



An
Bord
Pleanála

Inspector's Report PL17.247149.

Development	House, proprietary waste water treatment unit and percolation area, stable building, new entrance gateway, setting back of fence line, 2 no. passing areas to the public road.
Location	Rathnally, Trim, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA151269.
Applicant(s)	Deborah Gilbert.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Patrick and Mary Burns.
Observer(s)	None.
Date of Site Inspection	10 th November 2016
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (2.29 ha) is located approximately 3 kilometres northeast of the historic town of Trim. Accessed by way of a local third class road which runs southwards from the R161 (Trim-Navan Regional Route). The landscape area is designated as being of 'exceptional value and international importance' within the Meath County Development Plan 2013 – 2019.
- 1.2. The site is located on the western side of local road (L-80171) which is a narrow winding road circa 3.5 metres in width. The site is flat and is currently under grass and used for pasture. A line of mature trees run along the front boundary of the site, adjacent to the roadway. These trees are subject to a Tree Preservation Order TPO 1/78. A circa 2 foot high stone wall runs along the northern boundary of the site. The remaining site boundaries comprise of hedgerow interspersed with mature trees. An open ditch runs along part of the southern boundary.
- 1.3. The site and its surroundings are located within the demesne of Rathnally House (Protected Structure MH37-104). The road serves a number of dwellings along its alignment including a number of period late 18th century buildings incl. Rathnally Mill House (Protected Structure MH37-105) and the Mill buildings located immediately adjacent to the appeal site on the opposite side of the road.
- 1.4. There are a number of dwellings located to the east of the site including one directly opposite the site which accesses onto the local road. A dwelling house is also located to the immediate south of the southern boundary of the site. A dwelling and stables is located to the immediate northwest of the site and this dwelling house is set back from the public road. It appears from the information contained on file that this dwelling house, to the north west, is the applicant's family home. Lands adjacent to the western boundary accommodate agricultural land.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of:
 - Two storey detached four-bedroom dwelling house, 311 square metres in size
 - Garage 38.5 sq. m

- Proprietary waste water treatment unit and percolation area,
- Single storey stable building containing garage/boiler, tack room, feed store 85.4 square metres in size
- 4 no. stable boxes with roof mounted solar panels to the south.
- Dungstead and soiled water tank,
- New entrance gateway,
- Setting back of fence line along with the provision of 2 no. passing areas to the public road,
- New driveway/access road,
- All associated services, service connections, landscape and site development works.
- A screening report for Appropriate Assessment (AA) was submitted

2.2. The proposed dwelling house design is identical to that proposed on foot of PL17.244312 / Reg. Ref. TA140337 and PL 17.240590 / TA120127. The dwelling with stables to its rear is located in the southern portion of the site and set back from the road frontage in excess of some 70m. The dwelling faces eastwards and incorporates a pitched roof rising to a ridge height of just under 9 metres. The architectural form of the dwelling house is rectangular and traditional. To the rear of the dwelling house four stables together with a tack room and a garage are located around the central lawn area to form a courtyard. The proposed dwelling house is to be served by a proprietary wastewater treatment plant which is located to the northeast of the dwelling house.

2.3. The access point is located centrally along the eastern road frontage approximately 45 metres south of the previous proposal. PL 17.240590 / TA120127 and approx. 10m southwards of PL17.244312 / Reg. Ref. TA140337. The access point relocation is the only significant alteration to that previously refused by the Board.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Additional Information with respect to clarification of extent and number of trees proposed to be removed along the road frontage in order to achieve sightlines and thus impact upon TPO 1/78, planning permission was granted subject to 20 number conditions. Conditions of note include:

Condition 4: requires that the entrance detail and setting back of the front site boundary (post and wire fence) shall be located and carried out as shown on site plan drawing submitted on 25/01/16. Any proposed gate shall open inwards and shall not open out onto the roadway.

Condition 5. Two number hardcore passing bays shall be provided as illustrated on the submitted site layout plan received on the 25/01/16

Condition 6. The recommendations of the Arboriculture Report received on the 14/07/16 shall be fully complied with.

Condition 7 Prior to the commencement of development a landscaping scheme shall be submitted to the p.a. for written agreement...

Condition 10. Requires that an archaeologist be retained to monitor all topsoil stripping ...

Condition 15. Seven-year occupancy condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planners Report outlines the response to A.I. and notes that the Arborist report prepared by The Tree File Ltd which concludes that the proposed development would result in minimal impact on the existing trees with a small number of tree losses.

