments:**

Environment Sect.: The Sect. “is satisfied and has **no objections** to the proposed development, subject to the following Conditions”. The recommended Conditions addressed – surplus excavation materials & construction waste management / disposal; construction & layout of the WWTS & percolation area; certification of layout & construction of the ‘soil polishing filter’ & required ‘annual maintenance agreement’ with system supplier (see report dated 10th December 2015).

No other Departmental or Statutory Body comments apparent.

(4) **Planning Authority Decision Details:**

Meath Co. Co. as Planning Authority, by Chief Executive’s Order No. L1060/15 dated the 07th September 2015, decided to GRANT ‘Retention’ Permission for the proposed development, subject to 04no. stated Conditions (see appeal file). In the context of the current 3rd Party Appeal, the most noteworthy is considered as:

- Condit. No.1:** Compliance with plans & particulars lodged, except as amended;
- Condit. No.2:** Spec. requirements for ‘surface water’ drainage;
- Condit. No.3:** Spec. ‘Development Contribution’ re. “public roads & public transport infrastructure”;
- Condit. No.4:** Spec. ‘Development Contribution’ re. “social infrastructure (open spaces; recreational & community facilities, amenities & landscaping works)”;

4. **3rd PARTY GROUNDS FOR APPEAL – John, Grainne & Hilda Lynch (02nd October 2015):**

(1) **Introduction:**

- (a) Contextualise the appellants' – “As the owners & occupiers of all adjoining dwellings & lands ...”;
- (b) Assert application is for the ‘retention’ of a bungalow, constructed to replace a cottage demolished to facilitate the applicant’s development. Background as follows:
 - (i) “original small roadside cottage” extended several times under current ownership, “without the benefit of planning permission”; &
 - (ii) Subsequent “unauthorised demolition & reconstruction works”, culminated in total demolition, & “consequent reconstruction of a greatly altered replacement dwelling”;
- (c) Assert applicant has at no time attempted “to either respect or adhere to planning legislation or Meath Co. Co. Dev. Plans”. Reference relevant suite of “legislation & policy” (ie. 6no.), informing their “Observation”;

(2) **History of Facts:**

- (a) **Reg.Ref.No.: UD11/252 (09/08/2011):**
Submission re. ‘unauthorised dev.’ as follows – ‘2-storey extension (60m²), incl. gable & assoc. WWTS & percolation’;
- (b) **Reg.Ref.No.: SA121055 (10/12/2012):**
Permission for dev. & ‘retention’ of works, as follows –
“2-storey rear extension (63m²), incl. 1st floor balcony on rear facing wall; alterations to pitched roof of existing house to provide a hip at the N gable; alterations to provide a pitched roof porch to the front of the existing house; upgrade of existing septic tank to a proprietary treatment system; & relocation of vehicular & pedestrian access gates”;
Status – “Incompleted Application”.
- (c) **Reg.Ref.No.: SA130023 (18/01/2013):**
Application as follows –
“demolition of the existing partially constructed 2-storey extension & for the development & ‘retention’ of works consisting of a 2-storey extension of 63m² to the rear of existing single storey house including a 1st floor balcony on the rear facing wall, alterations to the pitched roof of the existing house to provide a hip at the north gable. Alterations to provide a pitched roof porch to the front of the existing house. Installation of proprietary effluent treatment system & polishing filter, relocation of vehicular and pedestrian access gates & all assoc. site works”;

- Status – “Incompleted Application”.
- (d) **Reg.Ref.No.: SA130060 (05/02/2013):**
Application as follows –
“demolition of the existing partially constructed 2-storey rear extension & the construction of a 2-storey extension of 63m² to the rear of existing single storey house including a 1st floor balcony on the rear facing wall, alterations to the pitched roof of the existing house to provide a hip at the north gable. Alterations to provide a pitched roof porch to the front of the existing house. Removal of existing treatment system & its replacement with a proprietary effluent treatment system & polishing filter, relocation of vehicular and pedestrian access gates & all assoc. site works”;
Status – “Refused”.
- (e) **Reg.Ref.No.: SA130536 (17/07/2013):**
Application as follows –
“the removal of existing septic tank system & its replacement with a proprietary wastewater treatment system & polishing filter”;
Status – “Conditional”.
- (f) **Reg.Ref.No.: UD14/147 (13/06/2014):**
Submission re. “... Unauthorised Development, consisting of demolition of entire existing dwelling with exception of N-gable. Construction commenced on greatly extended floor plan. No planning permission of any type sought or granted”;
- (g) **Reg.Ref.No.: SA/S51436 (10/09/2014):**
Application as follows –
“clarification of exempted dev. consisting of maintenance works to the original house, extension to front porch & addition to chimney as part of the heating system”;
Status – “Refused”.
- (h) **Reg.Ref.No.: RL17.RL3314 (02/11/2014):**
‘Referral’ application to ABP as follows –
“clarification of exempted dev. consisting of maintenance works to the original house, extension to front porch & addition to chimney as part of the heating system”;
Status – “Works are Dev. & not Exempted Dev.”.
- (i) **Reg.Ref.No.: LB/150747 (16/07/2015):**
Application as follows –
“... retention of the replacement single storey detached dwelling house which replaced the existing original single storey detached cottage / dwelling along with retention of all associated ancillary

