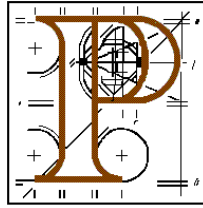


## An Bord Pleanála



### Inspector's Report

#### 1. APPEAL DETAILS :

- |                                    |   |
|------------------------------------|---|
| (1) An Bord Pleanála Ref. No.:     | PL17.245629   |
| (2) Planning Authority:            | Meath Co. Co.   |
| (3) Planning Authority Ref. No.:   | LB150802  |
| (4) Applicant:                     | Kevin Gogarty   |
| (5) Nature of the Application:     | Permission  |
| (6) Planning Authority's Decision: | Granted, with Conditions  |
| (7) Location:                      | Lisdornan, Bellewstown, Co.<br>Meath  |
| (8) Description of Development:    | New dwellinghouse, site access &<br>wastewater treatment system,<br>percolation area & all associated<br>site works |
| (9) Appeal Type:                   | 3 <sup>rd</sup> Party (vs. Grant)   |
| (10) Appellant:                    | Anne Reid   |
| (11) Observers:                    | None  |
| (12) Date of Site Inspection:      | 09 <sup>th</sup> December 2015  |
| (13) Inspector:                    | Leslie Howard   |

## 2. SITE CONTEXT AND DEVELOPMENT DETAILS / DESCRIPTION:

### (1) Site Location and Description:

The application site, contextually rural in character, is located within the defined townland of Lisdornan, Co. Meath approx. 2km E of Bellewstown and S of the M1 motorway (see copy of the OS regional locality map & 'Google-Earth Satellite Imagery attached).

Specifically, the stated 1.36ha site, is located fronting directly onto the W-edge of the local co. road (L5621) between Bellewstown (to the W) & Julianstown (to the E). The site has a second limited frontage with the L5621 along its S-boundary. Topographically, the site slopes gently from S to N. Generally, the sites E & S roadside boundaries are defined by fence with mature and overgrown hedgerow. An earthen bank / ditch with hedgerow & small stream, defines the sites W-boundary. The site's N-boundary is shared with a single storey dwelling house, proximate to the NE corner, whilst the remaining NW section opens to the remainder of the parent landholding. A 'Recorded Monument' (ME01285 – 'Castle / Motte') exists to the N, and separated from the application site by the single storey dwelling house, domestic property. At the time of inspection, a gated agricultural entrance, approx. halfway along the site's E-boundary frontage, enables access off the L5621 onto the site. The site itself comprised agricultural fields, with mature field hedgerow definition. Whilst vacant, no particular recent, active agricultural land use was apparent at the time of inspection. The primary land use in the surrounding area may be described as agricultural, but with an emerging presence of what appear as standalone single houses.

Whilst narrow, the L5621 passed the site is in reasonable condition, with adequate sightline visibility apparent to each of the N & S approaches along the L5621, having regard to road geometry and existing site boundary treatment. During the time of physical inspection, a modest level of traffic movements, of all types, 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 Kevin Gogarty (c/o K. Ludlow – Keith Ludlow Assoc.) for permission for development on the stated 1.36ha application site, advertised as – "... a new dwellinghouse, new site access & a new wastewater treatment system & percolation area & all assoc. site works", all at Lisdornan, Bellewstown, Co. Meath.

The proposed 283sq.m. storey & a half, 'T-shaped', 4-bedroomed house (ie. ground floor – entrance / hallway; living room / study; sitting room; sunroom; diningroom; kitchen; utility room / 'coats' & wc (155m<sup>2</sup>))

& first floor – landing / hall; bathroom; HP & 4no. bedrooms – 1no. with en-suite; (128m<sup>2</sup>)), is proposed set back approx. 32m from the narrow co. road running N to S passed the site's E-boundary, and approx. 58m from the sites S-boundary frontage to the local co. road. External finishes proposed incl. rendered walls with timber cladding and natural slate roof. Access is proposed via a new site entrance through the E-boundary frontage onto the local co. road, with access driveway sweeping up to the house. Water supply whilst stated in the application papers as to be via new connection to 'public mains', is anticipated to be via on-site private well (Note. PA confirmation that no public mains water supply locally, & the applicant's detailed reference to the "Site Characterisation & Assessment" report, specifying potable water supply from "private well / borehole – to be bored on-site". This was incl. as Condit. No.12 to the PA's decision to grant PP). Wastewater management / treatment proposed via new onsite 'WWTS & polishing filter area' (to be located behind the house, generally centrally along the rear W-boundary of the site) & storm water disposal proposed to onsite 'Soakpit' (see series of plans, drawings & assoc. documentation prepared by 'Keith Ludlow – Keith Ludlow Assoc.', date stamped received by the PA on the 30/07/2015).

### 3. PLANNING CONTEXT:

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

Relevant provisions are referenced as follows –

- The application site is located on rural lands, outside of any identified settlement in the Co. Dev. Plan 2013;
- Sect.10.2-10.3 sets out the relevant 'policy' regarding the assessment of housing within in rural areas;
- Sect.10.4 provides the detailed requirements relating to the establishment of 'local housing need'. This section sets out a number of categories of person, who will be considered to be 'an intrinsic part of the rural community', as follows (see copy attached) :

*"Meath County Council recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include :*

- *Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a*

- *dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;*
- *Persons who were originally from rural areas and who are in substandard or unacceptable housing scenarios and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son-in-law, or daughter-in-law of a long established member of the rural community resident rurally for at least ten years;*
- *Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;*
- *Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or are suited to rural locations such as farm hands or trades-people and who have a housing need’.*
- The Co. Dev. Plan provides for three distinct rural area types within Co. Meath, which reflect the different levels of development pressure across the county. The application site is located on lands designated as “Area 2 – Strong Rural Area” (see copy of Map10.1 – Rural Area Types Dev. Pressure attached). Applicants are required by the provisions of the Co. Dev. Plan to demonstrate that they are an intrinsic part of the rural community;
- Chapter 11 of the Co. Dev. Plan sets out the ‘Development Management Standards & Guidelines’;
- Appendix 15 sets out the Co. ‘Rural Housing Design Guide’.

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

No relevant planning history is apparent on the application site, or in the surrounds (see PA ‘planning report’ – 16/09/2015 & PA letter – 22/10/2015).

(3) **Planning Authority Reports:**

(a) The Planning Officers report dated the 16/09/2015, 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 absence of relevant planning history (see 3(2) above);
- (iv) Site services as follows:
  - Water Supply – “private well”;
  - Effluent Disposal – On-Site “septic tank treatment system”;
  - Surface Water – “Soakpit”;
- (v) Relevant National & Local Planning Policy provisions, partic.:
  - ‘*Meath Co. Dev. Plan 2013-2019*’:  
See para. 3(1) above;
- (vi) 1no. 3<sup>rd</sup> Party submission received. Issues of “planning concern” argued incl.:
  - applicant’s local need to the area;
  - negative impact on scenic beauty;
  - threat to wells & local watercourses;
  - access to the site; &
  - destruction of local heritage.
 Confirm 3<sup>rd</sup> party issues to be addressed in the (assessment) “body of this report”;
- (vii) Prescribed Bodies – Post ‘referral’, clarify no reports received from:
  - Irish Water;
  - An Taisce;
  - The Heritage Council;
  - Dev. Applications Unit (Archaeology);
- (viii) Co. Depts.’ – Report received from:
  - Co. Water Services Dept.;
- (ix) Confirm ‘pre-planning’ consultations prior to lodgement of the application (12/05/2015). Applicant advised compliance requirements re.:
  - local housing needs policy;
  - the Rural Design Guidelines;
  - site servicing; &
  - sightlines;
- (x) Having clarified background to, and substance of the proposed dev., confirm the key planning issues as:
  - Appropriate Assessment;
  - Planning Policy;

- House Design, Layout & Siting;
- Road Access; &
- Water Services.

(xi) **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 Nanny Estuary & Shore SPA’ (Site Code 4158):  
 Site a ‘Special Protection Area (SPA)’ under the EU Birds Directive for following species – oystercatcher; ringed plover; golden plover; knot; sanderling; black-headed gull & herring gull;
- 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 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 instance”;

**Planning Policy:**

- Confirm site location in a rural area under strong urban influence;

- Ref. relevant planning policy requires “a demonstration of a location specific rural housing need”;
- Sect. 10.4 Of Co. Dev. Plan 2013 outlined several means by which “a location specific rural housing need” can be demonstrated;
- Confirm applicant seeks permission under this policy, based on the following criteria :  
*“... persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years & who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”;*
- Having regard to applicant’s local needs form, note:  
 applicant has lived at Cairns Rd, Bellewstown from 1993, to the present;  
 applicant’s statement he does not own, nor has he sold property;  
 letter from Duleek / Bellewstown GFC confirming applicant “is an active member of the club both as a player & committee member;  
 letter from Bellewstown Golf Club, confirming “applicant has held membership at the Club since 2006”;  
 tax & insurance documents’ dated 2011 – 2015;  
 Note application site taken from the family landholding (note – extent of holding demonstrated & no planning history apparent);  
 Proximity of ‘family home’ to the application site shown at pre-planning meeting stage. Note map submitted confirming ‘family home’ is located 5km from the application site;
- Conclude, on the information available, the applicant “has demonstrated a local need in compliance with the policy of the Co. Dev. Plan”;

**House Design, Layout & Siting:**

- Clarify proposed house type as:  
 1 ½ storey dwelling;  
 max. height of 6.79m;  
 floor area – 283m<sup>2</sup>;

- external finish – “select render”;
- Consider ‘design approach & siting’ “generally in accordance with Meath Rural Design guide”;
- “there are no dwellings immediately adjacent to the proposed dwelling & therefore there would be no impact on residential amenity”;
- Ref. 3<sup>rd</sup> party submission re. “the history & heritage of the site”. However, clarify that “the ruins of both buildings onsite are not protected under any legislation & are in a bad condition”;
- Further, consider the proposed dev. would not impact on the setting of the recorded monument (‘motte’) to the N, having regard to the adjacent proximity of the existing dwelling positioned between the application site and the ‘motte’;
- However, having regard to this proximity & to the site history, necessity of “a Condition re. archaeological monitoring should be attached to a grant of permission”;

**Access:**

- Ref. proposal for new entrance;
- Note existing “old gateway into the field”. However, sightlines “not achievable to provide for a safe entrance top a dwelling”;
- Assert sightlines exceeding 90m possible at the proposed entrance point;
- Consider 90m “acceptable”;

**Water Services :**

**Wastewater :**

- Note proposal re. installation of a septic tank WWTS & percolation area;
- Ref. ‘site characterisation form’ detailing the site assessment carried out. Specifically :  
“... favourable ground conditions at the site for a septic tank treatment system”;  
however, recommends “the installation of a secondary treatment system”; &  
T-value of 10.2 and T-value of 13.5 achieved onsite, in compliance with the EPA Code of Practice 2009;

**Water Supply :**

- Note proposal to service proposed dev. with connection to public mains;



- Ref. Co. Water Services Sect. – no objection, subject to Conditions, particularly re. water supply;
- Point out there is no watermain in the area;
- Condit. re. water supply – “... agreement of how the proposed dev. will be served with a potable water supply”;

(xii) **Development Contributions:**

- Ref. Meath Co. Dev. Contributions Scheme 2010-2015;
- Contributions calculated using the floor area (FA) of 283m<sup>2</sup>;
- Dev. Contributions calculated as:  
‘Social Infrastructure’ – €6,963.75, &  
‘Roads’ – €7,837.16

(xiii) **Conclusion :**

Proposed dev. considered as:

- in accordance with the Meath Co. Dev. Plan 2013;
- subject to compliance with Conditions, “would not negatively impact on the visual or residential amenities of the area”; &
- would be in accordance with the proper planning & sustainable development of the area;

(xiv) **Recommendation:**

Recommend ‘Grant’, subject to 15no. listed Conditions.

(b) **Objections / Submissions:**

1no. 3<sup>rd</sup> Party submissions noted on file as follows:

Anne Reid # – Lisdornan, Julianstown, Co. Meath (undated – note received by the PA dated 01/09/2015)

Issues of “planning concern” argued under the following headings:

- proposed dev. takes no cognisance of the Heritage of the application site;
- applicant has no links to the Townland of Lisdornan;
- proposed dev. will have a Negative Impact on the Scenic Beauty of Lisdornan;
- proposed dev. poses a danger to the well & to local watercourses; &
- proposed new access road is dangerous & destructive of existing features.

# current 3<sup>rd</sup> Party Appellants’.

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

**Co. Water Services Sect.:** Clarify noting that proposed water supply to be via public watermains, that “no public watermain available at the location of this proposed development”. Notwithstanding, stated “no objection to the proposed development”, subject to stated Conditions re. all of ‘water supply’, ‘wastewater’ & ‘surface water drainage management’ (see report dated 27/08/2015).

**Dept. of Arts, Heritage & the Gaeltacht:** Reference the ‘applicability’ of ‘archaeological’ considerations, having regard to *“Monument Record No. ME28-13  
Description: Castle – Motte”*  
(see ‘undated’ report dated ‘).