Road Design Report: It sets out that the applicant appears to have addressed the issues in previous application. It states that 'the applicant must remove existing post and wire fence along full frontage of the site and relocate new fence along the

existing treeline. Applicant must provide 2 hardcore passing areas either side of the proposed new access as shown on layout, otherwise no objection...’

Conservation Officer: I note the Conservation officers report on file is dated 2014 and refers to TA/140337 the previous application (refused) on the appeal site. However, given the similarities of the subject proposal and that proposed by way of TA/140337, no change in CDP policy, the report is of relevance. It sets out the sensitivity of the landscape character at this location, the policies set out in the County Development plan which seeks to preserve and protect architectural heritage and landscape and planning history of the area.

3.3. Prescribed Bodies

File referred by the planning authority to the DAU and An Taisce – no reports were received.

File referred by An Bord Pleanala to An Comhairle Ealaion and Failte Ireland – no reports were received.

3.4. Third Party Observations

Objection submitted to the planning authority raises similar concerns to those raised in the third party appeal summarised in detail below.

4.0 Planning History

The Board will note that the proposed development is almost identical to the planning application refused by the Board under PL 17.244312 (see file attached). With the exception of the entrance being moved some 10m to the south along the local county road

- 4.1.1. PL 17.244312 (2015) relates to a first party appeal and a third party appeal against the decision of Meath County Council to issue notification to refuse planning permission for the construction of a two-storey dwelling house, a wastewater treatment plant, stable buildings and new access point onto a public road in the townland of Rathnally, County Meath. The access arrangement proposed is similar to that proposed in the subject instance. A first party appeal was lodged by the

applicant against the decision of Meath County Council to issue notification to refuse planning permission. A second appeal was lodged by a third party arguing that planning permission should have been refused for more comprehensive reasons other than those cited by the planning authority.

Planning permission was refused for one number reason, which states: 'The proposed development would endanger public safety by reason of traffic hazard as the site fronts onto a narrow substandard road at a point where visibility is restricted and traffic movements generated by the development would, therefore, interfere with the safety of traffic on this road'.

- 4.1.2. Under PL 17.240590 (2013) planning permission was sought for the construction of a dwelling house of identical design to that currently sought under the current application and appeal. The access was however proposed further north than that of the subject appeal case, similar to that proposed in 17.235825

Meath County Council refused planning permission for a sole reason relating to the issue of traffic hazard by reason of the extra traffic generated in a rural area served by a very poor substandard road network. Again this decision was subject to a first party appeal. The Board upheld the decision of the planning authority and stated that the proposed development would endanger public safety by reason of a traffic hazard as the site fronts onto a narrow and substandard road at a point where visibility appears restricted and the traffic movements generated by the development would therefore interfere with the safety of traffic on this road.

- 4.1.3. Under PL 17.235825 (2010) planning permission was sought for the construction of a dwelling house, together with a new access point, proprietary wastewater treatment system and horse stables to the rear of the dwelling house on the site in question. The dwelling house and stables were located in a position immediately north of the current application. The access point onto the public road was also located at a point north of the existing entrance. Meath County Council issued notification to refuse planning permission on the grounds that the proposed development was located in an exceptional landscape value of high sensitivity and the proposal would significantly detract from the landscape setting. The second reason for refusal stated that taken together with other development, both existing and permitted along the substandard narrow road the proposed development would

create a traffic hazard by reason of the extra traffic generated in a rural area served by a very poor substandard road network. The decision was subject to a first party appeal and the Board upheld the decision of the planning authority in refusing planning permission on the grounds of the impact of the proposed development on a site which is of high visual and historic sensitivity. The Board also refused planning permission on the grounds that the proposed development would constitute a traffic hazard being located on a narrow and substandard road. The Board also added additional reason stating that it is considered that the applicant does not come within scope of the criteria for rural generated housing need at this location.

5.0 Policy Context

5.1.1. Sustainable Rural Housing Guidelines for Planning Authorities

The guidelines refer to criteria from managing rural housing requirements while achieving sustainable development. Among the policy aims identified for sustainable rural housing are

- Ensuring that the needs of rural communities are identified in the Development Plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas at appropriate location necessary to sustain rural communities is accommodated.
- Expanding on the rural policy framework set out in the National Spatial Strategy, the Guidelines provide that the people who are part of the rural community should be facilitated in the planning system in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with the physical surroundings and be generally compatible with:
 - The protection of water quality and the arrangements made for on-site wastewater disposal facilities.
 - The provision of a safe means of access in relation to road and public safety.
 - The conservation of sensitive sites such as natural habitats, the environs of protected structures and other aspects of heritage.