works, services, service connections, landscaping & site development works”;

Status – “Conditional ‘Retention’ Permission”.

(3) **Observations made to Meath Co. Co. on Application LB/150747:**

(a) **Applicant Cover Letter:**

- (i) Challenge applicant’s claim that works undertaken “were within the parameters of exempted development”. Rather, assert, having regard to the history of applications & enforcement on site, that “this is incorrect”;
- (ii) Further, re. applicant’s claim that “it was never the intention to replace the original cottage”, point out this “has been strongly contradicted by fact & this was also the opinion of Meath Co. Co. Planning enforcement & the ABP inspector”;
- (iii) Argue the new bungalow onsite “is not of similar ‘footprint, nature & design’, having regard to:
 - the dwelling size has more than doubled; &
 - the aspect has been turned through 90° to face S rather than E;
- (iv) Challenge applicant’s statement that no demolition took place, & that “a habitable dwelling remained on the site at all times. Rather, by way of inclusion of photographs (date – 07/06/2014), assert that “demolition works are in progress”;
Referencing the photographs, argue:
 - “the entire structure, with the exception of the N-gable, was entirely demolished
 - the new building “in no way resembles the original nor enjoys the benefit of planning permission”;
- (v) Ref. photograph dated 10/06/2014, argue “this entire process was carefully planned & executed with total disregard for established planning & dev. practices”;
- (vi) Assert the appellants’ have “proven” that “there was no attempt to retain the existing cottage”. Rather, what has taken place “is the complete demolition of a dwelling & its replacement with a substantially larger bungalow”, all without the benefit of planning permission;

(b) **Site Plan:**

- (i) Challenge applic.’s claim on the ‘site plans’ submitted, that “there is no clear evidence of a drainage ditch to the rear of the site along the W-boundary. In response argue, “this is totally untrue & the ditch is clearly visible to all”;

- (ii) Challenge applic.'s claim that min. separation distances have been maintained at all times". Rather, having regard to site size, & the locations of the waste & surface water treatment areas, argue that "this has not happened & is in fact unachievable";
 - (iii) ref. photograph included, showing 'drainage ditch to the rear of the W-boundary' and "waste water ingress from subject site visible in foreground";
- (c) **Submitted Plans:**
- (i) Argue that the drawings submitted for the current house makes "no reference to the Building Control Act 2007, nor the Building Control Regs. 207-2014";
 - (ii) No certification apparent re. compliance with the legislation, or that the dwelling is indeed habitable;
 - (iii) Argue the infill of the new dwellings footings with mixed demolition rubble, "should render this structure totally non-compliant & in fact unsafe";
 - (iv) As constructed, the new dwelling "has windows & doors directly overlooking the adjoining properties";
 - (v) the size & scale of the extension:
 - has doubles the size of the property; &
 - has altered the aspect of the dwelling with the main entrance now facing S on the elongated elevation, & the original E-façade no longer the presented front of the building"
 - (vi) location of the front windows have been altered, with the overall width of this façade increased by 1m;
 - (vii) point out the 'porch' is no longer the main entrance to the house (ie. original front door closed & is now a window; Rather, the main entrance is relocated from the E-façade to the newly constructed, & greatly elongated, S-facade
- (d) **Bord Pleanála Inspectors Report:**
- (i) the ABP inspectors report references the PA's conclusion that the previous cottage "has been predominantly demolished" & "replaced with a new structure of a new build" (Sect.4.1);
 - (ii) Ref. Sect.9.5 – "... I would tend to concur with the opinion of the PA in this instance";
 - (iii) the applicant's claims of ignorance re. the need for PP for 'demolition & re-construction' "seem spurious when one considers the prior planning history on the site";
In this regard, ref. Sect.9.6 confirming that

“in summary, an unauthorised 2-storey extension was constructed to the rear of the original cottage which was demolished, by order of the PA”;