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. L1129/15 dated the 18<sup>th</sup> September 2015, decided to GRANT Permission for the proposed development, subject to 15no. stated Conditions (see appeal file). In the context of the current 3<sup>rd</sup> Party Appeal, the most noteworthy is considered as:

- Condit. No.1:** Compliance with plans & particulars lodged, except as amended;
- Condit. No.2:** Specs’ re. – ‘boundary treatment’; a ‘landscape plan’; & site ‘planting’;
- Condit. No.4&5:** Compliance with the EPA Guidelines 2009 re. onsite WWTS.;  
installation & maintenance of WWTS “not to give rise to any polluting matter entering any waters ...” etc.;
- requirement for “continuous & indefinite maintenance of the entire WWTS ... in accordance with the manufacturer’s instructions”;
- Condit. No.6:** specs. re. all external finishing, materials & colours;
- Condit. No.7:** Requirement re. noise impact minimisation & mitigation;
- Condit. No.8:** mitigation of negative impacts of construction works on the local area;

- Condit. No.12:** Required specs' re. 'water supply' to the site (ie. private well as per Site Characterisation Report – 30/07/2015);
- Condit. No.13:** Spec. requirements re. 'archaeological heritage' protection & preservation;
- Condit. No.1:** specs. re. 'financial contributions' (ie. 'roads improvement & traffic management' & 'public services');
- Condit. No.15:** specs. re. 'financial contributions' (ie. 'social infrastructure' – open spaces, recreational & community facilities, amenities & landscaping works);

**4. 3<sup>rd</sup> PARTY GROUNDS FOR APPEAL – Anne Reid (ie. received by ABP date stamped – 14/10/2015):**

- (1) **Introduction:**
  - (a) Contextualise background to lodgement of the 3<sup>rd</sup> Party Appeal;
  - (b) Assert, "I do not feel that the planner took sufficient account of the points raised in my submission, when making his decision";
  - (c) Note PA report statement re. "the issues raised in the submission will be addressed in the body of this report". However, argue that the PA "only rarely registered, or engaged with, the points raised in my submission";
  - (d) Contextualise residency for "over 40 years", at the adjacent property to the N of the application site;
  - (e) "I strongly object to the proposed dev. on the following grounds :"
- (2) **The Dev. would destroy the Archaeological, Natural & Vernacular Heritage of the proposed dev. site (see para. no. 1, pgs 02 – 14):**
  - (a) Detailed substantiation & narration of the historic heritage / role of the application site within Lisdornan. Ref. the area locally "is extremely dense in **historic features**" (which – "enrich the folklore of the local community, their identification with the local landscape, & their understanding of the local history of the area in which they reside");
  - (b) Proposed dev. would "destroy the delicate heritage of the proposed site, with irrecoverable loss";
  - (c) Emphasise application "takes absolutely no cognisance of the real, but fragile, heritage of the proposed site";
  - (d) ref.
    - attached report by local historian / archaeologist – Mr B. Matthews; &
    - TG4 TV documentary re. heritage of Lisdornan – "Rapair" (re. early 19<sup>th</sup>C highwayman – 'Collier the

- Robber'). Part of the TG4 doc. filmed on the application site;
- newspaper cuttings “demonstrating local unease at any potential dev. of the site” (ie. date from 2005, when land put up for sale. Applicant’s father purchased in 2006);
- (e) Specific reference to existing ‘building ruin’s’ on site known locally as the “Hedge School”. Another ‘building ruin’ exists to front of site. Ref. these buildings indicated in this location on historic maps from 1836 & 1909, as well as mid-20<sup>th</sup>C.
- (f) Assert compromise made in 2012, to the ‘building ruins’ located to front of site (ie. additional materials to facades & roof). Argue “no planning permission was sought for these changes”
- (g) Ref. a ‘**Motte**’ (dated to 12<sup>th</sup> / 13<sup>th</sup> C) located just N of the application site – “a **recorded monument**”. Contextualise existing dwelling adjacent the ‘Motte’ monument & another to the N. Argue further dev., as proposed, “would be detrimental to the setting of this monument”;
- (h) Proposed dev. would also threaten “**the natural heritage**” on the application site (ie. a stretch of established native hedgerow). Comment re.:
- the hedgerow divides the site in half;
  - site layout map inaccurate – does not incl. all medium sized native trees growing in the hedgerow. These would be destroyed if the site landscaped;
  - site layout map indicates driveway through the hedgerow, “destroying some well established trees in doing so”. Argue this as contrary to ‘Article 10 of the Habitats Directive – “... encourages the management of features of the landscape, such as traditional field boundaries”’;
  - hedgerow historically formed boundary between two fields, which were on different estates in the 19<sup>th</sup> C (ie. N – “Moat Field” & S – “Tower Field”). In 1950’s owned by a single landowner, but hedgerow not removed, with the 2-fields functioning separately;
  - a gateway was recently made through the hedgerow (indicated on the site layout plan)
  - point out the proposed entrance will result in destruction of a further tract of native hedgerow (regrettable, as two existing gateways enable access onto the site);
- (i) Proposed dev. would also threaten “**the vernacular heritage**” on the application site (ie. “... the expression of the culture of a community – the homes & workplaces built by local people using local materials”). Comment re.:

- clarify vernacular structures incl. "... farmsteads, outbuildings, ... , gates & gate piers" (ie. "upstanding ruins of the 'hedge school', "of other buildings" & "the gate piers (together with an old iron gate) which formed the entrance to the 'hedge school'");
  - confirm site incl. in-situ, several "such visible objects of vernacular heritage which deserve to be preserved & which would be destroyed by any dev. such as that proposed";
  - the roadside boundaries, currently overgrown, "have sections of stone structures which form one side of the inner (field side) structure of the ditches"
  - draw ABP attention to existing building at SE corner, shown on site plan as "derelict house not in applicant's possession" (ie. house "upstanding & dates to mid-19<sup>th</sup>C). Argue proposed dev. "would detract from the character & setting of this fine example of the vernacular heritage of the townland of Lisdorman".
  - Weighted reference to application of Co. Dev. Plan 2013 policy CH POL 20, in the assessment of proposed dev. of this site.
  - Ref. Co. Dev. Plan 2013 policies CH POL 20; CH POL 6; CH POL 7; CH POL 8; CH POL 9; CH POL 10; CH OBJ 8; NH POIL 1; NH POL 13; NH POL 16; NH POL 18 & LC POL 2, as relevant.
- (j) Ref. PA planning report, & specifically 2no. Conditions re. "the natural & archaeological heritage" of the site. Argue these 2no. Conditions don't adequately fulfil Council's stated aim "to protect, conserve & enhance" buildings, structures, features etc. of special archaeological, historical, cultural etc. interest.
- "Therefore, I am dissatisfied with the nature of these Conditions, for the following reasons :
- 1stly, PA granted PP prior to an 'archaeological assessment' taking place, & therefore "without having an adequate knowledge of the potential impact ... on the archaeological heritage of the area". Pointy out the PA has the authority to "seek archaeological impact assessments as part of the planning submission, when a proposed dev. could affect a Recorded Monument, ..."
- Condit. No.13(i) requests archaeological assessment subsequent to the grant of PP. Further, challenge the relevancy & logic of Condit.2(b), re. how can a landscape plan be undertaken, prior to completion of an

archaeological assessment, which may require preservation of features in-situ.

- 2ndly, Condit.No.2(a) requires “existing hedgerows, trees & shrubs on site shall be preserved, except where required to be removed to accommodate the entrance”. Point out several trees exist on-site, which are not shown on the site layout plan. Argue the PA should have requested an accurate plan, recording all hedgerows, trees & shrubs on site, together with a landscape plan, prior to assessing the application.

Challenge the PA capacity to make a determination on the application, partic. re. impact on natural heritage, without the benefit of an accurate plan.

Note Condit.No.2(b) requiring a landscape plan, as a Condition of PP. Argue that the requirement of a landscape plan indicative “that the impact of the proposed dev. would be substantial”. Therefore argue such a plan should have been prepared & submitted prior to grant of PP. Otherwise the PA had no idea of potential “full extent of the impact” of impact.

Ref. RD POL 20 – requiring that where a landscape plan considered appropriate, such to be incl. in the application; Concern under Condit.No.2(a), that PA granting permission “for whatever destruction of the natural heritage on the site is necessary in order to ‘accommodate the entrance’”. Argue such as contrary to policy NH POL 13;

- 3rdly, regret that the PA does not, in the Conditions attached, “recognise the value of the vernacular heritage on the proposed dev. site & of the need to preserve it independently of its historical or archaeological value (which is in itself very high)”.

**(3) The Applicant is not an Intrinsic Member of the Established Rural Community in Lisdornan (see para. no. 3, pgs 15 – 18):**

- (a) Confirm that the applicant motivates “local needs planning permission”, having regard to the provisions of Sect.10.4 of the Co. Dev. Plan 2013 (ie. “persons spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of 5years”);
- (b) In response, argue, applicant does not qualify under this criterion, because he fails to demonstrate he is “a member of the

- ‘established rural community’ in the area in which the proposed dev. site is located”;
- (c) Detailed examination of the weakness of the Co. Dev. Plan 2013 definition of “membership of an ‘established rural community’”, as follows :
- (i) the Dev. Plan fails to specify quantitative, geographic criteria by which membership of the established rural community may be established (eg. max. distance between family home & the application site / building site). Dev. Plan uses “‘soft’ malleable criteria”, rather than citing “‘hard’ fixed criteria”. Point out the only criteria available to the applicant “are ‘family ties’, & ties to a local area such as parish, townland or the catchment of local schools & sporting clubs”.
- (d) Argue the applicant fails to demonstrate membership of the established rural community in the townland of Lisdornan. Nor does the applicant demonstrate “any family ties to, ties to the parish of, ties to the townland of, or ties to the catchment of the local schools & sporting clubs of, the area in which he proposes to build”. Opinion asserted having regard to :
- (i) enclosed letter from Parish Priest of the Parish of Duleek & Bellewstown. However, argue the townland of Lisdornan is not within that Parish. Rather, Lisdornan located within the Catholic Parish of Stamullen (ie. the villages & hinterlands of Stamullen & Julianstown);
- (ii) cited membership of the Bellewstown – Duleek GFC. However, this GFC serves the Parish of Duleek & Bellewstown. Rather, Lisdornan, located within the Parish of Stamullen, is within the catchment of St. Patricks GAA club (ie. with grounds in Stamullen serving the catchments of Stamullen & Julianstown. If PP were granted, the applicant “would actually be leaving the catchment area of Bellewstown – Duleek GFC and the Parish that it serves”
- (iii) cited membership of the Bellewstown Golf Club. Argue that membership of this Golf Club as a qualifying criterion of “local needs planning is a poorly grounded reason”. Argue that if such membership was deemed as demonstrating “local needs”, it would set an unsatisfactory precedent. Argue this as the case because membership of the Golf Club is drawn from the overall E-Meath area. Note Dev. Plan designation of the Bellewstown Golf Club as “a general tourist attraction”. Argue the Golf Clubs catchment is too broad, to allow for membership to be

used as a demonstrating “local needs” requirements. Rather, Bellewstown Golf Club must be considered as a regional amenity, & cannot be defined “a local sporting club” (ie. its catchment considered too large to be used to establish membership of a local rural community. Argue that as the Golf Club then has nothing to do with Lisdornan, membership thereof cannot “be used to demonstrate membership of the established rural community of the townland of Lisdornan”.

- (iv) re. ‘the catchment of local schools’, enclosed letter from Fr. J. Conlon citing applicant’s ties with *Scoile Therese* (ie. National School in Bellewstown). Argue the townland of Lisdornan is not within the catchment area of Bellewstown National School. Rather, point out that Lisdornan is within the catchment area of the National Schools in Stamullen & Julianstown (ie. “both deemed to be the Parish Schools of the Parish of Stamullen – within which the townland of Lisdornan is located”).
- (v) Ref. applicant’s stated wish to build on the application site, “in order to be near to his family”. In response argue the application site is a considerable distance from his family home (ie. in excess of 5km away). Argue that the Co. Dev. Plan 2013 “fails to cite any fixed geographic distance between a proposed dev. site & an established family home”, as demonstrating “local needs”. Rather, it “demands evidence of family ties to the established rural community”. Having regard to all the above, assert that “neither does the applicant demonstrate adequate ‘family ties’ to the area in which he intends to build”
- (e) Rather, argue the only link the applicant has to Lisdornan, is consequent of the fact that his father, in 2006, purchased land in the townland of Lisdornan. Assert there was no previous family connection to this land.  
Argue that mere ownership of land is “not recognised as factor by which an applicant can qualify for local needs planning permission”. This is for good reason. It prevents all landowners from automatically qualifying for “local needs”, without demonstrating other ties to the townland.
- (f) Note applicant’s listing of “family ties”, who have lived at Clusin, Carns Rd, Bellewstown, from 1985 to the present.  
Rather, argue contradiction that “these persons resided in Atlanta, USA for some of the period between 1996 – 2008”. As these persons did not return to Ireland until 2008, “I do not



believe that they qualify as 'family ties' to a 'local area'. This because the Co. Dev. Plan 2013 states "local needs" apply to persons "who have continuing family ties with rural communities such as being a ..... of a long established member of the rural community resident rurally for at least 10 years";

- (g) Note applicant's statement of residency in family home at Clusin, Carns rd, Bellewstown, Co. Meath for 22 years (ie. 1993 – present), & particularly over the last 5years.

"For the information of ABP, I state that I believe the applicant ..., has lived abroad for some of the period 1993 to present (ie. weighting reference to the applicant's father, having lived & worked in the USA between 1996 – 2008). Point out applicant's further residency in the USA during the past 5years (ie. intern for the DLR Group).

- (h) Note applicant's statement (in Local Needs Form) that he is a full time student (ie. DIT, Bolton St). This requires a 30mile commute to Dublin.

However, the applicant has since graduated from DIT, & is now employed as a Junior Building Services Engineer - Greentherm Ltd., Dublin 7).

Argue that due to the applicant's daily 30mile commute into & out of Dublin, his housing needs must be deemed as "urban generated", & all of which "debars him from qualifying for local needs planning status".

In this regard, weight reference to Lisdornan designation in the Dev. Plan 2013 "as one of those 'rural areas under strong urban influence, & as experiencing the most dev. pressure for one-off rural housing".

Argue Lisdornan requires protection from one-off house developments by people using them as a base to commute to Dublin. The applicant must be deemed as within this category, "as he is a young professional commuting daily to Dublin with no ties to the established rural community of Lisdornan".

- (i) Accordingly, & weighting regard to Co. Dev. Plan 2013 RD POL 2, the applicant should not be granted planning permission, "on the basis of local needs";

- (j) Point out the planning application "wrongly, designates the proposed site as being in 'Lisdornan, Bellewstown, Co. Meath". Rather, it should read 'Lisdornan, Julianstown'.