5.1.2. Architectural Heritage Protection – Guidelines for Planning Authorities

These guidelines promote the principle of minimal intervention. Section 13.5 of these Guidelines state that inappropriate development within the curtilage of a protected structure can be detrimental to the character of that structure. The Guidelines also state that new construction which interrupts the relationship between a protected structure and ancillary buildings should not be permitted.

5.1.3. Development Plan

The site is governed by the policies and provisions contained in the Meath County Development Plan 2013-2019. Section 10.2 relates to rural settlement strategy. The overall goal is to ensure that rural generated housing needs are accommodated in areas where they arise subject to satisfying good practice in relation to site location, access drainage and design requirements and that urban generated rural housing needs should be accommodated within built up areas or land identified through the development plan process. The subject site is located in an unzoned area of rural County Meath.

Under map 10.1 Rural Area Types the County Development Plan categorises the appeal site and surrounding area as being an area under low development pressure.

Section 10.4 sets out criteria in relation to persons who are considered to form an intrinsic part of the rural community.

Section 10.5 sets out Development assessment criteria

Chapter 9 relates to cultural and natural assets: CHPOL10 seeks to conserve and protect the architectural heritage of Meath.

LC OBJ 1 seeks to ensure the preservation of the uniqueness of all landscape character types and to maintain the visual integrity of areas of exceptional value and high sensitivity.

CHPOL 10 – To preserve and protect the architectural heritage of Meath

CH OBJ 22 To discourage development that would lead to a loss of, or cause damage to, the character, the principal components of, or the setting of historic parks, gardens and demesnes of heritage significance

CH OBJ 23 To require that proposals for development in designed landscapes and demesnes include an appraisal of the landscape, designed views and vistas, and an assessment of significant trees or groups of trees, as appropriate.

5.2. **Natural Heritage Designations**

The site is located within the Landscape Character Area of the Boyne Valley an area considered to be of exceptional value and international importance.

The River Boyne and River Blackwater SAC site code: 002299 is located approx. 10 m from the application site. A minimum buffer zone of approx. 100m is afforded from the appeal site boundary to the River itself.

A screening report for Appropriate Assessment (AA) prepared by Rowan Engineering Consultants Ltd. has been submitted with the planning application.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Planning History
 - Three previous refusals of planning permission pertaining to the site.
 - Reasons for refusal have not been overcome.
 - No material changes since most recent decision to refuse by the Board.
- Negative impact upon Sensitive Landscape setting
 - Negative impact upon Historical Demesne Setting
 - Negative impact upon Boyne Valley corridor and rural setting
 - Landscape Character Assessment is of particular significance
 - It is policy to maintain the visual integrity of sensitive and exceptional – high value landscape areas

- Unacceptable conflict with policy stated in the current County Development Plan.
- Negative upon appellants dwelling
 - Proposed house is orientated towards the appellants dwelling with a related separation distance of 90m
 - The proposed siting of a hardcore parking lay-by directly opposite the appellants residence, a protected structure, is considered particularly insensitive.
- Access
 - Wide and high metal gated site access inappropriate
 - Proposed lay-bys located outside of the delineated site boundary is not an appropriate planning matter for the Boards adjudication.
 - Revisions to the site access as proposed do not overcome the base issue of the substandard nature of the existing public access road.
- Traffic Hazard
 - Size and intensity of the equine stables would give rise to traffic movements which would interfere with the safety of traffic on the public road.
 - Public access road is seriously substandard by reason of its single carriageway width and its contiguous narrow winding nature with restricted sightlines.
 - Proposal would endanger public safety arising from traffic generation
- Roadside Trees
 - The general condition of trees on the site is classified as 'good' by reference to the applicants specialist consultant Arboricultural Report.
 - Tree Preservation Order for road side trees which contribute to the local landscape environs.
 - Removal of trees would have a negative impact on the visual integrity and unique landscape quality of the area.

- Principle of removing trees listed for preservation is fundamentally wrong

Appeal accompanied with:

- Planning Authority planning reports.
- Notification of decision to grant planning permission TA151269
- Photograph

6.2. Applicant Response

6.2.1. A response was submitted by Sean Lucy & Associates on behalf of the applicant Deborah Gilbert, it is summarised as follows:

- Current application unchanged from the previous with the exception of alterations to the entrance.
- All issues relating to previous refusals on the site have been overcome bar the reason for refusal cited in the most recent decision of An Bord Pleanála PL17.244312
- The planning History of the site has addressed matters pertaining to local need, wastewater treatment, the impact upon the environment and the design and location of the proposed dwelling
- Submit that the parties to the appeal accept that all matters in respect of:
 - The applicants local need,
 - The ability of the site to be serviced by a wastewater treatment plant, and
 - The fact that the relocated, redesigned proposed dwelling house will have no impact upon the protected structures in the area.