- (iv) Conclude that the applicant, “while fully aware of planning legislation, chose to demolish & rebuild without planning permission so as to construct a dwelling unsuited in scale & design to this extremely confined site & then seek retention to circumvent the legal planning processes”;

(4) **Conclusion:**

- (a) Assert conviction that the current application:
 - (i) “is inaccurate in many of its claims”; &
 - (ii) “is a clear attempt to circumvent the planning process & secure the demolition of an existing cottage & ensure its replacement with a larger bungalow on an inadequate site ...”
- (b) Whilst no objection in principle, “we feel it incumbent upon us to strenuously object to the repeated flagrant breaches of planning law & process that have been undertaken on this site”;
- (c) Reflect on the applicant’s statement that if ‘retention’ permission was refused, the only action would be demolition, as “a true reflection of the planning legislation”;
- (d) Construction methods used by the applicant, “are in breach of regulations”. This would have been picked up prior to commencement, if the proper process were followed;
- (e) Reference Co. Dev. Plan Policy RD POL 44 as “highly relevant” (ie. “To oppose the demolition & replacement of traditional or vernacular rural houses”). The history re. the application site “is clearly in breach of this stated policy”;
- (f) A grant of ‘retention’ permission “would set a very unsafe planning precedent & would encourage further breaches of the legislation by others”.

5. RESPONDENTS TO THE 1st PARTY APPEAL:

(1) **Planning Authority Response (29th October 2015):**

- (a) Contextualise PA’s decision to ‘grant’ planning permission, subject to Conditions, dated – 07th September 2015;
- (b) Confirm specificity of the 3rd Party Appeal re.:
 - (i) the original cottage was extended several times, under current ownership, without the benefit of planning permission. Subsequent “unauthorised demolition & reconstruction works”, resulted in “total demolition of the

- original dwelling”. The consequence, is the “reconstruction of a greatly altered replacement dwelling”;
- (ii) there “has been no attempt to adhere to planning policy”;
 - (iii) the replacement house is double in size & the aspect has been turned 90degrees;
 - (iv) it is incorrect to state that “there is no evidence of a drainage ditch to the rear of the site”;
 - (v) the stated compliance of min. separation distances re. the waste water treatment system, “is not the case”;
 - (vi) compliance with building regulations has not been demonstrated; &
 - (vii) as built, the development overlooks adjoining properties.
- (c) PA response as follows:
- (i) The application for ‘retention’, addresses “the fact that unauthorised development took place on the site”;
 - (ii) As built, the replacement house, having regard to the scale & design of the house, and the character of the site & surrounds, does not negatively impact on the visual amenities of the area;
 - (iii) The house to be ‘retained’, “is a single storey dwelling”;
 - (iv) Having regard to – the single storey house, the separation distance to the nearest house to the S, the floor plan / room layout of the house, & the boundary treatment along the site’s N-boundary, no “overlooking or undue negative impacts on adjoining property”, will result;
 - (v) Confirm permission granted under **Reg.Ref.No.SA/130536**, for removal of an existing septic tank system & replacement with “a proprietary WWTS & polishing filter”. As built (ie. for ‘retention’), the replacement house wont “generate additional issues re. waste water over those previously considered under **Reg.Ref.No.SA/130536**;
 - (vi) Refer ABP attention to the PA ‘planners report’ dated 02nd Sept. 2015”;
- (d) Request ABP have regard to “the matters raised in this response in its assessment of this appeal”.

(2) **Applicant’s Response (c/o Shay Scanlon Architect – 03rd November 2015):**

(a) **Introduction:**

- (i) Assert “it is not clear what the appellants are appealing or objecting to” (ie. “... *no particular objection to the redevelopment of the site*”, however, “... *strenuously*”

object to the repeated flagrant breaches of planning law & process that have been undertaken on this site”);

- (ii) Accordingly, assert understanding that the appellants are not appealing “redevelopment of the site, subject to appropriate scale & style”. Rather, the appeal / objection is “the process by which the house as now built, has been arrived at. In response, assert that this objection, is “based on a misconception & misrepresentation of how the applicant arrived at the end product”;
 - (iii) As the basis of appeal “is against the process & not the development”, assert “that this is a matter for the planning appeals board, and as such is only within the remit of the Local Authority”;
 - (iv) Accordingly, assert that “the appeal should be thrown out as not relevant or pertaining to planning decision at hand”;
 - (v) Further, that by deciding on the application for ‘retention’, Meath Co. Co. / the PA, “acknowledged as such that the issue of the process has now been resolved & dealt with”;
 - (vi) Highlight applicant’s challenge since purchase of property in 2011:
 - “...poor & misleading advice from various parties engaged in good faith”;
 - Consequent of “unsubstantiated appeal”, the applicant “will endure further worry, anguish, upset & uncertainty until such time as ABP rules on this matter”;
 - (vii) The application is “to regularise & obtain ‘retention’ permission for the dwelling house at Minnistown as it now exists”;
 - (viii) Reference that the application site was the subject of a recent ABP determination under **Reg.Reg.No.RL17.3314**. In accepting the ABP decision, “it was felt necessary to make the ‘retention’ application”;
- (b) **Background:**
- (i) Applicant purchased the existing modest cottage in 2011;
 - (ii) Ref. ‘valuation report’ confirmation that whilst habitable, the property required signification renovation (eg. ‘re-wiring’; ‘re-plumbing’ etc);
 - (iii) Under **Reg.Ref.No.SA/130536** PP granted for the replacement of existing ‘septic tank system’ with a ‘proprietary wastewater treatment system & polishing filter”;