- (k) Allege "there is a clear attempt in this application to delineate the township of Lisdornan as being linked to the hinterland of Bellewstown (where the applicant lives), rather than the hinterlands of Stamullen & Julianstown, to which the residents of

the townland of Lisdornan, have, traditionally, been associated through education, sport & religion”;

- (l) Consequently, argue the proposed dev. would weaken, rather than strengthen, the existing sense of rural community in the townland of Lisdornan;
- (m) Conclude, the applicant’s only link to Lisdornan “comes from the fact that his father, Jack Gogarty, purchased the lands of which the proposed dev. site currently forms a part, after it was put up for sale in July 2005”;

(4) **The Proposed Dwelling will have a Negative Impact on the Scenic Beauty of Lisdornan (see para. no. 3, pgs 18 – 23):**

- (a) Contextualise location of the Townland of Lisdornan, particularly re. proximity to “commuter villages” of E-Co. Meath;
- (b) Lisdornan has not escaped pressures of “this sudden growth”, particularly in the form of “once off rural dev.”
- (c) Co. Dev. Plan 2013 corroborates this pattern and character of dev. by incl. Lisdornan “in those areas designated ‘as rural areas under strong urban influence, & as experiencing the most dev. pressure for one-off rural housing”
- (d) Consequently, “unsightly ribbon dev. now mar some parts of the townland” (ie. partic. the S & W areas);
- (e) The proposed dev. will result in disfigurement of the remaining unspoilt areas of the townland;
- (f) Further consequence – increased traffic loading in the townland;
- (g) Emphasise objection, because the dev. “is contrary to the sustainable dev. of Lisdornan, & will create a precedent for further unsustainable dev. in this area”;
- (h) Argue consequent negative impact “on the unspoilt views” enjoyed from the public realm (ie. both locals, visitors & those passing through). Therefore consequent negative impact on the visual amenities of Lisdornan, having regard to :
  - (i) high visibility from the long, straight, stretch of road known as ‘The Avenue’ (ie. understood S approach). Argue, the siting of the new house, “on an exposed hillside prominently visible from the public road on its S-boundary, would have a visual impact inconsistent with good planning practice in an area designated as having ‘very high’ landscape characteristic values”;
  - (ii) the ‘shape & style of the proposed new house. As proposed, the house will not blend with the existing old building / ruins adjacent the site’s SE corner. Argue that the “render & timber clad materials & finishes proposed

- will cause great contrast with existing buildings & upstanding ruins in the proximity, appearing “unsightly”. Point out additional contrast / inconsistency of the “T-shape” of the proposed new house (ie. particularly against “traditional, local building practices”)
- (iii) the new house placement on site “is not in line with the house immediately N of it, at an oblique angle to the derelict house on it’s SE, & side on to the front of the house to its S (ie. other side of the road). Argue that by being out of line, it “will have a displeasing & large impact”. Weight reference to the Co. Dev. Plan 2013 which emphasises the need for assessment re. “its relationship with surrounding buildings”;
  - (iv) Ref. the “mono pitch form agricultural shed” located approx. midway along the sites E-boundary with the road. Acknowledge view that this ‘shed’ may be considered as shielding the proposed new house from view from the road. Argue this ‘form’ as ‘shed’ is deceptive. Assert that until recently, it was “of the ruined walls of an historical building”;
  - (i) re. ‘Scenic Beauty’, weight reference to discussion re. “archaeological, natural & vernacular heritage’ discussed at Sect. 1 above. Ref. description of ‘landscape’ by the EU Landscape Convention, as “... an area, as perceived by people, whose character is the result of the action & interaction of natural and / or human factors”. Emphasise opinion of the local area “as particularly unique in this regard”, all set in context / backdrop “of scenic rolling farmland & networks of hedgerows, & views that stretch to take in the Mourne Mountains”. This local landscape, “inevitably informs the identity of the individuals & community who live in the area” “
  - (j) Argue conviction that the proposed dev. “will impact on this landscape in such a way as to damage it irreversibly, with great loss to the local community”;
  - (k) Ref. Co. Dev. Plan 2013 policies NH POL 1; CSA SP 1; CSA SP 2; LC SP 1; LC SP 2 & LC OBJ 2, as relevant.
  - (l) Emphasise objection, based on “it will negatively affect my own privacy” (ie. consequent of the windows on the N-facing side of the proposed new house, “directly overlooking my back garden & the windows to the back of my house”);
  - (m) Assert no threat to privacy has existed for over 40 years (ie. since her house was built);

- (n) Express “great surprise” that the PA’s planning report (see Sect. 9.3), stated “there are no dwellings immediately adjacent to the proposed dwelling & therefore there would be no impact on residential amenity”. Clarify that obviously, the two parties share a common site boundary (ie. N-boundary of application site & S-boundary of the 3<sup>rd</sup> Party Appellant’s property);
  - (o) point out the new entrance is very close to her dwellinghouse;
  - (p) Conclude proposed dev. “will have a significant impact on my privacy & residential amenity” (due to contextual proximity);
- (5) **The Proposed Dwelling Poses a Danger to My Well and to Local Watercourses (see para. no. 4, pgs 24 – 33):**
- (a) Contextualise current water supply to the 3<sup>rd</sup> Party Appellant’s (Ms. A. Reid – adjacent & to the N of the application site) property;
  - (b) Confirm water supply from ‘private well’ & that no ‘public mains’ exist;
  - (c) Argue proposed dev. “poses a danger to my well”. In this regard, assert two inaccuracies in the applicant’s ‘Site / Soil Suitability Report’ :
    - (i) “I do not believe that the test holes dug, tested & photographed in the applicant’s ‘site / soil suitability report’ were dug or tested in the locations indicated on the diagram on pg.16 of the report”
    - (ii) “... the site as outlined in the diagrams / maps on pg. 16 of the ‘site / soil suitability report’, is inconsistent with that outlined in the ‘site location map’ (supplied with the application). Evidence of this inconsistency as follows :
      - pg.5 of site / soil report states “the site is currently unbounded to the north”;
      - rather, the ‘site location map’ clearly indicates “the hedge surrounding my property forms a partial boundary to the N of the proposed site”;
    - (iii) Consequently, due to these inaccuracies, “I have no faith in the conclusion of the report, on pg.6, that “wells in the area are not considered to be at risk”, nor in any of the assessments made of the soil characteristics of the proposed polishing filter area on pp. 8-17 of the report”;
    - (iv) Assert strong objection “on the basis that it poses a threat to my well”;
  - (d) Argue risk threat to stream in ditch on the W-boundary of the application site, from runoff from the proposed polishing filter area. Assert that this stream feeds into the River Bradden, and

- by extension, the River Bradden estuary (ie. via network of smaller streams);
- (e) Weight ref. to the proximity of the application site, to the River Bradden estuary as part of the “Special Designated Area (SPA) entitled ‘River Nanny Estuary & Shore [Site Code: 004158] and is a Natura 2000 protected site”.
  - (f) Assert application site is approx. 4km from the SPA site & pNHA sites, with the River Bradden at its nearest, approx. 960m from the site
  - (g) Further reference several existing dwellings, together with currently vacant sites with PP, “which use conventional septic tanks & which are located very near to the network of streams which connect to the River Bradden”;
  - (h) Accordingly, & having regard to “the demonstrable errors in the applicant’s site soil suitability report, I believe that a Stage 2 Appropriate Assessment, is warranted”;
  - (i) Note Co. planning report concluding that a Stage 2 NIS is not necessary. In response, affirm view “that a Stage 2 Appropriate Assessment, is warranted”, particularly re. the opinion that “pathways” do exist (ie. the networks of streams)
  - (j) Ref. Co. Dev. Plan 2013 policies NH POL 1; NH POL 6; NH OBJ 2; RUR DEV SO 9; RD POL 44 & RD POL 49, as relevant.
- (6) **The proposed New Entrance is Dangerous (see para. no. 5, pgs 33 – 35):**
- (a) Contextualise location of proposed new entrance (ie. local road; 80km/h max. speed limit; blind corner to the south; road busy – partic. mornings & evenings, with mixed traffic);
  - (b) 2no. gateways already exist on site (ie. just S of proposed new entrance). Concern that one of these entrances is overgrown, with gateway consisting of 2no. stone gateposts & a traditional iron gate, “... historic features & date back many decades”;
  - (c) Point out consequence of loss of hedgerow, contrary to Co. Dev. Plan 2013 policy;
  - (d) Ref. as unclear, the applicant’s intentions re. these entrances / gateways, in the construction of the proposed new entrance;
  - (e) New entrance, “will pose a danger to traffic in the area”, as follows :
    - (i) 4no. entrances will exist within a short distance;
    - (ii) A further entrance exists, to the SE, serving the derelict house on the corner;
    - (iii) the blind corner to the south, heightens the danger posed to road traffic;

- (iv) Weighting reference to NRA Standards, argue “the full 160m minimum stopping sight distance is required”. Having regard to “local circumstances”, argue allowance for a step down of the desirable minimums would pose danger to road traffic;
- (v) Concern re. future road /vehicular access to the remaining portion of the landholdings to the N of the application site & the 3<sup>rd</sup> party appellant’s property. Assert that if the new entrance is to be used, then sightlines appropriate for a commercial entrance, as well as a domestic entrance, would be required;
- (vi) Consistent with existing entrances, the proposed new entrance is also burdened with poor lines of sight, due to proximity to the blind turn (ie. an additional danger to the multiplicity of pre-existing entrances)
- (vii) Weight reference to the danger posed by the new entrance, to her “existing entrance into my property” (ie. to the N);
- (viii) Note PA view that the sightlines from both existing gateway & entrance are substandard. Accordingly, assert bemusement how the PA could “approve the dev. of a further gateway into the site”, or to consider 90m sightlines’ from the new entrance as adequate;
- (f) Ref. Co. Dev. Plan policies RD POL 38; RD POL 39; RD POL 40 & RD POL 43, as relevant.

**(7) Conclusion:**

- (a) Affirm strong objection to the proposed dev.;
- (b) If permitted, the proposed dev. will :
  - (i) be destructive of the heritage of Lisdornan;
  - (ii) threaten the purity of the well & of local watercourses;
  - (iii) pose a danger to road traffic;
  - (iv) impact negatively on the visual amenities locally; &
  - (v) contribute to overdevelopment in the area
- (c) Further, question the applicant’s right to be considered as qualifying for local needs permission, under Co. Dev. Plan 2013.

**5. RESPONDENTS TO THE 3<sup>rd</sup> PARTY APPEAL:**

**(1) Planning Authority Response (06<sup>th</sup> November 2015):**

- (a) Contextualise PA’s decision to ‘refuse’ planning permission;
- (b) Confirm specificity of the 3<sup>rd</sup> Party Appeal re.:
  - threat of destruction of “archaeological, natural & vernacular heritage”;

- applicant's local housing need;
  - impact on scenic beauty;
  - danger to wells & watercourses;
  - dangerous entrance;
- (c) PA's response argument:
- having examined the appeal submission, affirm satisfaction that "all matters outlined ... were considered in the course of its assessment of the planning application as detailed in the planning officer report on LB/150802";
  - consider the proposed dev. "to be consistent with the policies & objectives as outlined within the Meath Co. Dev. Plan 2013-2019;
  - re. archaeological, & vernacular heritage issues, clarify "the ruins of both buildings onsite are not protected under any legislation, and are in a bad condition";  
     '*hedge school*' – ruins of building overgrown with trees & plants;  
     the '*other building*' –covered with corrugated iron, very little of the stonework remains
  - proposed dev. will not impact on the setting of the recorded monument ('motte'), to the N, having regard to the existing dwelling located between the application site & the 'motte';
  - however, weighting reference to proximity to the 'motte', & to the history of the application site, clarify that "a Condition re. archaeological monitoring was attached to the grant of permission";
  - re. applicant's 'local housing need':
    - application site / proposed dev. located on a family owned site, taken from the family landholding;
    - note applicant's supporting documentation, linking him to the family home for 5yrs, as well as supporting letters from local clubs; &
    - having regard to information submitted, PA consider applicant "has demonstrated a local need in compliance with the Policy of the Co. Dev. Plan;
  - re. 'site entrance':
    - confirm sightlines in excess of 90m are available;
    - these sightlines deemed as "acceptable for this local road"
  - re. threat to 'wells & watercourses' – ref. the 'Site Characterisation & Assessment Report" (by Dr. R. Meehan) demonstrating the site:

- is suitable for a WWTS; &
  - subject to all the min. separation distances being met “would not pose a risk to local wells or watercourses”; &
  - a t-value of 10.2 & T-value of 13.5 achieved on site, in compliance with the EPA Code of Practice 2009;
- (d) **Conclusion :**  
PA request ABP “uphold the decision to grant PP for the said development”.
- (2) **1<sup>st</sup> Party / Applicant’s Response (c/o Stephen Ward – Town Planning & Dev. Consultants Ltd. – 06<sup>th</sup> November 2015):**
- (a) **Site Location & Context :**  
Contextualise application site location, & character, composition & surrounds of the site (see Fig. 1 – ‘Site Context’).
- (b) **Proposed Development :**  
Confirmation of the nature and composition of the proposed development.
- (c) **Planning Officer Assessment & Decision of the Planning Authority :**  
Confirm pre-application planning meeting with the PA (12/05/2015). No “untoward issues” raised at this meeting. Application formally lodged on 30/07/2015.
- (i) **Planning Officer Assessment :**
- Report is “a balanced & fair assessment of the proposal”;
  - Confirm applicant addressed all relevant issues : local need requirements; design; layout & dev. management criteria;
  - PA concludes favourably towards the proposed dev., subject to Conditions;
  - ref. 1no. objection received by PA (adjacent neighbour to the N & now 3<sup>rd</sup> Party Appellant);
- (ii) **Consultee responses :**
- Note application documentation referred to ‘Irish water’; ‘An Taisce’; ‘the Heritage Council’ & the ‘Dev. Application Unit’ of DoEC&LG, for comments. However, no responses were received; Assert “this demonstrates the statutory Consultees consider the proposal to be policy compliant”;



- Meath Co. Water Services Dept. reported “no objection, subject to a Condition (No.12 – requiring demonstration of potable water supply);
- (iii) **Decision Notice :**
- PA decision to grant PP, subject to 15no. Conditions (18/09/2015);
  - Several Conditions incl. mitigating concerns argued by the single 3<sup>rd</sup> party Objector (Appellant). These incl. :  
 Condit. No.2 re. ‘hedgerows’ &  
 Condit. No.13 re. ‘archaeology’;
- (d) **The Applicant & Additional Studies :**
- (i) Having regard to the 3<sup>rd</sup> party Appeal submission, and “in the interests of providing a factual & evidence based approach to the case”, the applicant commissioned 2no. additional studies re.:
- Archaeology (see attached as App. A); and
  - Appropriate Assessment Screening (see attached as App. B);
- (ii) The ‘Archaeology Study’ – Archer Heritage Planning, concludes :
- “no recorded monuments on site”; &
  - “no evidence that the site may contain archaeological material”;
- (iii) That notwithstanding the sufficiency of the PA Condit. 13 re. ‘archaeology’, in the interests of comprehensiveness, recommends “test trenching in the vicinity of the building footprint & service before construction commences”;
- (iv) confirm applicant’s willingness to accept supplementary Condition in this regard;
- (v) The ‘Appropriate Assessment Screening report’ – Mr. R. Goodwillie, concludes :  
 “there are no individual or ‘in-combination’ implications for any Natura 2000 sites as a result of the proposed dev.”;
- (e) **The proposed development & Compliance with the Policies, Objectives & Development Management requirements of the Meath Co. Dev. Plan 2013 – 2019 :**
- (i) **Zoning / Rural Housing Designation:**
- demonstrated compliance with the rural housing policies of the Dev. Plan;

- site located within an area designated – ‘Rural Area Under Strong Urban Influence’;
- weighted reference to Dev. Plan 2013 policies RD POL1; RD POL 2 & RD POL 3
- RD POL 1 : applicant is an intrinsic part of the rural community;
- RD POL 2 : proposed new house is to facilitate the housing requirements of a member of the rural community; & the proposal is not ‘urban generated’;
- RD POL 3 : the proposed dev. will not give rise to unsightly ribbon dev.;
- Reference the ‘Sustainable Rural Housing Guidelines’ re. “that rural generated housing should be accommodated subject to normal siting & design considerations”;
- Sect.14.10 of the Co. Dev. plan sets out 4no. criteria, of which only 1no. must be met, “to qualify a person as an intrinsic part of the rural community”.