Have been comprehensively assessed to the satisfaction of Meath County Council and An Bord Pleanála.

- Currently there is no direct access to the site
- Disagree with the appellant's contention that the issue in this instance is the substandard nature of the public road

- To facilitate the relocation and repositioning of a new entrance in line with the Road Design Department it is inevitable that there would be some minor impact upon the mature tree population which forms the boundary between the appeal site and the public road.
- The applicant is happy to comply with the conditions in respect of the provision of a safe means of access to a dwelling on the appeal site.
- Expert studies of traffic movements along this road have been carried out.
- The entrance if permitted will operate within the existing public road environment;
 - The expert studies show that the traffic movements in and around the site average at 15 trips per day
 - A seven-day traffic survey identified the average speed of traffic on the road outside the appeal site to be 28.2 kph south bound and 28.7 kph northbound whilst the maximum vehicular speed recorded passing the site was 46.4 Kph
 - The statistical probability of a car exiting the appeal site meeting an oncoming vehicle at the entrance is 36 to 1.
 - Evidence of a lightly trafficked, low speed road.
- This is the only remaining option available to the applicant to create an entrance to this site, all other options, at gap locations within the treeline, have been exhausted.
- The proposal would result in minimal interference with the existing trees along the boundary and all those removed will be replaced with replacement planting located at an existing gap in the trees to the north of the entrance.
- Any loss will be mitigated with significant planting at an alternate location.
- Only 3 number trees are to be removed to create the site entrance.
- The Arborist report identifies some 8 number trees that are in 'poor' condition along the roadside boundary.

- Intervention is always a possibility in order to maintain a healthy tree population. Carried out in a sympathetic and judicious manner does not impact significantly upon the integrity of the existing scenario.
- Low level planting and further screening would screen the proposed development from Mill House and the public road.

6.3. **Planning Authority Response**

- Response received no new relevant information. The planning authority is satisfied that all matters outlined in the appeal were considered in the course of its assessment.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Principle of the Development and Compliance with Policy**
- **Access and Traffic Safety**
- **Removal Of Trees and Impact Upon Unique Landscape Quality**
- **Appropriate Assessment**

7.2. **Principle of the Development and Compliance with Policy**

7.2.1. The Board will note that the proposed development is almost identical to the planning application refused by the Board in May 2015, under PL 17.244312, to the same applicant Deborah Gilbert, see 'Planning History' Section 4.0 of this report, above. The proposed development differs only in terms of the proposed access. The issue of access and traffic safety will be assessed in greater detail in the succeeding section of this report.

- 7.2.2. In the case of PL 17.235825, decision date 2010, An Bord Pleanála refused planning permission for three reasons which related to traffic safety, housing need and the impact of the proposal on the setting and character of protected structures in the vicinity. The first party argues that by way of subsequent applications, namely PL17.244312 / Reg. Ref. TA140337 & PL 17.240590 / Reg. Ref. TA120127, matters pertaining to local need, wastewater treatment, the impact upon the environment and the design and location of the proposed dwelling have been addressed. It is submitted that all issues relating to previous refusals on the site have been overcome bar one reason for refusal, relating to traffic, cited as the only reason for refusal, in the most recent decisions of An Bord Pleanála PL17.244312 and PL 17.240590.
- 7.2.3. In relation to the issue of housing need, I agree with the Inspectors assessment in respect of PL17.244312 that the applicant has adequately demonstrated a genuine housing need in accordance with the criteria set out in the Meath County Development Plan. There has been no material change in circumstances since the previous refusal on the appeal site. Unchanged applicant, Development Plan, nature of development, design and similar layout.
- 7.2.4. In relation to the impact of the proposal on the setting and character of protected structures, under the two previous applications which proposed an identical design and layout of dwelling house and stables to that currently proposed, the Board did not cite this issue as grounds for a reason for refusal.
- 7.2.5. The site of the proposed house is situated in the Demesne of Rathnally House a protected structure (MH037-105) opposite Rathnall Mill House (MH037-104). I agree Rathnally house, its walled garden, Rathnally Mill House and the ruins of the mill on the Boyne River edge 'form an attractive group of demesne related structures in an exceptional landscape setting', (ref: Conservation officers report attached to the file). The site is located within the Landscape Character Area of 'the Boyne Valley', an area considered to be of exceptional value and international importance. The Meath Development Plan states that 'this area is highly sensitive to most categories of new