- (iv) Clarify that weighting regard to advice received, the applicant carried out various works to the property, “all in the belief that these works were within the parameters of exempted development, as defined in the planning regulations”;
 - (v) “It was never the intention to replace the original cottage” (ie. the existing house for ‘retention’ – remains as single storey; 1no. bedroom; at the same location; is similar in footprint, nature & design to the original cottage) ;
 - (vi) Clarify single storey extension to the rear, deemed as “an exempted development being within the 40m² limit”;
 - (vii) The ‘bona-fide’ of the original cottage, as a viable, habitable dwelling, is evidenced by: acknowledged by the PA in its decision under **Reg.Ref.No.SA/130536**; the 2011 ‘valuation report’ prepared for Ulster Bank; the Google map photo – July 2011; & the O.S. Map series 1909-1920 and 2002;
 - (viii) The existing completed house remains “modest in scale, finish & nature, echoing the original cottage. Assert details submitted “are satisfactory & will result in a favourable decision”;
 - (ix) Comparative :
 - Comparative front elevations’ are very similar;
 - Ref. O.S. mapping as indicating “a rear extension & garage to the side & a shed structure to the rear;
 - Ref. overlay of the existing house to be ‘retained’, over the O.S. map, indicates – “that historically the site coverage was significant more than it is now”;
- (c) **“... detailed response to the appellants’ submission”:**
- (i) ‘(pg4) Applicant’s Cover Letter’:
 - Clarify the applicant advised that the works to be carried out, of less than 40m², “comprised of ‘exempted development”;
 - Confirm that the applicant:
 - subsequently, “fully engaged” with the PA “to resolve the matter through the Sect. 5 application process”; &
 - “fully respected the decision of ABP on the matter, & then lodged a planning application as the process required”;
 - Ref. inclusion of the Ben O’Reilly submission to ABP (ie. explanation of facts & history);

- (ii) '(pg4) Applicant's Cover Letter':
- Confirm it was not the intention of the applicant to replace the original cottage;
 - The B. O'Reilly document, establishes "the logic", and "the wish to retain the Parnellite style of the original cottage";
 - Notwithstanding appellants' arguments to the contrary, clarify that "the original design & location of the Parnellite Cottage has been fully retained in its historic orientation & the single storey extension of less than 40m² has been attached entirely to its rear";
- (iii) '(pg6)':
- Weight reference to the B. O'Reilly document, which clarified that whilst "no demolition of the dwelling took place & a habitable dwelling remained on site at all times", significant works re. maintenance & alterations completed to the external fabric "to include replacing some wall sections & roof on the original cottage to restore it to a similar state" previously existing (ie. exceptions incl. front porch & side gable wall to incl. Chimney);
 - Clarify the B. O'Reilly document contextualised in terms of the Sect. 5 application & declaration;
- (iv) '(pg8)':
- Challenge appellants' claim that no attempt made to retain the existing cottage, & that what took place was "complete demolition" and "replacement with a substantially larger bungalow";
 - Rather, emphasise applicant's efforts to "retain the historic cottage in its current location & style". Clarify the addition is "a single storey extension to the rear of less than 40m²";
- (v) '(pg9) Site Plan':
- Challenge appellants' claim that the 'site plans' do not indicate a drainage ditch to the rear (ie. W-boundary) of the site;
 - Rather, clarify that what the appellants' claim is a 'ditch', "is a shallow excavation that was only dug in the summer of 2015";

(vi) '(pg12)':