Argue that the applicant, satisfies the following criterion re. ‘local needs’ :

“persons who :

- have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of 5years, &
- who do not possess a dwelling, or
- who have not possessed a dwelling in the past in which they have resided, or
- who possess a dwelling in which they do not currently reside”

- Substantiate the applicant’s compliance with this criterion as follows :

The Gogarty family is well assimilated into local community life over many years :

- father - Jack Gogarty:
  - treasurer of Parish Committee as far back as 1986;
  - fund raising for restoration of Bellewstown Church;
  - active member of Bellewstown Tidy Towns Committee;

- active member of Bellewstown Heritage Society;
- active member of Bellewstown Golf Club;
- member of the Bellewstown Book-Club;
- mother - Anne Gogarty:
  - founder of the Bellewstown Belles Golf Society;
  - past Lady Captain of the Bellewstown Golf Club;
  - current Lady President of the Bellewstown Golf Club;
  - treasurer of Ladies Club, Charity, Fund Raising – Organising Committee;
  - lead co-ordinator for the local Syrian Refugee Charity Drive
  - member of the Bellewstown Book-Club;
  - sings in the Bellewstown Church Choir;
- applicant – K. Gogarty :
  - attended children’s crèche in Bellewstown from 1995 – 1997;
  - attended St. Mary’s Diocesan School in Drogheda (approx. 6km from Bellewstown) from 2008-2011, completing the ‘Leaving Cert’;
  - active member & committee member of Duleek / Bellewstown Gaelic Football Club;
  - member of Bellewstown Golf Club since 2008;

“... members of the established rural community for a period in excess of 5-years” :

- Lisdornan townland 3km from Bellewstown Village, where the ‘family home’ is located;
- applicant has lived at this address from 1993, to the present (save for a period of time from 1997, when his father’s employment took the family aboard for several years);

- however, throughout this period abroad the family :
  - returned home every summer to attend the Bellewstown Races; & the “Blessing of the Graves”;
  - retained strong community ties in the Bellewstown area;
  - retained ownership of the ‘family home’;
  - when home from the ‘overseas posting’ used the ‘family home’;
- emphasise “the family returned home to enable Kevin to complete his education & attend university”;
- emphasise that “even though posted overseas as part of employment requirements, the family maintained close links with their family home in Bellewstown”;
- argue that the fact that the house was never sold, is “strong evidence of the intention of the family returning there following completion of overseas employment postings”
- applicant (& father) have farmed the Lisdornan lands (with neighbour – J. Moore) since 2005 (ie. raise suckling calves; graze older cattle & harvest hay for winter feed);
- applicant “regularly game shoots in the area along with neighbours”;

applicant’s “employment” :

- applicant a qualified ‘Building services Engineer’, currently employed by ‘Greentherm Ltd., as a ‘Project Manager’ – managing completion of site work across the Leinster region;
- travels to different project sites in the region “every day for work”
- confirm applicant “turned down” job opportunities abroad & in Ireland, “because of this desire to live in the area”;
- argue “although there is no requirement to be employed in the local area under this local needs criterion, it should be noted that

- the applicant works throughout the NE-Region, rather than being based in an office & commuting on this basis” (see employer letter – App. E, confirming this);
- confirm applicant engaged to be married & that his fiancé is also of a long established local family. Confirm applicant’s “hope to create a family home on the proposed site”;
  - “... who do not possess a dwelling, or who have not possessed a dwelling in the past ... , or who possess a dwelling in which they do not currently reside” :
  - clarify applicant “does not own any other dwelling(s) presently nor has he owned any other dwelling(s) in the past”;
  - emphasise that having had regard to the ‘local needs form’ & supplementary documentation submitted with the planning application, “obviously, the PA is satisfied the applicant fully adheres to the local needs requirements of the Dev. Plan”
  - accordingly, the applicant “proves beyond doubt that the applicant has spent well in excess of 5-years living in this rural area as a member of the established rural community”;
  - further, applicant “does not possess a dwelling & has not possessed a dwelling in the past in which he has resided, & does not possess a dwelling in which he does not currently reside”
  - It would be an “injustice to punish” the applicant & his family for living overseas for employment purposes;  
Notwithstanding, emphasise that they “have resided in the area for in excess of the 5-year requirement of the Dev. Plan”;
  - Argue strongly the applicant “fully meets with the requirements at Sect. 14.10 of the Dev. Plan”
  - Conclude applicant as “... entirely compliant with the rural housing requirements of the Co. Dev. Plan”.

- (ii) **Rural Housing Design & Siting Criteria:**  
 Having regard to Sect.10.7 of the Co. Dev. Plan 2013 re. the design & siting of rural houses, and to Policy RD POL9 (requiring compliance with the 'Meath Rural House Design Guide'), substantiate demonstration of the applicant's compliance with the 'Meath Rural House Design Guide' (see Table 1 – Compliance of dev. with the 'Meath Rural House Design Guide').
- (iii) **One Off Houses : Sight Distances & Stopping Sight Distances :**
- Weighting reference to Co. Dev. Plan 2013 Policy RD POL43, requiring that Standards' for 'sight distances & stopping sight distances', comply with current 'road geometry standards' as outlined by the NRA document – 'Design Manual for Roads & Bridges (DMRB)', and specifically Sect. TD 41-42/09 thereof;
  - Distinguish that whereas Table 7/1 of Sect. TD 41-42/09, references "Design Speed of Major Road", the road passed the sites E-frontage, and from which vehicular access is proposed, "is of local road classification only"  
 Submit that "it's width & vertical & horizontal alignment mean it clearly cannot accommodate high speeds & certainly not in order of 60kph +";  
 Assert that "the 80kph is a max. speed & not a target speed";
  - Conclude – "... a 'y' or sightline distance of 90m & equivalent to 60kph design speed is entirely appropriate in this instance". Clarify that a sightline distance of 120m to the N & 92m to the S is achieved, from the proposed entrance;
  - Emphasise, the PA are satisfied "the access & sightlines are policy compliant";
  - Point out "no evidence of speeding on this road", nor is there evidence of damage to road margins (ie. as indicator of difficulty passing);
- (iv) **Ground-Water Protection :**
- Weighting reference to Co. Dev. Plan 2013 Policy RD POL46, argue that the 'Site Assessment & Site Specific Report' submitted with "the application clearly demonstrates that acceptable wastewater

treatment & disposal facilities can be provided at the site”.

- the ‘Site Assessment’ concludes :
  - site suitability for discharge to ground as there exists 1.5m depth of permeable –
    - sandy silt with occasional gravels overlying;
    - sandy silt / clay with abundant gravels; &
    - subsoil above the water table (& bedrock) on the site, throughout the year;
- Further, “all min. separation distances can be met on the site once the well on-site is bored at least 45m E of the proposed polishing filter area”;

(f) **Response to Grounds of Appeal :**

(i) **Introduction :**

- Argue “the appeal is essentially vexatious in nature”. In substantiation of this opinion, comment as follows :
  - application site previously owned by a Ms. A. Reid (ie. aunt of the 3<sup>rd</sup> Party Appellant’s late husband);
  - understood the 3<sup>rd</sup> party appellant & her late husband “were under the expectation that the land would be bequeathed to them”;
  - instead the land was left to the deceased’s nieces, who put it up for auction;
  - the land was purchased at auction by the applicant’s father J, Gogarty in 2005. Reference Appendix C to the response submission – Agent that sold the land in 2005 discusses “difficulties that arose during the sale process”;
  - since the sale & purchase of the land, relations between the Gogarty’s & the 3<sup>rd</sup> party Appellant & family have been less than cordial;

(ii) **The Dev. would destroy the Archaeological, Natural & Vernacular Heritage of the proposed dev. site :**

- Weight reference to the ‘Archaeological Impact Assessment’ Report prepared by ‘Archer Heritage Planning’ (archaeologists). The report :

- concludes that “subject to fairly standard Conditions re. archaeology, the dev. can be undertaken without harm to archaeological material”;
- confirms “there are no recorded monuments on site” (The Co. Dev. Plan 2013 confirms there are no Protected Structures’ on site);
- The main points from the Report are :
  - there are “no known archaeological remains surviving in-situ within the site boundary, although the site has potential to contain archaeological remains”;
  - therefore “there is no impediment to the proposed dev. taking place on archaeological grounds”;
  - whilst the Condit. No. 13 re. archaeology, should be sufficient, in the interests of comprehensiveness & certainty, test trenching assessment may precede any construction work at the site to determine whether archaeological remains survive within the footprint of the proposed dwelling & services”;
  - assessment may also incl. a written & photographic survey of existing derelict buildings on the site;
  - Confirm that the applicant has no objection to the inclusion of such a Condition;
- Having reference to the applicant’s ‘Archaeological Impact Assessment’ Report, argue that the 3<sup>rd</sup> Party Appellant “provides no substantiating evidence to justify her assertion that the dev. would destroy the archaeological, natural & vernacular heritage of the application site”;  
Assert “there is no evidence of a ‘hedge-school’ on or near the site”. Rather, the use of this term for the derelict building near the site “is a locally derived name & is not substantiated in any historical record”;
- Note that ‘An Taisce’, the ‘Heritage Council’ & the ‘Dev. Applic. Unit’ were consulted, “but did not deem it necessary to respond”;



- respond to 3<sup>rd</sup> Party Appellant’s arguments re. heritage impact issues, as follows :
  - ‘hedge-school’ is a local name for this derelict building. Argue no historical records exist of a hedge-school, on or in the vicinity of the site;
  - the ‘motte’ (recorded monument) is to the N, & outside the application site. An existing dwelling separates the application site from the ‘motte’. A distance of over 100m separates the ‘motte’ from the footprint location of the proposed new dwelling. The new dwelling would be barely visible from the ‘motte’;
  - the 3<sup>rd</sup> Party Appellant’s arguments re. the heritage value of the hedgerow E-W across the site “is over-stated” (ie. in poor condition, sparse, broken through connect fields); Confirm it was in this condition when purchased by the applicant’s father; Point out the AA Screening Report “does not attach any ecological value to that hedgerow”;
  - Argue the 3<sup>rd</sup> Party Appellant’s arguments are an exaggeration that ‘other buildings’ on the site are of noteworthy ‘heritage value’. In fact, “there are no recorded monuments, or protected structures on or in the vicinity of the application site”;
  - No adverse impact will result on the derelict house to the SE. Confirm this house exists “in a state of complete dilapidation & neglect & is owned by the appellant’s family who have not shown any interest to maintain in a respectable state of repair”;
  - Clarify this property “is not in the ownership of the applicant or his family”;
  - No trees of significance exist on the site. Assert the trees “are mostly confined to the hedgerow boundaries & will remain mostly unaffected”;

- (iii) **Appropriate Assessment Screening Requirement :**
- reference 3<sup>rd</sup> Party Appellant claim that “a Stage 2 Appropriate Assessment is warranted”;
  - Point out that at the pre-planning meeting with Council (12/05/2015), an ‘AA Screening Report’ was not requested;
  - However, in the interests of comprehensiveness, an ‘AA Screening Report’ was completed & included with applicant’s response submission (see App. B);
  - Confirm the ‘AA Screening Report’ completed by Mr. R. Goodwillie (ecologist);
  - the ‘AA Screening Report’ concludes –  
*“the proposed dev. will not have any significant impact on the River Nanny Estuary & Shore or its Conservation Objectives. This being the case there is no likelihood of cumulative effects”.*
- (iv) **The Applicant is not an Intrinsic Member of the Established Rural Community in Lisdornan :**
- “We have demonstrated through an evidence based approach that the applicant is in fact an intrinsic member of the rural community. The Planning Authority is clearly of the same view”;
  - Argue the 3<sup>rd</sup> Party Appellants arguments “clearly misinterpreted the rural housing provision requirements of the Dev. Plan”;
  - there is “no requirement ... to be an intrinsic part of a single parish or townland”. The Dev. Plan has no such “stipulation”. ;
  - assert no basis exists to dismiss the applicants rural housing ‘local needs’, “because his links, whilst to the rural area are outside the very small townland area of Lisdornan”;
  - Argue it would be very difficult for the Dev. Plan policy “to limit local needs to direct association with a specific townland or parish”;
  - Clarify, the Meath Co. Dev. Plan 2013 contains no such restrictive provision;  
Neither, is ‘established rural community’ “dictated by parish boundary lines”;  
Dev. Plan does “not define ‘local’ as being from within a particular parish”;

- Rather, argue “rural communities are much more complex & diverse than lines on a map & they stem from amongst other things functional, social & landownership connections with a community”;
- The applicant :
  - grew up locally & still lives here;
  - has sustained social connections with this community; &
  - family owns the land, which site is part of, & he assists in farming;
- Applicant has demonstrated he is “part of the established rural community”;
- Applicant fully complies with the requirements of Sect. 10.4 of the Co. Dev. Plan 2013 (ie. what constitutes rural housing need for those local to or linked to a rural area);  
Confirm that applicant complies with these criterion & emphasise that this was accepted by the PA;
- Strong objection to the 3<sup>rd</sup> Party Appellant’s personalisation of information (ie. private) in substantiating her case against the applicant’s entitlement to apply under ‘local needs’ criteria
- Clarify that whilst working overseas for a period of time, the applicant’s father retained ownership of the ‘family home’. Argue conviction that “this more than anything confirms the intention of the family to move home to Bellewstown, having completed overseas work requirements”;
- Emphasise that the applicant & family have returned to Ireland, and been resident in the family home in Bellewstown since 2008;  
Point out this period is well in excess of the 5-year requirement as set out in the Co. Dev. Plan 2013
- re. sale of the lands to applicant’s family :
  - confirm the address was given as ‘Lisdornan, Bellewstown, Co. Meath’;
  - argue this contradicts the 3<sup>rd</sup> Party Appellant’s opinion that “the site is not within the community of Bellewstown”.
  - affirm view that communities “are not dictated by parish or townland boundaries”.  
Confirm the Dev. Plan 2013 contains no such restrictive policy;

- confirm (with substantiation) that the immediate neighbours to the application site at Lisdornan (ie. the Flynn & Tallon families), “had their children attend Bellewstown National School”;
- Point out that a number of GAA Clubs in Meath have amalgamated, “with one such amalgamation being that of Duleek / Bellewstown”. Argue this as evidence that “links to an area aren’t simply dictated by lines on a map, & that a community is a more complex grouping”;
- reference previous ABP decision to grant PP for a rural dwelling in Co. Meath (**Reg.Ref.No. PL17.214204**). The ABP Inspector “agreed that the applicant was entitled to live near his family home & within the community”. Point out an understanding within the ABP report “that rural communities are not defined by boundary ‘lines’ or prescriptive distances”;