development, particularly housing (including one-off) large agricultural structures, extractive industries, afforestation, masts or other tall structures, windfarms, forestry and undergrounding of cables. There is some capacity to facilitate re-use of existing buildings (including derelict agricultural buildings) and to provide visitor facilities.’ The following policies and objectives of the Meath County Development Plan are relevant to the consideration of this application: CH POL 10, CH OBJ 22 and CH OBJ 23, see section 5.1.3 of this report above for full detail. Also LC OBJ 1 seeks ‘to ensure the preservation of the uniqueness of all landscape character types and to maintain the visual integrity of areas of exceptional value and high sensitivity’.

7.2.6. I note the Inspector in his consideration of PL17.244312 considered that the overall layout, scale and design of the proposed dwelling house and the associated stables are acceptable in the context of the existing historic setting, regard being had to the Conservation Officers report which noted that “the house design currently proposed accords with the Meath Rural Housing Design Guide and is generally sympathetic to the character of nearby protected structures. Its location on the site minimises the impact on nearby walled garden of Rathnally House and the strengthening of the boundary landscaping along the roadside should reduce the visual impact on the setting of the Mill House.”

7.2.7. It is evident from the Board’s previous decisions PL17.244312 and PL 17.240590 and from Meath County Council’s current decision that it is not considered that the proposed dwelling and stables would adversely impact on the character and setting of existing protected structure. I agree this conclusion is reasonable and therefore I do not consider that this issue constitutes reasonable grounds for refusal.

7.3. **Access and Traffic Safety**

7.3.1. A number of planning applications have been made by Ms Gilbert on this site, all of the preceding applications were refused on grounds of endangering public safety by reason of traffic hazard. In the most recent case PL17.244312 Planning permission was refused for one number reason, which states:

'The proposed development would endanger public safety by reason of traffic hazard as the site fronts onto a narrow substandard road at a point where visibility is restricted and traffic movements generated by the development would, therefore, interfere with the safety of traffic on this road'.

7.3.2. The first party seeks to overcome this reason for refusal and a revised access is proposed in line with the recommendations of the Road Design Department of Meath County Council as expressed in their report on foot of Reg. Ref. TA140337 (previous application). It is proposed to relocate the entrance further south away from the entrance to Rathnally House, to increase the sightline towards Trim. It is proposed to removed three trees and fence line to the south for 38m to improve sightlines in that direction. Two pull in areas for passing each side of the entrance to the west side of the road are proposed. I note that lands within the applicant's family ownership.

7.3.3. While the proposal addresses the issues raised in the previous refusal of permission with respect to sightlines and restricted visibility, I note the third party contention that the 'base issue' in this instance is the substandard nature of the public road and that the provision of safe access to and from the public road is the primary issue.

7.3.4. The roads and traffic assessment carried out along this road indicates that it is a very lightly trafficked, low speed road. The planning authority are of the opinion that the road is heavily trafficked by reason of the level of one off housing along its length. From observations made during my site visit I do not dispute this assertion. Given the proposal for a substantial house in excess of 300 sq. m and ancillary buildings including fours number stables I have concern with respect to generation of additional traffic levels and turning movements along a particularly poor substandard stretch of this roadway.

7.4. Removal Of Trees and Impact Upon Unique Landscape Quality

7.4.1. .The County Development Plan indicates that surveys carried out detail the location of notable trees in County Meath classified according to the nature of their heritage value and recommends that these trees be afforded protection by Meath County

Council under TPOs. There is a Tree Preservation Order (TPO) at this location as per the Meath County Development Plan 2013 – 2019. As set out above, in the preceding section of this report, Rathnally House, its walled garden, Rathnally Mill House and the ruins of the Mill on the river's edge form an attractive group of demesne related structures in an exceptional landscape setting