- Challenge appellants' claim that the new house's windows & doors directly overlook adjoining properties;
- Rather, clarify that all, except 2no. windows face S and W. The 2no. window exceptions, are screened by a heavy mature belt of trees / bushes along the site's N-boundary;
- Only 'farmland' exists to the W & S of the application site. The nearest house in this direction is over 100 yards away. " A heavy screen of deciduous & coniferous trees" has been planted proximate the site's W & S boundaries;
- Challenge appellants' claim that "the "main entrance now facing S" is not a fair description as the main entrance is still & faces from Minnistown Rd to the E";
- Appellants' statement that ""the original E façade no longer the presented front of the building", is not a fair description";
- Rather, clarify that:
 - "the Parnellite style cottage still faces directly onto Minnistown Rd to the E"; &
 - "the new single storey extension to the rear is fully tucked in behind the cottage & is heavily screened by belts of trees";

(vii) '(pg15) Conclusion':

- Highlight & endorse the 3rd party appellants' statement that "we have no particular objection to the redevelopment of the site to accommodate a dwelling of appropriate scale & style";
- The appellants' arguments re. demolition of works as the "only action available" consequent to any refusal of 'retention' permission, "is again a misleading & selective quote & neglects to attach the rest of the Ben O'Reilly's sentence being "as listed above. The reinstatement of the porch, roof & gable wall would result in the cottage that is currently on site";
- If the current cottage were demolished & then reinstated, "it would be that same as that which currently subsists";

- contrary to the “misleading” arguments by the appellants’, “the style & location of the original cottage has been retained & only a small single storey extension of less than 40m² has been recessed behind & added to its rear elevation”;
- all of the site’s N, W & S boundaries are screened (ie. “mature belt of bushes & trees”, or “a dense belt & clustering of deciduous & coniferous trees”);
- Acknowledge relevance of Policy RD POL 44. However, also reference the relevance of POL31 re. “encourage & facilitate the appropriate refurbishment of existing housing stock in rural areas & in certain limited cases, the replacement of existing dwellings ...” & as supported in the PA planning report dated 09th Sept. 2015, with recommendation to grant ‘retention’ permission;

(e) **Conclusion:**

- (i) Assert appeal as “ambiguous, with the appellant’s not objecting to the principle of redevelopment on the site”;
- (ii) as rebuilt, the cottage “is modest in nature”, with no significant impact on its surroundings;
- (iii) Welcome ABP independent review of the case, and state expectation that the PA decision “will be upheld”.

6. PLANNING ASSESSMENT:

- (1) I have considered all of the information and issues raised both in the application and appeal documentation, inspected the site and its environs, reviewed the available planning history and assessed the proposed development in the light of the Meath Co. Dev. Plan 2013-2019 and of National Policy (ie: the D.o.E’s. Sustainable Rural Housing Guidelines 2005 & the EPA Code of Practice 2009 on Wastewater Treatment and Disposal Systems serving single houses (ref. circular letter PSSP 1/10 issued by the DoEH&LG, dated 05th Jan. 2010)).

I believe that the relevant issues in review of the merits of this appeal relate to:

- (a) Planning History on the Application Site;
- (b) The principle of ‘retention’ of development – Compliance with Planning Policy;
- (c) Minnistown – Rural Landscapes and assoc. ‘Visual Amenity’;
- (d) Services and Infrastructure – Road Access, Traffic Safety and Sanitation Services; and .
- (e) Requirement for ‘Appropriate Assessment’ under Article 6(3) of the Habitats Directive 92/43/EEC.

(2) **Planning History on the Application Site:**

I have had careful regard to the available planning history on the application site. In their appeal submission, the 3rd Party Appellants' weight reference to the original cottage on the site being extended several times, under the applicant's ownership, without the benefit of planning permission. In summary, the 3rd Party Appellants' assert that the chronology of "unauthorised" demolition & reconstruction works by the applicant, resulted in total demolition of the original cottage on the site. The consequence of these unauthorised works, is the "reconstruction of a greatly altered replacement dwelling", for which the applicant now makes application for 'retention' permission. They argue further, that during this period, the applicant made no attempt to comply with the relevant planning legislation, or the Meath Co. Dev. Plan 2013.

Having regard to these detailed arguments submitted by the 3rd Party Appellants', and weighting my own reference to the arguments submitted in response by each of the PA (see 29/10/2015) and the applicant (c/o Shay Scanlon – 03/11/2015), contextualising the applicant's development works to date on site (ie. misunderstanding of exempted development, compliance with the PA 'enforcement' & the determination by An Bord Pleanála re. the status quo on site under **Reg.Ref.No.RL17.3314**), I can find no legal basis for consideration of the 3rd Party Appellants' arguments in this regard, as reasonable, material planning grounds towards not considering, never mind favourably considering the current application for 'retention' of the existing modest, single storey dwellinghouse on site. Contrary to the conviction apparent by the 3rd Party Appellants', I certainly share the view by the PA, that the current application for 'retention', in and of itself, statutorily addresses the fact that unauthorised development took place on the application site.