(v) **The Proposed Dwelling will have a Negative Impact on the Scenic Beauty of Lisdornan :**

- Challenge the 3<sup>rd</sup> Party Appellant’s arguments re. overdev. of the locality; specific local natural beauty & threat to residential amenity, as follows :
  - whilst area designated as “very high value, there is no Dev. Plan policy provision prohibiting dev. in these areas”;
  - confirm proposed dwelling “designed & sited to take account of its landscape setting”;
  - confirm site location outside the nearest protected view / direction according to Map 9.5.1 – “Views & Prospects” of the Co. Dev. Plan 2013;
  - local area cannot be deemed as overdeveloped. Calculate local Lisdornan housing density as 15.9 dwellings per km<sup>2</sup>.  
By comparison :
    - Co. Meath 29.8 dwellings per km<sup>2</sup>
    - National Density 23.6 dwellings per km<sup>2</sup>
    - Julianstown (electoral div.) 77.5 dwellings per km<sup>2</sup>
 Having reference to these comparisons, “the area is far from being considered over developed, ... having a housing density

- significantly below the national, county & electoral division figures”;
- assert 3<sup>rd</sup> Party Appellant’s mapping misrepresents the existing pattern & density of development locally (ie. “portrays existing dwellings being much more clustered & closer together than is actually the case”; Ref. applicant’s Fig.8 as more accurately representing existing pattern of dev. locally;
- proposed dwelling “will be no more, or no less visible than any neighbouring dwelling”;
- proposed design & layout compliant with relevant Dev. Plan 2013 Dev. Management Guidelines & the Co. Meath Rural House Design Guide;
- re. 3<sup>rd</sup> Party Appellant’s argued reason for refusal of the proposed dev. re. inconsistency, in design terms, with the existing derelict house to the SE. Respond that “there is no policy-based justification to refuse permission on this ground”;
- Clearly, the proposed dev. will have no impact on the 3<sup>rd</sup> Party Appellant’s residential amenity. Clarify a separation distance of approx. 82m from the N-gable of the proposed dev. to the 3<sup>rd</sup> Party Appellant’s site boundary (& approx. 85m to the gable of her dwelling).  
“There is no question of loss of residential amenity by reason of overlooking or otherwise”.
- Point out 3<sup>rd</sup> Party Appellant’s property is bounded to front by a timber fence & manicured grass verge, with manicured garden to front & with side boundaries planted with evergreen hedges. Argue frustration that whereas the 3<sup>rd</sup> Party Appellant argues against the proposed dev. re. “native hedgerows & the scenic beauty of the area”, she has “shown little commitment to maintaining or growing native hedgerows or indeed preserving a ‘natural’ character to the area”;

(vi) **The Proposed Dwelling Poses a Danger to My Well and to Local Watercourses :**

- Weight reference to the 'Site Characterisation & Assessment' report completed by Dr. R. Meehan (BA, Ph D, PGeo);
- In comparison, challenge 3<sup>rd</sup> Party Appellant's "expertise to make such claims & to evidence them";
- the Dr. Meehan report, "notes there are two wells within 200m of the proposed polishing filter area".
  - the 1<sup>st</sup>
    - serves the house to the S;
    - is approx. 100m from the proposed polishing filter area;
    - is up-gradient re. groundwater flow;
    - is far outside the 15m min. required separation distance under the EPA Code of Practice;
  - the 2<sup>nd</sup>
    - situated approx. 89m to the NE beside the 3<sup>rd</sup> Party Appellant's house;
    - although 'alongside' re. groundwater flow, confirm "it is well outside the min. required separation distance of 25m for an 'alongside' well, according to the relevant EPA Code of Practice;
- Weight ref. to 'Site Characterisation & Assessment' Conclusion re. wells :

*"As all the wells in the locality will therefore meet the required separation distances of the Groundwater Protection responses of GSI / EPA / DoELG & the EPA Code of Practice (2009), once the well on-site is bored at least 45m E of the proposed polishing filter area & this is installed exactly where specified in this report, none are deemed to be at risk from the proposed polishing filter area installation";*
- Emphasise, the Co. Water Services Dept. "raised no objection, subject to Condition";

(vii) **Trial & Test Holes :**

- 3<sup>rd</sup> Appellant alleges trial & test holes not dug, as indicated in the 'Site Characterisation & Assessment' Report;  
Respond these "are without foundation & unsubstantiated". & are "refuted in the strongest possible terms";
- Confirm additional holes were dug re. ensuring correct sampling;
- reference letter (attached at App. G) from the 'site assessor' – Dr. R. Meehan, clarifying "where & why the test holes were dug";
- Emphasise, the Co. Water Services Dept. "raised no objection, subject to Condition";

(viii) **The proposed New Entrance is Dangerous :**

- Proposed dev. achieves sightlines in accordance with DMRB Standards & compliant with Dev. Plan policy;
- point out the 'planning officer' is satisfied with the proposed access;
- Ref. no objection from the Co. Roads Dept.;
- Point out as noteworthy, that the 3<sup>rd</sup> Party Appellant, "does not claim high traffic speeds on the road";
- Location of proposed new entrance selected to :  
minimise impact on the landscape; &  
meet road safety requirements;
- Confirm the new entrance would enable access to the rest of the landholding, for whatever purpose;
- Challenge 3<sup>rd</sup> Party Appellant claim that the road is busy with inter-county / village traffic. Assert this as not accurate. Rather, assert the road serving the application site, "is not a convenient commuting route";

(g) **Conclusion :**

- (i) Proposed Dev. – "a conventional but sensitively designed dwelling";
- (ii) Reference no concerns by :
  - Planning Officer / PA;
  - External Consultees incl. Irish water, An Taisce, the Heritage Council & the Dev. Application Unit;
  - Meath Co. Water Services Dept.;

- (iii) The proposed dev. complies with Meath Co. Dev. Plan 2013 provisions re. :
- rural housing policy;
  - principle of dev.;
  - house design & siting;
  - access sight distances; &
  - ground water protection;
- (iv) PA decision to Grant PP contains several Conditions mitigating “concerns with respect to archaeology & hedgerows / landscaping”;
- (v) 3<sup>rd</sup> Party Grounds of Appeal, “are strongly refuted for the following summarised reasons :

**Archaeology :**

- the ‘Archaeological Impact Assessment’ Report prepared by ‘Archer Heritage Planning’ (archaeologists) concludes “there is no impediment to the proposed dev. taking place on archaeological grounds”;
- Condit. No. 13 ensures the sustainability of the archaeological potential on the site;
- In the interests of comprehensiveness, ref. the ‘archaeological report’, “advises that test trenching may precede any construction works on the site”;
- Confirm the applicant has no objection to such a Condition;
- An Taisce, the Heritage Council & the Dev. Applic. Unit were consulted, “but did not deem it necessary to respond”;

**Geology & Environment :**

- the ‘AA Screening Report’ prepared by Mr. R. Goodwillie (ecologist) concludes “the dev. will not cause negative impact on any Natura 2000 site either by itself or through in-combination effects”;
- the ‘Site Characterisation & Assessment Report’ demonstrates “the suitability of the site to treat & dispose of wastewater without impacting on nearby wells”;
- Meath Co. Dev. Plan has no objection to the development;

**Rural Housing Policy :**

- 3<sup>rd</sup> party appellant “has misinterpreted the rural housing policies of the statutory Dev. Plan”;
- there is “no requirement ... to be an intrinsic part of a single parish or townland”;



- applicant had demonstrated he is “part of the established rural community”;
- applicant
  - grew up locally & still lives here;
  - has sustained social connections with this community;
  - family owns the land, which site is part of, & he assists in farming;
- applicant fully complies with the requirements of Sect. 10.4 of the Co. Dev. Plan 2013;

**Dwelling Design :**

- dwelling sensitively designed & sited to respond to its landscape setting;
- surrounding area is not overdeveloped; &
- no adverse impacts’ to neighbouring properties;

**Entrance :**

- Proposed entrance complies with DMRB Standards & with Co. Dev. Plan 2013 Policy; &
- No objections from the Co. Roads Dept.

**Planning Authority Response to 1<sup>st</sup> Party response (22<sup>nd</sup> December 2015):**

- (a) Contextualise PA’s decision to ‘refuse’ planning permission;
- (b) Confirm specificity of the 1<sup>st</sup> Party Appeal re.:
- (c) PA’s response argument:
  - Note applicant’s submission of an ‘Archaeology Study’ & ‘Appropriate Assessment Screening Report’;
  - Confirm PA examined report submitted;
  - Affirm satisfaction that “all matters outlined ... were considered in the course of its assessment of the planning application as detailed in the planning officer report on LB/150802”;
  - Assert consideration that the proposed dev. “to be consistent with the policies & objectives as outlined within the Meath Co. Dev. Plan 2013-2019;
- (d) Conclusion:  
PA request ABP “uphold the decision to grant PP for the said development”.

**3<sup>rd</sup> Party Response to 1<sup>st</sup> Party response – Ms. Anne Reid (05/01/2016):**

- (a) The 3<sup>rd</sup> Party Appellant – Ms. Anne Reid has submitted another detailed & comprehensive 82no. page report (see 05/01/2016), in response to the applicant’s response submission (see

06/11/2015) to the Appeal. Referencing the 3<sup>rd</sup> Party Appellant's own 'headings', the arguments submitted in response are outlined as follows :

- (i) "... response to the charge that the Appeal is Vexatious";
- (ii) "... response to material relating to the Vernacular, Archaeological & Natural Heritage of the proposed development site";
- (iii) "... response to material relating to the Applicant's Claim to a Site Specific Local Need";
- (iv) "... response to material relating to the Impact of the proposed development on Residential & Visual Amenities;
- (v) "... response to material relating to the Dangers' posed to My Well & to Local Watercourses; &
- (vi) "... response to material relating to the Proposed New Entrance.

- (b) I have had careful review of this detailed & comprehensive response submission (see 05/01/2016 report flagged on file, for the Board's easy reference). No substantive new, relevant issues are clearly apparent. I am of the view that this response, generally supplements & expands on arguments' previously made by the 3<sup>rd</sup> Party Appellant in her original 3<sup>rd</sup> Party Objection (01/09/2015), as well as in the Appeal documentation submitted (14/10/2015).

**6. PLANNING ASSESSMENT:**

- (1) I have considered all of the information and issues raised both in the application and 3<sup>rd</sup> Party Appeal documentation, thoroughly 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 05<sup>th</sup> Jan. 2010)).

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

- (a) The principle of, need for rural housing, and location of the development;
- (b) Lisdornan – Rural Landscapes and assoc. 'Visual Amenity';
- (c) Residential Amenity Impact – Adjoining Single House to the N;
- (d) Destruction of the Archaeological, Natural & Vernacular Heritage of the Application Site:

- (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) **The principle of, need for rural housing, and location of the development:**

Having regard to all of the information on file, and weighting reference to the comprehensive and detailed 1<sup>st</sup> Party application & supplementary documentation (25/07/2015 – c/o ‘Keith Ludlow Assoc.’); the ‘Local Need Form’ (21/04/2015); the ‘Record of Pre-Application Consultation’ (12/05/2015) & the applicant’s similarly detailed & comprehensive ‘Response Submission’ to the 3<sup>rd</sup> Party Appeal (see 06/11/2015 – c/o ‘Stephen Ward – Town Planning & Dev. Consultants Ltd.’),

I am satisfied, contrary to the 3<sup>rd</sup> Party Appellant’s (Ms. A. Reid) sustained conviction, that a reasonable and satisfactory rural housing need has been demonstrated by the applicant (Mr K. Gogarty), in compliance with the requirements of the Meath Co. Dev. Plan 2013-2019, particularly Sect.10.4, and of the D.o.E.’s Sustainable Rural Housing Guidelines (April 2005). Clearly Mr K. Gogarty (the applicant) is a member of the established, local ‘Gogarty’ family, he has lived most of his life in the local area, his family home in which he was born, reared and is understood still currently resident (understood for over a 5-years) is approx. 03km W of from the application site at ‘Lisdornan’, he attended all of his education locally (ie. ‘crèche’, ‘primary’ & ‘secondary’ school), all of the applicant’s father (Mr. J. Gogarty), mother (Ms. A. Gogarty), the applicant himself (& his fiancé for that matter) are active members of the local community, and having regard to there being capacity on the family landholding at Lisdornan to build locally, are now seeking to consolidate residency (understood in anticipation of marriage) locally, and for which he is stated in the application documentation as being in receipt of necessary consent from his father (Mr. J. Gogarty – see ‘undated’ consent letter date stamped received by the PA on 30/07/2015), enabling the application for planning permission. Contrary to the detailed & comprehensive arguments made by the 3<sup>rd</sup> Party Appellant (Ms. A. Reid – see 01/09/2015; 14/10/2015 & 05/01/2016), I share the conviction argued and substantiated by the applicant (c/o ‘Keith Ludlow Assoc.’ – 25/07/2015 & ‘Stephen Ward – Town Planning & Dev. Consultants’ – 06/11/2015) in this regard, and shared by the Planning Authority (see – 16/09/2015;

06/11/2015 & 22/12/2015), that a satisfactory 'local' rural housing need has been demonstrated.

I weight reference to Sect.10.4 of the Co. Dev. Plan 2013, which provides the detailed requirements relating to the establishment of 'local housing need' within rural Co. Meath. Sect.10.4 sets out a number of categories of person, who will be considered to be 'an intrinsic part of the rural community', as follows (see copy attached) :

*"Meath County Council recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include :*

- *Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;*
- *Persons who were originally from rural areas and who are in substandard or unacceptable housing scenarios and who have continuing close family ties with rural communities such as being a mother, father, brother , sister, son, daughter, son-in- law, or daughter-in-law of a long established member of the rural community resident rurally for at least ten years;*
- *Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;*
- *Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or are suited to rural locations such as farm hands or trades-people and who have a housing need'.*

Whereas Sect.10.4 provides 4no. categories / scenarios under which people qualify as "persons who are local to the area" (ie. as opposed to 'rural housing need' "relating to natural resources type employment" – 2no. categories re. 'agriculture' & 'bloodstock'), I share the applicants' view that as written at Sect.10.4, there is no requirement to qualify under all 4no. of the stated categories. Rather, at minimum, reasonable qualification under 1no. of the categories is necessary;

Accordingly, on the information available, and having regard to the 4no. stated categories, I affirm the view expressed above that the applicant (Mr K. Gogarty) is a member of the established, local 'Gogarty' family, he has lived most of his life in the local area, his family home in which he was born, reared and is understood still currently resident (understood for over a 5-years) is approx. 03km W of from the application site at 'Lisdornan', he attended all of his education locally, all of the applicant's father (Mr. J. Gogarty), mother (Ms. A. Gogarty), the applicant himself (& his fiancé for that matter) are active members of the local community, and having regard to there being capacity on the family landholding at Lisdornan to build locally, are now seeking to consolidate residency (understood in anticipation of marriage) locally, and for which he has the necessary consent from his father (Mr J. Gogarty), enabling the application for planning permission. Further, the applicant does not own a property at present, nor has he owned property historically. Of relevance, having regard to the literal wording of this 1<sup>st</sup> category, is that – “... *and who do not possess a dwelling **or** who have not possessed a dwelling in the past in which they have resided **or** who possess a dwelling in which they do not currently reside*” (own bold inserted). In this instance, I believe that the 1<sup>st</sup> sub-category “*who do not possess a dwelling*”, applies in favour of the applicant, reasonably consolidating him as “persons who are local to the area”.