- 7.4.2. TPO 1/78 relevant to the trees in the area of Rathnally includes the subject appeal site. The proposed development seeks to remove a section of said trees and fence line, to the south of the proposed access, for approx. 38 m to improve sightlines.
- 7.4.3. An Arboriculture Report, carried out by The Tree File Consulting Arborists, was submitted by way of additional information. This report sets out that three number early mature beech trees are to be removed and lost. It contends that the impact of the development on the site population is considered minimal and of little visual significance. Equally in light of the 'broadly' young age of the group of the trees affected. It is asserted that suitable replacement planting could readily compensate for such losses. It is proposed to provide replacement planting to both the north and south of the eastern boundary entrance area as well as additional and under-planting to the eastern boundary intending to improve screening values that would combine to compensate for the trees lost.
- 7.4.4. The first party submit that were there any other option, creation of a new entrance and removal of boundary trees would not be sought. However, it is submitted all other avenues, such as gaps in the tree line further to the north, have been exhausted.
- 7.4.5. Regard being had to policies and objectives CH POL 10 and CH OBJ 22 of the County Development Plan 2013 – 2019, see section 5.1.3 of this report above for full detail. To the fact that this area is designated as an area of 'exceptional value and international importance' and is 'highly sensitive', LC OBJ 1 refers. To the proposal to remove a section of trees and fence line which includes trees subject to a TPO. To

the proposal to erect metal gates, railing and posts up to 1.9m in height for a distance of some 10 m. That the proposal would result in a significant erosion of the landscape character and would unacceptably conflict with policy and objectives of the current County Development Plan and set a negative precedent.

7.5. Appropriate Assessment (AA)

- 7.5.1. I note that the issue of appropriate assessment has been dealt with in the two previous inspector's reports relating to the site (PL.17.244312 & PL 17.240590).
- 7.5.2. The site is located within 10 metres of the River Boyne and River Blackwater SAC. The river Boyne terminates in Drogheda where the Boyne Estuary is classified as both an SAC and SPA.
- 7.5.3. As in the case of the previous applications the applicant has submitted an Appropriate Assessment Screening Report which assesses the potential impact of the proposed development on the qualifying interests associated with the River Boyne and Blackwater SAC. The report submitted with the application is not a Natura Impact Statement, but rather an appropriate assessment screening report, notwithstanding the fact that the report in question is entitled "Natura Impact Statement".
- 7.5.4. The qualifying interest associated with the Natura 2000 sites include the Annex 1 habitats of alkaline fen alluvial woodlands and a number aquatic species associated with the River Boyne including the Atlantic salmon, otter and river lamprey. The general conservation objective associated with the Natura 2000 sites is "to maintain or restore the favourable conservation condition of Annex 1 habitats and/or Annex 2 species for which the SAC is being selected".
- 7.5.5. The proposed development involves the construction of a two-storey dwelling house to be served by a proprietary wastewater treatment system, together with four

stables. I note that the previous inspector's report (PL17.244312) considered that the appropriate assessment screening report submitted with the application adequately demonstrated that the proposed development would not represent a threat to the integrity of the qualifying interest associated with River Boyne and Blackwater SAC.

- 7.5.6. The only potential threats arising from the development relate to the proprietary wastewater treatment system and the dungstead associated with the stables located on site.
- 7.5.7. I agree that based on the information submitted with the application that the proprietary wastewater treatment system will function appropriately and will not give rise to any groundwater or surface water pollution. The suitability of the site has been assessed and is deemed to be acceptable to accommodate a wastewater treatment plant. There is an adequate buffer zone between the proprietary wastewater treatment and the River Boyne. The buffer zone between the two is estimated at 170 metres. Furthermore, details submitted with previous applications indicate that the groundwater flow is generally in a southerly direction away from the River Boyne.
- 7.5.8. Therefore, having regard to the general suitability of the site, the direction of groundwater flow and the buffer zone between the percolation area and the River Boyne it can be reasonably concluded, based on the precautionary principle that adverse impacts on the aquatic qualifying interests associated with the SAC can be ruled out.
- 7.5.9. The only other potential source of pollution that could occur which could potentially impact on the SAC relates to the dungstead associated with the proposed stables. I agree with the Inspector in his assessment of PL17.244312 that in the event of planning permission being granted, a condition could be attached ensuring that the dungstead in question is watertight and that any slurry spreading from the dungstead be done so in accordance with the most up-to-date European Community (Good Agricultural Practice for the Protection of Water) Regulations (SI 31 of 2014).

7.5.10. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development by reason of removal of trees and fence line which include trees subject to a Tree Preservation Order (TPO 1/78) would result in significant erosion of the landscape character of the area designated of 'exceptional value and international importance' and 'highly sensitive', and, would thereby unacceptably conflict with policies and objectives CH POL 10, CH OBJ 22 and LC OBJ 1 of the Meath County Development Plan 2013 – 2019, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Fiona Fair
Planning Inspector

23/11/2016