In this regard I am inclined to view the applicants arguments in response (c/o Shay Scanlon – 03/11/2015), as an interesting moot point, that the 3rd party appellants' are not appealing "redevelopment of the site, subject to appropriate scale & style". Rather, their appeal / objection is "the process by which the house as now built, has been arrived at", and is "based on a misconception & misrepresentation of how the applicant arrived at the end product".

Notwithstanding this site specific recent planning history, I am of the view that the current application for 'retention' be considered 'de novo'. The contextual statutory planning references against which the current application for 'retention' requires consideration include the Meath Co. Dev. Plan 2013-2019; the EPA Code of Practice 2009 on Wastewater

Treatment and Disposal Systems serving single houses (whilst noting **Reg.Ref.No.SA130536**), & the provisions of Article 6(3) of the Habitats Directive – 92/43/EEC

These same contextual statutory planning references are now relevant to the Board's own considerations under Sect. 37(1)(b) of the Act 2000, as amended.

(3) The principle of 'retention' of development – Compliance with Planning Policy:

Having regard to all of the information on file, and weighting reference to the comprehensive and detailed 3rd Party Appeal submission made by – John, Grainne & Hilda Lynch (02nd October 2015), I am satisfied, contrary to the 3rd Party Appellants' arguments, that reasonable and satisfactory compliance with the Meath Co. Dev. Plan 2013 provisions, has been achieved by the applicant.

In my view, the Meath Co. Dev. Plan 2013-2019 'policies', generally encourage the 'retention' & 'restoration' of existing structures. However, having regard to the information, drawings & images / photographs available, of the original cottage on the application site, I share the PA view that the original cottage was not of such architectural merit as so to require its retention and preservation. Clearly, the cottage was not listed or recorded statutorily, as being of architectural or historical importance. Accordingly, I share the PA view that the 'principle' of replacing the original cottage, with a new dwelling is therefore acceptable.

Having regard to the information available, I am further inclined to the view that the original cottage on site, was in compliance with the 'habitable dwelling' definition set out in the Co. Dev. Plan 2013. The applicant's submissions (c/o Shay Scanlon) clearly indicate that the existing modest cottage was purchased in 2011, as her domestic home. However, 'valuation report' prepared at that time for the applicant (c/o J. Little – Property Partners, on behalf of Ulster Bank) confirmed that whilst habitable, the property required significant upgrade and renovation to standard (eg. 're-wiring', 're-plumbing' etc), before it was reasonably liveable. Hence the chronology of works undertaken by the applicant, towards upgrade and renovation of the cottage, I understand to have been in good faith, and "all in the belief that these works were within the parameters of exempted development, as defined in the planning regulations". I have had reference to the applicant's conviction (c/o Shay Scanlon), as reasonable, that it was never her intention to

replace the original cottage. In this regard I note her conviction that the existing house for 'retention' – remains as single storey, 1no. bedroom, at the same location, and is similar in footprint, nature & design to the original cottage.

Notwithstanding the applicant's conviction, consequent of the chronology of works undertaken and completed, I share the PA view that the outcome has been a 'de-facto' 'replacement' of the original cottage. However, I share the PA view, and contrary to the 3rd party appellants' conviction, that the applicant's case for 'retention' is not compromised. Rather, considered as a 'replacement' modest, single dwellinghouse, I share the PA view that the existing house on site, proposed for retention, is satisfactorily compliant with the relevant provisions of Sect. 10.15 - 'Vernacular Rural Building's & Replacement Dwellings' and RD POL 31 particularly, of the Meath Co. Dev. Plan 2013, re. the design of such replacement houses.

Having regard to all of the information available, to further planning assessment below, and subject to Conditioning, I conclude that the 'retention' of development on the site as proposed, would be in accordance with the proper planning and sustainable development of the area.