Having careful regard to all of the detailed & comprehensive arguments against the proposed dev. made by the 3<sup>rd</sup> Party (Ms. A. Reid), I entirely support the need for Planning Authorities' to adopt the precautionary approach to single, rural housing management, and ensuring against unnecessary & non-compliant rural house / site 'farming' and commercial exploitation. Having careful regard to the information available, and to the merits of the current application, I believe it reasonable to believe that this is not the case in respect of the applicant. In this regard, I understand the applicant has directly addressed this concern, by way of not only detailed substantiation of his compliance with necessary statutory requirements, but also re. a willingness to accept any Condition restricting 'Occupancy' and use of the property, should the Board be mindful to grant planning permission in this instance. I note that this circumstance is both foreseen and provided for, within each of the D.o.E.'s 'Sustainable Rural Housing Guidelines' (April 2005) at Sect.4.7 – 'Occupancy Conditions' & Appendix 1: 'Indicative Occupancy Conditions', and at Sect.10.5.3 – 'Occupancy Conditions' of the Co. Dev. Plan 2013. I also note that the

PA, in its decision to grant planning permission, included such a Condition as 1no. of the 15no. attached (see Condition No.3).

In substantiating her detailed & comprehensive objection to the proposed development, I note that throughout, the 3<sup>rd</sup> Party Appellant (Ms. A. Reid) sustains argument that the applicant “fails to demonstrate membership of the established rural community in the Townland of Lisdornan”, specifically. Failing to root “ties” specifically to Lisdornan townlands, the argument is made, with conviction, that the proposed development is not compliant with Sect.10.4, and accordingly fatally flawed. In response, I have had careful regard to the Meath Co. Dev. Plan 2013-2019 and to the D.o.E’s. Sustainable Rural Housing Guidelines 2005. In my view, the 3<sup>rd</sup> Party Appellant is clearly mistaken in this regard. Rather, I reference directly the relevant provisions of Sect.10.4 as follows : *“The Sustainable Rural Housing Guidelines outline that Planning Authorities, in formulating policies, recognise the importance to rural people of family ties & ties to a local area such as parish, townland or the catchment of local schools & sporting clubs. It also delivers positive benefits for rural areas & sustains rural communities by allowing people to build in their local areas on suitable sites”*. Clearly, in my view, there is no requirement for the applicant to be an intrinsic part of a single parish or townland such as at Lisdornan. Co. Dev. Plan 2013 makes no such stipulation.

Rather, I share the conviction argued in response by the applicant (c/o Stephen Ward –Town Planning & Dev. Consultants Ltd.) that “rural communities are much more complex & diverse than lines on a map & they stem from amongst other things functional, social & landownership connections with a community”

Therefore, under Sect.10.4 and 10.5.1 of the Co. Dev. Plan 2013, the applicant’s ‘housing need background’ is also demonstrated in terms of “strong social links” and “immediate family” residency locally within the area. This substantiation is set out, in detail, at para. 5(2)(e)(i) above.

Whilst I assert compliance with the above 2no. categories / scenarios (of 4no.) at Sect.10.4, under which people qualify as “persons who are local to the area”, I am further inclined to the view that a reasonable case exists in favour of the applicant, as a “returning emigrant”. I suggest this consideration, precisely in response to the arguments’ emphasised by the 3<sup>rd</sup> Party Appellant, that the applicant is disqualified from meeting the Co. Dev. Plan 2013’s provisions re. ‘local rural need’, precisely because he spent several years abroad with his family, whilst his father was under ‘contract employment.

In addition, I believe it stands in good stead for the applicant, during this time, that the Gogarty family – returned home every summer to attend the Bellewstown Races; & the “Blessing of the Graves”; they retained strong community ties in the Bellewstown area; they retained ownership of the ‘family home’; when home from the ‘overseas posting’ the Gogarty’s used the ‘family home’. I further note, and accept as reasonable, their emphasis that “the family returned home to enable Kevin to complete his education & attend university”, that “even though posted overseas as part of employment requirements, the family maintained close links with their family home in Bellewstown”, and that the fact that the house was never sold, is “strong evidence of the intention of the family returning there following completion of overseas employment postings”.

Noting the practicality of the applicant’s access to Gogarty family landholdings at Lisdornan / Bellewstown, located outside of a designated settlement centre, and as will be discussed further below, and contrary to the detailed & comprehensive arguments to the contrary made by the 3<sup>rd</sup> Party Appellant, I am generally satisfied that the comparative suitability of the application site within the Gogarty family landholding has been demonstrated in accordance with the relevant provisions of the Meath Co. Dev. Plan 2013-2019, (ie: **RDPOL6** “good planning practice” – traffic safety; water quality; environ. designations, heritage; visual amenity & sanitation issues), and of the EPA Code of Practice 2009 re. ‘Wastewater Treatment & Disposal Systems serving Single Houses’, which are set out as critical qualifications to the fulfilment of the planning need for housing development in the rural areas of Co. Meath. I note that the Co. Dev. Plan 2013 provisions are supported by the ‘National Spatial Strategy’ which itself clearly provides that rural generated housing needs should be accommodated in the areas where they arise, “... subject to good planning practice in matters of location, siting, design and the protection of environmentally sensitive areas and areas of high landscape value”. This qualification is further affirmed by the provisions of the D.o.E’s. Sustainable Rural Housing Guidelines (2005), which emphasise that “as a general principle, subject to satisfying good planning practice in matters of site location, positioning on sites, design and the protection of environmentally sensitive areas and areas of high landscape value, rural generated housing needs should be accommodated where they arise”.

Having regard to all of the information available, to further planning assessment below, and subject to further Conditioning, I therefore conclude both that a ‘genuine’ rural housing need has been

satisfactorily demonstrated by the applicants', and that the proposed location and general site suitability to be acceptable for a single domestic house development in the public interest. Having made observations of the local Lisdornan / Bellewstown area and the position of the application site in context at the time of physical inspection, I deem this to be reasonably the case (see photographs taken at the time of physical inspection). Accordingly, I conclude that the development of the site as proposed, would be in accordance with the proper planning and sustainable development of the area.

(3) **Lisdornan – 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 new 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 Lisdornan area, and should generally reflect the traditional aspects in layout, design and treatment. In the context of the local Lisdornan rural and agricultural environs, I consider that the proposed development in and of itself (ie. 283sq.m., storey & a half, 4-bedroomed family home, set back approx. 32m off the local co. road, with strong boundary treatment & screening – 'Keith Ludlow Assoc. '), and having regard to the established non-farming single domestic family home pattern of development locally, inclusive of the 3<sup>rd</sup> Party Appellant's adjacent home & property to the N, would not be intrusive of the contextual landscape and associated land use functionality and visual amenity within which the site is located (see photographs taken at the time of physical inspection).

In respect of the public realm, I share the viewpoint argued by each of the PA & the applicant, that no unnecessary or serious negative impact will result consequent of the development of the proposed 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 Lisdornan environs designated with any 'landscape character' of such substantive significance, that development such as that proposed is prohibited (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 Lisdornan, I have weighted regard in the first instance, to the permanent housing need demonstrated by the applicants' (see 6(2) above), to be accommodated on a portion of the Gogarty family



landholding, approx. 3km from the 'Gogarty' family home and associated farmlands, to the design, scale, height, materials and finishes as proposed, the position of the application site along the local co. road, and proposed to be screened from public view along the N and S approaches by supplementary planting and boundary treatments, minimising visibility, I consider that the proposed new dwelling house 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 this regard, I share the conviction argued by the applicant (c/o Stephen Ward – Town Planning) that the proposed new dwelling “will be no more, or no less visible than any neighbouring dwelling”, and that contrary to the arguments made by the 3<sup>rd</sup> Party Appellant, the Lisdornan townlands locally cannot be deemed as overdeveloped. I respect of the ‘overdevelopment’ arguments weighted by the 3<sup>rd</sup> Party Appellant, I note the comparative ‘housing density’ references made by the applicant (c/o Stephen Ward – Town Planning) and included in the response submission to the 3<sup>rd</sup> Party Appeal (see 16/11/2015 and para.5(2)(f)(v) above). These comparative references distinguish that whereas the local ‘Lisdornan’ housing density as 15.9 dwellings per km<sup>2</sup>, the ‘National’ density is 23.6 dwellings per km<sup>2</sup>, the ‘County’ density is 29.8 dwellings per km<sup>2</sup> & the Julianstown (electoral div.) density is 77.5 dwellings per km<sup>2</sup>. Contrary to the 3<sup>rd</sup> Party Appellant’s conviction, I share the conclusions made by each of the PA and the applicant that having reference to these comparisons, “the area is far from being considered over developed, ... having a housing density significantly below the national, county & electoral division figures” (see Fig.8 included in the applicant’s ‘response’ submission, representing the existing pattern of dev. locally – 16/11/2015).

I do note with curiosity, that whereas the 3<sup>rd</sup> Party Appellant has sustained a detailed & comprehensive objection to the proposed development, with one of the grounds being ‘negative impact on local scenic beauty’, her own property adjoining the application site to the N, is well established and domesticated (ie. bounded to front by a timber fence & manicured grass verge, with manicured garden to front & with side boundaries planted with evergreen hedges). Noting this dichotomy, I am inclined to empathy with the applicant’s expressed frustration that whereas the 3<sup>rd</sup> Party Appellant argues against the proposed dev. re. “native hedgerows & the scenic beauty of the area”, she has “shown little commitment to maintaining or growing native hedgerows or indeed preserving a ‘natural’ character to the area”.

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, and contrary to the detailed & comprehensive arguments sustained by the 3<sup>rd</sup> Party Appellant against the proposed development, I am satisfied that no serious, fatal or disproportionate visual obtrusion in the landscape will result from the proposed development, and that it would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(4) **Residential Amenity Impact – Adjoining Single House to the N:**

I have given careful consideration to the perceived threat argued by the 3<sup>rd</sup> Party Appellant – Ms. A. Reid, consequent of loss of residential amenity generally, and 'loss of privacy' specifically. In as much as I understand residential amenity values as referring to those natural or physical qualities and rural characteristics of the local Lisdornan area that contribute to Ms. A. Reid's appreciation of its pleasantness, liveability and its functional and aesthetic coherence, I believe that the proposed new storey & a half dwellinghouse, will have no serious negative impact on this prevailing amenity.

I express this viewpoint having regard particularly to the following:

- (a) Whilst I acknowledge change (ie. a new house) will result locally, if planning permission were to be granted, no obvious serious disproportionate visual obtrusion and associated negative amenity impact is apparent (see 6(3) above). In this regard, I affirm the view argued by the applicant (c/o Stephen Ward – Town Planning), that the proposed new dwellinghouse "will be no more, or no less visible than any neighbouring dwelling";
- (b) Privacy or a freedom from observation is a basic qualitative aspect of residential design and site layout, and which is acknowledged within the Co. Dev. Plan 2013. I note the weighted consideration given by the applicant (c/o Keith Ludlow Assoc. & Stephen Ward – Town Planning), to the mitigation of any potential for such threat. Threat to existing privacy is argued as a primary concern of the 3<sup>rd</sup> Party Appellant – Ms. A. Reid. I believe that the proposed new house would not threaten the levels of privacy currently enjoyed by the 3<sup>rd</sup> Party Appellant. I express this view having regard to the proposed development in itself being for one storey & a half dwelling-house; the contextual proximity and orientation of the separate houses to each other, with satisfactory separation distances (approx. 82m from the N-

gable end of the proposed new dwellinghouse to the shared site boundary with the 3<sup>rd</sup> Party Appellant, & approx. 85m to the S-gable end of her own dwellinghouse), and the 3<sup>rd</sup> Party Appellant's house with a SE facing aspect, and the applicant's proposed house also with a SE facing outlook; and that comprehensive and detailed boundary treatment, with landscaping and planting has been proposed by the applicant, and Conditioned by the PA in its decision to grant planning permission (see Condit. No.2);

- (c) I note the main 'family rooms' / 'sunroom' comprising the proposed new house have been orientated to a SW direction, with the 'patio area' on this side of the new house, away and concealed from the 3<sup>rd</sup> Party Appellant;
- (d) Only 2no. small 'half-dormer' style windows in the 1<sup>st</sup> floor level (both serving the rear main bedroom), NE-facing elevation of the proposed new house. All other windows at 1<sup>st</sup> floor level face away from the 3<sup>rd</sup> Party Appellant's property. Only 5no. small windows are proposed at ground floor (ie. 3no. – 'dining room'; 1no. – 'utility' & 1no. 'wc'), in the NE-facing elevation;
- (e) Views and aspects enjoyed by the 3<sup>rd</sup> Party Appellant are not fatally threatened nor impaired by the proposed new house, nor do any relevant designations exist in the local Lisdornan area;
- (f) Having regard to the extensive separation distances between the two houses, no possibility exists at all, of overshadowing and consequent loss of natural light resulting from the proposed new house;
- (g) That any overview of the adjoining application site generally, and the proposed new dwellinghouse specifically, will be reasonably screened / mitigated when the boundary planting & treatment, as proposed & Conditioned (see Condit. No.2), matures;
- (h) No threat of negative impact on the 3<sup>rd</sup> Party Appellant's residential amenity is apparent, consequent of car headlights shining into adjacent house rooms at night time, consequent of the applicant's proposed entrance and access driveway. Car movements reasonably anticipated are for a single domestic house, contextualised within a rural environment. In addition to separation distances & respective house orientation, enhanced boundary treatment and landscaping / planting along the common boundary will mitigate any threat of impact; and
- (i) Adequate on site car parking space is enabled.

I therefore conclude that no serious threat to the prevailing residential amenity enjoyed by the 3<sup>rd</sup> Party Appellant – Ms. A. Reid, will result

from the proposed single house development, that it is generally & satisfactorily consistent with the provisions of the Co. Dev. Plan 2013, and that the proposed development, on this issue, would be in accordance with the proper planning and sustainable development of the area. Accordingly, I believe the 3<sup>rd</sup> Party Appellant's arguments against the proposed development on these grounds, cannot be sustained.