(4) **Minnistown – Rural Landscapes and assoc. 'Visual Amenity':**

The suite of provisions set out in the Meath Co. Co. Dev. Plan 2013-2019 are such that any development requiring a rural location should not seriously detract from the rural functionality and landscape character of the area, or intrude on the associated visual amenity of the local Minnistown area, and should generally reflect the traditional aspects in layout, design and treatment. In the context of the local Minnistown rural and agricultural environs, I consider that the proposed 'retention' of development in and of itself (ie. stated 83.87m². single storey 1-bedroomed house, set back approx. 03m from the co. road L-5616-0, running N to S passed the site's E-boundary), and having regard to the established non-farming single domestic family home pattern of development locally, would not be intrusive of the contextual landscape and associated land use functionality and visual amenity within which the site is located. I do not share the argued conviction of the 3rd party appellants' in this regard (see photographs taken at the time of physical inspection). Rather, in respect of the public realm, I share the viewpoint apparent by the PA and by the applicant (c/o Shay Scanlon), that no unnecessary or serious negative impact will result consequent of the 'retention' of the existing modest, domestic, single house, in the in situ landscape. I point out that no designated "scenic

route” or “scenic view” is apparent in proximity to the application site (ref. Sect.9.10 – ‘Views & Prospects’ and Map9.5.1 – ‘Views & Prospects Maps’ of the Co. Dev. Plan 2013), nor is the Minnistown environs designated with any ‘landscape character’ of substantive significance (see Sects’. 9.8.3-9.8.6 – ‘Landscape’ and Sect.9.11 – ‘Landscape Conservation Areas’).

Noting the landscape quality within which the application site is located at Minnistown, I have weighted regard to the applicant’s acquisition of the property in 2011, in the open market, “as her home”, and the chronology of reasonable investment works to date, to the modest domestic design, scale, single storey height, materials and finishes as existing, and sufficiently “echoing the original cottage” on site. I share the PA and the applicant’s conviction in this regard, to the position of the application site along the county road L-5616-0, with the existing modest house for ‘retention’, generally occupying the same site footprint as the original cottage, and with consistent, similar elevational presentation to the L-5616-0 (ie. see Goggle ‘Street-View’ Imagery against photographs taken at the time of physical inspection), and proposed to be screened from public view along the N and S approaches along the L-5616-0, and from the W, by supplementary planting and boundary treatments, minimising intervisibility (see photographs no. 7, 8 & 10 attached),

Contrary to the arguments made by the 3rd party appellants’, I consider that the existing, modest, single house proposed for ‘retention’ would not be obtrusive within the contextual landscape and associated visual amenity of the area (see photographs taken at the time of physical inspection). In my view the Meath Co. Dev. Plan 2013-2019 provisions set out at Sects’.10.7 – ‘Rural Residential Dev.: Design & Siting Considerations’; Ch.11 – ‘Dev. Management Guidelines & Standards – Rural Dev.’ particularly; & Appendix 15 – the County ‘Rural Housing Design Guide’, have been satisfactorily addressed by the applicant. Accordingly, I am satisfied that no serious, fatal or disproportionate visual obstruction in the landscape will result from the proposed ‘retention’ of development, and that it would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(5) **Services and Infrastructure – Road Access, Traffic Safety and Sanitation Services:**

From physical inspection of the local Minnistown environs, particularly the L-5616-0, no obvious evidence is apparent of disproportionate

pressure for non-agricultural related single housing development outside of the designated settlement areas of Co. Meath. On the information available, I believe the existing modest, domestic, renovated single house proposed for 'retention', to be consistent with this dispersed, low density residential development pattern. In my view, the proposed 'retention' of development would not unnecessarily, nor disproportionately increase development burden and pressure on an under serviced rural area, and would not lead to increased demands for the uneconomic provision of public services and facilities in this local context, where they are neither clearly available, nor proposed in terms of the Meath Co. Dev. Plan 2013.

As proposed, and on the information available, satisfactory water supply (ie. existing connection to 'public mains'), and electricity supply are apparent to serve the existing house for 'retention'.

Specifically, in consideration of the physical accessibility of the application site, I acknowledge the capacity of the existing local rural road network, and the local co. road L-5616-0 specifically, running N to S passed the site's E-boundary. Whilst certainly low in volume, notable non-agricultural related traffic loading was apparent along the L-5616-0 passed the site at the time of physical inspection. In itself, I understand that this reflects its evolving historical and contextual role from solely servicing rural livelihoods and assoc. agricultural land use activity.

The current geometric, spatial and topographical context of the location of the existing single entrance onto the site, is clearly shown in photographs no. 1-6 attached, taken at the time of physical inspection (ie. supplemented by Google 'Street View' Imagery). Having thoroughly inspected this location, I note that a sightline in excess of 90m (to Co. Dev. Plan & NRA Standard) is reasonably achievable to each of the N and S approaches, that adequate intervisibility from each of the forward approaches along the L-5616-0 towards the site entrance exists, that satisfactory separation distances and intervisibility exist along the L-5616-0 in this vicinity between the site entrance and the other existing entrances, and that improved local traffic safety is enabled by the existing front boundary set back and treatment as proposed, and consistent with other domestic property road frontages locally. I share the PA view in this regard. In my view, satisfactory compliance has been achieved with the relevant traffic safety Standards set out in the Meath Co. Dev. Plan 2013-2019 (see Sect.10.16.3; 10.17 – 'Roadside Boundaries', incl. policy RD POL41 and 10.19.1 – 'One Off Houses: Sight Distances & Stopping Distances', incl. policy RD POL43), and of the NRA, and that no obviously serious threat to traffic safety would

result, consequent of the proposed 'retention' of the existing single domestic vehicular entrance directly off the L-5616-0 at this location.