(5) **Destruction of the Archaeological, Natural & Vernacular Heritage of the Application Site :**

Throughout the 3<sup>rd</sup> Party Appellant's (Ms. A. Reid) 3no. detailed and comprehensive submissions against the proposed development (ie. original 3<sup>rd</sup> Party Objection – 01/09/2015; the Appeal Submission – 14/10/2015 & the response submission to the Applicant's Response to the Appeal – 05/01/2016), substantiated argument is sustained re. the historic heritage / role of the application site within Lisdornan. Contextualising the area locally as being “extremely dense in historic features” (ie. ‘building ruins – hedge school & traditional dwellinghouse’; ‘recorded monument – a ‘Motte’; ‘natural heritage – stretch of established native hedgerow, native trees & traditional field boundaries’ & ‘vernacular heritage – outbuilding's & gates & gate piers’), the argument is sustained that the proposed dev. would “destroy the delicate heritage of the proposed site, with irrecoverable loss”. The argument is made that the application “takes absolutely no cognisance of the real, but fragile, heritage of the proposed site”. Further, having regard to the PA's decision to grant PP, subject to Conditions’, the 3<sup>rd</sup> Party Appellant asserts dissatisfaction both with the nature of these Conditions, as well as their capacity to successfully mitigate negative impacts. I have had careful regard to the detailed & comprehensive arguments submitted by the 3<sup>rd</sup> Party Appellant. Ms. A. Reid's local knowledge is certainly impressive, as well as her clear passion and commitment towards the preservation & protection of the Archaeological, Natural & Vernacular Heritage of the local Lisdornan area. Unfortunately, I am inclined to the view that much of her substantive argument is misplaced, having regard to statutory planning requirements, and the provisions of the Meath Co. Dev. Plan 2013 specifically. In this regard, I share the view articulated in response by each of the PA and the applicant, to all of the 3<sup>rd</sup> Party Appellant's submissions’.

Against the volume and detail of the 3<sup>rd</sup> Party Appellant's arguments re. archaeological, & vernacular heritage issues, I note and share the clarification made by the PA (see 06/11/2015) in response to the 3<sup>rd</sup>

Party Appeal that “the ruins of both buildings onsite are not protected under any legislation, and are in a bad condition” (ie. the ‘*hedge school*’ & the ‘*other building*’). Further, I note and share the PA conviction that the proposed single house dev. will not impact on the setting of the recorded monument (‘Motte’ – *Monument Record No. ME28-13*), located approx. 100m to the N of the proposed new house, and weighting regard to the existing dwelling located between the application site & the ‘motte’. In fact, it is the established domestic family home property of the 3<sup>rd</sup> Party Appellant herself, which separates the ‘motte’ from the application site.

Notwithstanding, I note the PA’s validation of the 3<sup>rd</sup> Party Appellant’s arguments in this regard (ie. the historical heritage of the application site within Lisdornan), which together with reference to proximity to the ‘motte’, informed a more precautionary approach such that “a Condition re. archaeological monitoring was attached to the grant of permission” (ie. Condition No.13). I share the PA’s precautionary approach under the circumstances.

Having regard to the 3<sup>rd</sup> Party Appeal submission, and in the interests of “providing a factual & evidence based approach” to the proper management of the ‘Archaeological, Natural & Vernacular Heritage’ of the local Lisdornan area, I note that the applicant commissioned additional studies. One of these, the ‘Archaeological Impact Assessment’ Report completed by ‘Archer Heritage Planning’ (archaeologists), concluded – that “subject to fairly standard Conditions re. archaeology, the dev. can be undertaken without harm to archaeological material”; that “there are no recorded monuments on site”; that the Co. Dev. Plan 2013 confirms there are no ‘Protected Structures’ on site; and that there are “no known archaeological remains surviving in-situ within the site boundary, although the site has potential to contain archaeological remains”. Therefore “there is no impediment to the proposed dev. taking place on archaeological grounds”. These are generally consistent with those conclusions’ made by the PA. I share these convictions. In this regard, notwithstanding the lengthy, detailed, comprehensive arguments advocated by the 3<sup>rd</sup> Party Appellant, I note that Ms. A. Reid has not been able to provide clear substantiating evidence, demonstrating her conviction that the proposed single house development would destroy the archaeological, natural & vernacular heritage of the application site. I share the view of each of the PA & the applicant in this regard. In addition, the fact that all of ‘An Taisce’, the ‘Heritage Council’ & the ‘Dev. Applic. Unit’ have

not responded at all, to the PA's request for written comment, does not assist the 3<sup>rd</sup> Party Appellant's case.

In response to the 'Archaeological Impact Assessment' Report completed by 'Archer Heritage Planning', I have reviewed the 3<sup>rd</sup> Party Appellant's concerns & objections articulated against the approach & methodology applied by 'Archer Heritage Planning' (see 'response' to 'response' submission – 05/01/2016), and which logically informed the positive conclusions deduced. Unfortunately for the 3<sup>rd</sup> Party Appellant, I am not aware of any statutorily prescribed approach or methodology to be followed. Further, I do not believe that her expressed preference of alternative approaches & methodologies reasonably demonstrates those applied by 'Archer Heritage Planning', on behalf of the applicant, to be fatally flawed, with consequence of dismissal of the conclusions deduced. Unfortunately for the 3<sup>rd</sup> Party Appellant, no amount of other methodologies is going to change the fact that, excepting for the recorded monument - 'Motte' (ie. *Monument Record No. ME28-13*), located off site to the N, there are no 'Recorded Monuments' or 'Protected Structures' on the application site, and that there are no known archaeological remains surviving in-situ within the site boundary (ie. as opposed to the potential for such).

Further, and emerging out of the applicant's 'Archaeological Impact Assessment', I note and share the further precaution advocated that whilst the Condit. No.13 re. 'archaeology' (attached to the PA's decision to grant planning permission), should be sufficient, in the interests of comprehensiveness & certainty, "test trenching assessment may precede any construction work at the site to determine whether archaeological remains survive within the footprint of the proposed dwelling & services". Further such assessment may also be supplemented with the inclusion of a written & photographic survey of existing derelict buildings on the site. I note and confirm the applicant's expressed willingness to accept such supplementary Conditioning in this regard, should the Board be of the mind to grant planning permission. In my view, such supplementation would directly and constructively address concerns argued by the 3<sup>rd</sup> Party Appellant against Condit. No.13, ensuring the sustainability of the archaeological potential particularly, on the application site.

Accordingly, having regard to all the above, I conclude that on the information available, and subject to further supplementation of Condition No.13 (ie. re. archaeological heritage protection), the proposed single house development would have no serious or

disproportionate threat to the archaeological, natural & vernacular heritage of the local Lisdornan area generally, or the application site specifically, and in this regard would be in accordance with the proper planning and sustainable development of the area. In my view, the sustained arguments submitted by the 3<sup>rd</sup> Party Appellant against the proposed development cannot be sustained.

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

From physical inspection of the local Lisdornan environs, particularly along the local co. road passed both of the application site and the adjacent 3<sup>rd</sup> Party Appellant's property, no obvious evidence is apparent of pressure for non-agricultural related single housing development outside of the designated settlement areas of Co. Meath. On the information available, and contrary to the arguments made by the 3<sup>rd</sup> Party Appellant, I understand the proposed new house to be consistent with this dispersed, low density residential development pattern (see 6(3) above). In my view, and weighting reference to the applicant's demonstrated 'rural housing need' at 6(2) above, and to what appears as the predominant residency of the 'Gogarty' family within the locality in excess of the statutory 5year prescription (see Sect.10.4), the proposed 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.

Specifically, in consideration of the physical accessibility of the application site, I acknowledge the restrictive capacity of the existing local rural road network, and the local co. road specifically, running N to S passed the site's E-boundary. Whilst mixed & clearly low in volume, notable non-agricultural related traffic loading was apparent along the local co. road 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 proposed new single entrance junction is clearly shown in photographs no. 1-6 attached, taken at the time of physical inspection. I note the applicant's substantiation of the logic of selection of the proposed location of proposed new entrance, in order to minimise impact on the landscape & to comply with road safety requirements.

Selection of the proposed new location was made notwithstanding the existence of 2no. entrances directly off the road onto the application site (see photograph no.4), and over which the 3<sup>rd</sup> Party Appellant sustained concerns re. traffic safety and heritage impacts.

Having thoroughly inspected this location, I note that a sightline of 120m and 92m each, is reasonably achievable to each of the N and S approaches from the proposed new entrance (to DMRB & Co. Dev. Plan 2013 Standard), that adequate intervisibility from each of the forward approaches along the local co. road towards the proposed new entrance exists, that satisfactory separation distances and intervisibility exists along the local co. road in this vicinity between the proposed new entrance and the few existing entrances (incl. the 3<sup>rd</sup> Party Appellant), and that improved local traffic safety will be enabled by the front boundary set back and treatment as proposed, and consistent with other domestic property road frontages locally. I weight reference to the PA's expressed view in this regard (see 16/09/2015). In my view, and contrary to the arguments made by the 3<sup>rd</sup> Party Appellant, 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 (ie. 'Design Manual for Roads & Bridges (DMRB)' & specifically Sect.TD 41-42/09 thereof, and that no obviously serious threat to traffic safety is apparent, consequent of the creation of a new single entrance directly off the local co. road at this location. In respect of deduction of appropriate 'sightline' visibility Standards, I note and accept as reasonable the distinction drawn by the applicant (c/o Stephen Ward – Town Planning (16/11/2015)), that whereas Table 7/1 of Sect. TD 41-42/09, references "Design Speed of Major Road", the local co. road passed the application site's E-frontage, and from which vehicular access is proposed, "is of local road classification only". Further, weighting reference to the local co. road's restrictive width & vertical & horizontal alignment, the road "clearly cannot accommodate high speeds & certainly not in order of 60kph +". I share the further distinction made by the applicant that, "the 80kph is a max. speed & not a target speed", and that directly consequential of the local road geometry passed the site (and regarding which the 3<sup>rd</sup> Party Appellant also argues concern), the actual speed travelled is less than the 80kph statutorily permitted. Under such circumstances, I understand that the NRA's Sect. TD 41-42/09 enables a reduced sightline in favour of the applicant. Further, in respect of the deduction of the 'design speed' of the local co. road passed the application site,



with consequent reasonable potential for reduced 'sightlines', I am inclined to the view that the 3<sup>rd</sup> Party Appellant appears to have incorrectly referred to the legal speed limit of 80kph, as the 'design speed' of the local co. road. Rather, as discussed and referenced above, the NRA Design Manual for Roads and Bridges (DMRB) enables that sight distances can be determined from the 'Design Speed' of the local co. road, as the receiving road, and which is generally established from the data collected in 'Speed & Traffic Surveys'.

Further, as discussed at 6(3) above, and contrary to the 3<sup>rd</sup> Party Appellant's objection, I assert that the provisions of Sect. 10.17 – 'Roadside Boundaries' (RD POL 41) and Sect.9.7.8 – 'Woodlands, Hedgerows & Trees' (NH POL 13 & NH POL 14) of the Co. Dev. Plan 2013, enable the removal and set back of the existing roadside boundary to the local co. road, having regard to the applicant's requirement for a new, safe entrance junction, and where for traffic safety reasons (ie. achieving sightline visibility). In my view the merits of the current application by Mr K. Gogarty, satisfactorily enables such flexibility. Further, I am inclined to the view that improved local traffic safety along the local co. road will be enabled by the front boundary set back and treatment as proposed, and consistent with similar set back improvements currently characterising the 3<sup>rd</sup> Party Appellant's own road frontage to the local co. road (see photographs no.3, 4 & 5). Consequently, significant improvements to the sightline visibility currently possible from the 3<sup>rd</sup> Party Appellant's own adjacent existing entrance, to the S along the local co. road, must reasonably be anticipated. In this regard I note that the 3<sup>rd</sup> Party Appellant herself acknowledges that her domestic entrance "is also burdened with poor lines of sight". Therefore, this traffic safety improvement will be both to the benefit of the 3<sup>rd</sup> Party Appellant and the 'public good'. Accordingly, I am inclined to the view as reasonable, that the proposed development itself, and albeit by consequence, resolves an existing unsafe situation improving visibility & safety for all users of the road passed the application site.

Having pointed out that 2no. gateways already exist onto the site (ie. just S of proposed new entrance – see photograph no. 4), the 3<sup>rd</sup> Party Appellant references as unclear, the applicant's intentions with respect to these entrances / gateways once construction of the new entrance is complete (pending PP). One of these existing entrances (ie. the most southerly) is clearly gated and used as an agricultural entrance (see photographs no. 4 & 7). The other, located between the gated

agricultural entrance and the location of the proposed new entrance, is overgrown and barely visible. The 3<sup>rd</sup> Party Appellant describes this entrance as overgrown, with the gateway consisting of 2no. stone gateposts & a traditional iron gate, "... historic features & date back many decades".

Having regard to the information submitted by the applicant with all of the initial application documentation (see Keith Ludlow Assoc. – 25/07/2015), and with the response to the 3<sup>rd</sup> party Appeal (see Stephen Ward –Town Planning – 16/11/2015), I note that no motivation is made for use of the application site itself for agricultural purposes, with assoc. use of the existing gated entrance. Rather, in her appeal submission, the 3<sup>rd</sup> Party Appellant expresses concern re. future road / vehicular access to the remaining portion of the 'Gogarty' family landholdings to the N of the application site & her own property. In response, I note the applicant's confirmation that the new entrance would enable access to the rest of the 'Gogarty' family landholding, for whatever purpose. On the limited information available in this regard, I am left to conclude that the existing gated agricultural entrance, would serve no purpose to the applicant, and by extension to the 'Gogarty's'. With respect to the 2<sup>nd</sup> entrance currently overgrown, & weighted with local heritage significance by the 3<sup>rd</sup> Party Appellant, I note that the applicant's 'Archaeological Impact Assessment' Report prepared by 'Archer Heritage Planning' (archaeologists), confirms "there are no recorded monuments on site" and that the Co. Dev. Plan 2013 confirms there are no 'Protected Structures' on site (ie. in addition to the conclusion that "there is no impediment to the proposed dev. taking place on archaeological grounds"). This is further confirmed by the PA re. 'vernacular heritage issues', such that existing ruins onsite "are not protected under any legislation, and are in a bad condition". In the interests of traffic safety therefore, I am inclined to the view that the existing suite of Conditions attached by the PA be supplemented, restricting vehicular access onto the site to one point only (ie. as proposed), and requiring closure of the existing 2no. entrances', and consolidation of those spaces with boundary treatment proposed along this frontage.