Satisfactory effluent treatment and disposal is a serious challenge facing the applicant. The significance of this challenge is emphasised when having regard to the circular letter PSSP 1/10 issued by the DoEH&LG (then, now DoEC&LG) in relation to the implementation of the new EPA Code of Practice on Wastewater Treatment and Disposal Systems serving single houses (dated 05th Jan. 2010). These EPA 2009 requirements are relevant to consideration of the current 'retention' application. In this regard, relevant reference is necessary to the permission granted by the PA to the applicant, under **Reg.Ref.No.SA130536**, for the removal of an existing septic tank system (ie. at that time) & replacement with a proprietary WWTS & polishing filter (see case history documentation included on file). Noteworthy, the 'Site Characterisation Form' under **Reg.Ref.No. SA130536** was based on an occupancy of 2no. persons in the dwelling, at that time. Having regard to the existing modest single house on site, proposed for 'retention', I note that only a single /1no. bedroom exists (and is shown in the drawings). I therefore share the PA view that the existing house for 'retention', and considered as an upgraded, renovated replacement of the original cottage on site, would not generate additional effluent loading on the existing proprietary WWTS & polishing filter permitted under **Reg.Ref.No.SA130536**. In addition, I share the PA conviction that, as built, the existing modest house to be retained, will not "generate additional issues in respect of waste water over those previously considered during the assessment of **Reg.Ref.No.SA130536**".

Accordingly, I conclude that on the information available, the proposed 'retention' of the existing modest single house would have no serious threat to public and environmental health, and therefore would be in accordance with the proper planning and sustainable development of the area.

(6) **Requirement for 'Appropriate Assessment' under Article 6(3) of the Habitats Directive 92/43/EEC:**

I have had reference to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC). Having regard to the DoEHLG Directive for Planning Authorities', together with the provisions of Article 6(3); the location of the application site at Minnistown, Laytown, Co. Meath, proximate to relevant Natura 2000 sites (ie. '*River Boyne & River Blackwater SPA & SAC*' (Site Codes 004232 & 002299); '*River Nanny Estuary & Shore SPA*' (Site Code 4158); '*Boyne Estuary SPA*' (Site

Code 4080); 'Boyne Coast & Estuary SAC' (Site Code 1957) & 'Clogher Head' (Site Code 001459)); to the nature and scale of the single domestic dwellinghouse development proposed for 'retention', and to the separation distance and absence of direct pathways to the Natura 2000 sites', I am satisfied that the development, proposed for 'retention', will not adversely affect the integrity of any of the Natura 2000 sites proximate to the application site.

I share the PA conviction in this regard, and conclude that the preparation of a Stage 2 – 'Appropriate Assessment' under Article 6(3) of the Habitats Directive 92/43/EEC, is not necessary in the current instance.

7. RECOMMENDATION:

Having regard to all of the above, I recommend to the Board that 'retention' permission be GRANTED in accordance with the following schedule –

REASONS AND CONSIDERATIONS:

Having regard to the provisions of the Meath Co. Dev. Plan 2013-2019, the relevant planning history of the application site, and of the pattern of development in the vicinity, it is considered that, subject to compliance with the Conditions set out below, the 'retention' of development on site as proposed, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or to traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS:

- (1) The development shall be retained in accordance with the plans and particulars lodged with the Planning Authority on 16/07/15 except where conditions hereunder specify otherwise. 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 interests of clarity and to ensure the proper planning and sustainable development of the area.

- (2) Surface water arising from the site shall be collected separately from the wastewater and disposed of on site. It shall not be discharged to the waste water treatment system or percolation area. Surface water from the site shall be prevented from running onto the surface of the

public road by provision of a safety kerb or a concrete grid with sump drained to local drain or soakaway.

Reason: In the interests of public and environmental health, traffic and pedestrian safety, flooding prevention and the prevention of damage to the public road.

- (3) The developer shall pay the sum of **€1,376.46** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000 – 2015. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December, 2015 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

- (4) The developer shall pay the sum of **€1,223.64** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000-2015. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December, 2015 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such social infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

Leslie Howard
Inspector
24/12/2015