Accordingly, in my view, having had careful regard to all of the information available, satisfactory compliance has been achieved with the relevant traffic safety Standards set out in each of the Meath Co. Dev. Plan 2013 and the 'NRA Design Manual for Roads and Bridges (DMRB)', and that no obviously serious threat to traffic safety is apparent, consequent of the creation of a new domestic vehicular entrance directly off the local co. road at this location.

Satisfactory effluent treatment and disposal is a serious challenge facing the applicant. The 3<sup>rd</sup> Party Appeal emphasises this challenge. 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 05<sup>th</sup> Jan. 2010). The EPA 2009 requirements are relevant to consideration of the current application.

I have given careful regard to the EPA “Site Characterisation & Assessment” report on file (ie. ‘Site Characterisation Form’), conducted by EURGEOL – Dr. Robert Meehan, B.A., PhD., PGeo. (dated 22/07/2015), and submitted as part of the initial application documentation. This report was supplemented by a letter from Dr. R. Meehan (dated 12/11/2015), submitted in response to the 3<sup>rd</sup> Party Appeal (see Appendix G).

I have further had regard to my own observations made at the time of physical inspection, where test ‘trial’ and ‘percolation’ holes were no longer clearly evident (ie. had been covered up – see photographs no. 08 & 09) and to the topographical, environmental and drainage characteristics of the site observed at that time, most notably the absence of any standing water collection generally on the site (this after rains), and poaching (having regard to evidence of grazing of livestock on site). Consequently, I was unable to accurately verify what appear to be satisfactory at least ‘T’- Value (ie: 10.2) and ‘P’ – Value (ie: 13.5) results, as well as the reported ‘Trial Hole’ Results – “neither bedrock nor the water table was met in the trial pit, at 1.5m below ground level”. I note the ‘Trial Hole’ photographs included with the report, and I have verified the shown classification of the site on the ‘GSI Vulnerability Map’ as ‘Moderate’.

Whilst no obvious ponding and standing water was evident, nor reeds and hydroponic type vegetation, surface soil conditions generally on site were firm under foot. I note this as clearly consistent with Dr. Meehan’s own observations – “the fields surrounding the site are firm & even. Poaching was not evident”. Accordingly, and weighting reference to the stated ‘no objection’ by the Co. Water Services Sect. (see 27/08/2015), who it would appear had sight of both the on-site ‘trial’ and ‘percolation’ holes, and to the complete site characterisation report), I accept that these indicate satisfactorily site suitability for on-site treatment system and disposal to groundwater (ie: within the acceptable range set out in both of the previous statutory SR6:1991 as well as the more comprehensive EPA Guidelines 2009 for single houses). In this regard, on the information available, I deem the

applicant's proposed 'site improvement works' incl. installation of "a precast concrete twin chamber septic tank with 4m<sup>3</sup> capacity" and "polishing filter area", as reasonable mitigation intervention towards adequate ground water protection (ie. discharge method via. 'gravity'). I accept the conviction expressed by the applicant in this regard, and of the Co. Water Services Sect. (see 27/08/2015), who whilst stating 'no objection', recommended compliance with Conditions addressing - construction & layout of the on-site WWTS & percolation area; the certification of layout & construction of the 'soil polishing filter' & the required 'annual maintenance agreement' with system supplier. Weighting reference to Co. Dev. Plan 2013 Policy RD POL46, I share the conviction expressed by each of the PA and the applicant that acceptable wastewater treatment & disposal facilities can be provided at the site has been demonstrated, in accordance with the proper planning & sustainable development of the area.

The 3<sup>rd</sup> Party Appellant's sustained arguments re. the danger posed to her own private well (ie. potable water supply source) from the proposed single house development, appear rooted in two argued inaccuracies in the applicant's 'Site / Soil Suitability Report'. In the first instance, she argues "I do not believe that the test holes dug, tested & photographed in the applicant's 'site / soil suitability report' were dug or tested in the locations indicated on the diagram on pg.16 of the report". Secondly, she argues that "... the site as outlined in the diagrams / maps on pg. 16 of the 'site / soil suitability report', is inconsistent with that outlined in the 'site location map' (ie. pg.5 of site / soil report states "the site is currently unbounded to the north"; & rather, the 'site location map' clearly indicates "the hedge surrounding my property forms a partial boundary to the N of the proposed site"). Consequent of these argued inaccuracies, she asserts "I have no faith in the conclusion of the report, on pg.6, that "wells in the area are not considered to be at risk", nor in any of the assessments made of the soil characteristics of the proposed polishing filter area on pp. 8-17 of the report";

In response to the argument that the 'trial' & 'test' holes were not dug, as indicated in the 'Site Characterisation & Assessment' Report, I weight reference to the logical & contextual explanation outlined by Dr. R. Meehan (see letter dated 12/11/2015, submitted in response to the 3<sup>rd</sup> Party Appeal (see Appendix G)), as follows –

*"... there are no inaccuracies & no misrepresentations of the site. As the site was a sloping site in an area of well drained soils, a number of test holes were dug, at various points across the landholding, to ensure no discontinuities within the soil & subsoil profile & to make sure no*

*breakout occurred downslope. The location of the test holes as shown in the Site Characterisation & Assessment report relate to those dug on the site itself, however, as these relate to the design of the system on the site only*". I accept this logical & contextual explanation by Dr. R. Meehan as reasonable. Certainly, in my view, the 3<sup>rd</sup> Party Appellants arguments against the proposed development on these grounds cannot be sustained.

I note that in the same letter Dr. R. Meehan clarifies that having regard to the 3<sup>rd</sup> Party Appellant's arguments re. 'separation distances', that "the stream flowing along the W-boundary of the site will be 14m from the proposed septic tank & polishing filter area" (ie. a separation distance of 10m is required under the EPA Code of Practice 2009, & Policies RD47, RD48, RD49 & RD51 of Co. Dev. Plan 2013). Dr. R. Meehan then correctly confirms that the separation distance on site therefore more than meets that required.

Addressing the crux of what I understand as the 3<sup>rd</sup> Party Appellant's sustained concerns, Dr. R. Meehan concludes – "...I do not believe that Ms. Reid's well is at risk of contamination, as the well is over 100m up-gradient of the proposed septic tank & polishing filter. As stated in the 'Site Characterisation & Assessment' Report, this is therefore well outside the minimum required separation distances (15m for an up-gradient well, Groundwater Protection Responses of GSI/EPA/DoELG & the EPA Code of Practice (2009)). In fact, the 'Site Characterisation & Assessment' Report itself concludes re. 'wells' that :

*"As all the wells in the locality will therefore meet the required separation distances of the Groundwater Protection responses of GSI / EPA / DoELG & the EPA Code of Practice (2009), once the well on-site is bored at least 45m E of the proposed polishing filter area & this is installed exactly where specified in this report, none are deemed to be at risk from the proposed polishing filter area installation";*

Having regard to the above, I affirm my view that the 3<sup>rd</sup> Party Appellants arguments against the proposed development on these grounds cannot be sustained.

I weight reference to the comments made by the Co. Water Services Sect. (see 27/08/2015) re. 'water supply' to the application site. Whereas the applicant's application 'pro-forma' indicates water supply to be via 'public watermains', the Co. Water Services Sect. clarifies that "no public watermain available at the location of this proposed development". The 3<sup>rd</sup> Party Appellant affirms that no 'public mains' exist locally. Notwithstanding, stated "no objection to the proposed

development”, subject to stated Condition re. ‘water supply’ (see Condition No.12). Such Condition re. ‘water supply’ ensures agreement with the relevant authority for water supply, as to how the proposed dev. will be served with a potable water supply. Having detailed reference to the applicant’s EPA “Site Characterisation & Assessment” report, and it’s specification of potable water supply from “private well / borehole – to be bored on-site” (note. in itself consistent with the 3<sup>rd</sup> Party Appellant’s own source of potable ‘water supply’) I deem this as reasonable and consider Condit. No.12 be retained should the Board be mindful to grant planning permission. .

Having regard to all the above, and to the information available on the file, I am satisfied as to the capacity of the site’s ground and soils, to facilitate on-site effluent treatment and disposal without threat to public and environmental health, subject to compliance with the Conditions as recommended by the Co. Water Services Sect. (see 27/08/2015) re. construction & commissioning in accordance with the submitted site characterisation report & the EPA Code of Practice for Single Houses (p.e ≤ 10) 2009. Accordingly, I conclude that on the information available, the proposed single house development would have no serious threat to public and environmental health, and in this regard would be in accordance with the proper planning and sustainable development of the area. In my view, the sustained arguments submitted by the 3<sup>rd</sup> Party Appellant against the proposed development cannot be sustained.

(7) **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 1.36ha application site at Lisdornan, Bellewstown, Co. Meath, proximate to relevant Natura 2000 sites within a 15km radius (ie. primarily the ‘River Nanny Estuary & Shore SPA’ (Site Code 4158); whilst the ‘River Boyne & River Blackwater SPA & SAC’ (Site Codes 004232 & 002299); the ‘Boyne Coast & Estuary SAC’ (Site Code 1957) & the ‘Boyne Estuary SPA’ (Site Code 4080) are all within 15km); the nature and scale of the development proposed for ‘planning permission’ (ie. new single house with septic tank & polishing filter); to the separation distance and absence of a clear direct pathway to the nearest Natura 2000 sites; and weighting regard to the Stage 1 ‘Screening Report’ completed by ‘Roger Goodwillie & Assoc (c/o Roger Goodwillie – M.Sc., Member of the Chartered Institute of Ecology &

Environmental Management) – “Appropriate Assessment (AA) Screening Report”, dated November 2015, I am satisfied that the proposed development, will not adversely affect the integrity of any Natura 2000 sites proximate to the application site. In this regard, I note the weighted attention invested in the screening of the ‘*River Nanny Estuary & Shore SPA*’ (Site Code 4158, approx. 3.5km away by direct line & approx. 4.5km away by water), for potential impacts of the proposed development on the integrity of its conservation status.

I share the applicant’s conviction (c/o Roger Goodwillie – Roger Goodwillie & Assoc), and of the PA in this regard, and conclude that as the proposed development will have no ‘direct’ or ‘measurable indirect’ impacts on the River Nanny Estuary & Shore (SPA), or any other Natura 2000 site within a 15km radius, no significant impacts on the qualifying interests of these sites are likely. Accordingly, and contrary to the sustained conviction argued by the 3<sup>rd</sup> Party Appellant, I conclude that progression to 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 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 availability of relevant planning history, and of the pattern of development in the vicinity, it is considered that, subject to compliance with the Conditions set out below, the 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:**

- (01) The development shall be constructed in accordance with the plans and particulars lodged with the Planning Authority on 30/07/2015 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 the proper planning and development of the area.

- (02) (a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing back planted with hedgerow of species native to the area.
- (b) Prior to commencement of development, a landscape plan prepared by a qualified professional shall be submitted for the site.
- (c) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** To protect the visual amenity and natural heritage of the area.

- (03) (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period of at least seven years thereafter. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- (04) (a) The onsite system proposed shall be constructed in accordance with the recommendations contained in the Environmental Protection Agency Guidelines, 2009. Certification from the designer, manufacturer or the supplier that the complete



wastewater treatment and disposal system has been satisfactorily designed, installed and commissioned to accord with the provisions of the EPA, Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses, 2009 and the site characterisation report submitted on 30/07/2015, shall be submitted to the Planning Authority prior to occupation of the house. The certification shall include an as constructed cross sectional drawing through the proposed effluent treatment system and associated percolation area.

- (b) The installation and maintenance of this wastewater treatment system shall be such as to not give rise to any polluting matter entering any waters, tidal waters or any part of any river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial or any contiguous to those mentioned which for the time being is dry.

**Reason:** In the interests of public health and to provide for the protection of the environment.

- (05) The applicant shall provide and arrange for the continuous and indefinite maintenance of the entire wastewater treatment system installed which shall be maintained in accordance with the manufacturer's instructions.

**Reason:** In the interests of public health and to provide for the protection of the environment.

- (06) (a) The external finish of the dwelling shall be as shown on the plans submitted on 30/07/2015 unless otherwise agreed in writing with the Planning Authority. The use of brick or reconstituted stone or shall not be permitted.
- (b) The roof of the dwelling shall be dark brown, dark grey, blue / black or other colour agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In the interests of visual amenity.

- (07) Vehicular access onto the site shall be restricted to one point only. The entrance to the site shall be as per the access arrangement detailed on the Site Layout Plan submitted to the Planning Authority on the 30/07/2015. Sight distances shall be maintained as per details submitted on the Site Layout Plan submitted to the Planning Authority on the 30/07/2015. Where necessary, in order to achieve sight distances, the existing roadside boundary shall be removed and a new boundary treatment constructed in accordance with the Planning Authority's requirements. The existing 2no. entrances along the sites

frontage shall be closed, and consolidated with new boundary treatments, in accordance with the Planning Authority's requirements. The gates shall open inwards only.

**Reason:** In the interest of traffic safety, of visual amenity and of orderly development.

- (08) Existing road drainage shall not be impaired by the proposed development and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road side water run-off.

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

- (09) During the construction phase, best available technology not entailing excessive cost shall be employed by the developer to minimise noise from the construction operations and shall have regard to BS 5228:1997 "Noise Control on Construction and Open Sites".

**Reason:** In the interest of public health and residential amenity.

- (10) No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

**Reason:** In the interest of orderly development.

- (11) During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles / trucks. There shall be no parking along the public road.

**Reason:** In the interest of traffic safety.

- (12) The Applicant / Developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage forthwith to the satisfaction of Meath County Council.

**Reason:** In the interests of the proper traffic management of the area.

- (13) All waste generated during construction, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste License or Waste Permit in accordance with the Waste Management Acts, 1996 to 2008. This

shall not apply to the reuse of excavated material within the applicant's site boundary.

**Reason:** In the interest of public health.

- (14) There is no public watermain serving the area. Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised site layout plan whereby a private well is clearly shown as per the recommendations of the Site Characterisation Report submitted on 30/07/2015.

**Reason:** In the interests of proper planning and sustainable development.

- (15) (a) Prior to the commencement of development, the applicant is required to engage the services of a suitably qualified archaeologist to assess the areas of archaeological potential and to monitor all groundworks associated with the development.
- (b) Should archaeological material be found during the course of the monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- (c) The Planning Authority and the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects or archaeological interest.

- (16) The developer shall pay the sum of Roads €7,837.16 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 securing to ensure payment in full is agreed in writing with 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 1<sup>st</sup> 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.

- (17) The developer shall pay the sum of 6,963.75 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 31<sup>st</sup> 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 1<sup>st</sup> 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**  
**09/02/2016**