



An
Bord
Pleanála

Inspector's Report PL17.247777

Development	House, proprietary waste water treatment system and all ancillary site works
Location	Oberstown, Tara, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA/161081
Applicants	Andrew & Patricia McManus
Type of Application	Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellants	Andrew & Patricia McManus
Observer(s)	None
Date of Site Inspection	28 th March 2017
Inspector	L. W. Howard

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1.0 Site Location and Description

- 1.1.1. Application site is located in the townland of Oberstown and is situated along the local county road L-505-0.
- 1.1.2. The c.0.153ha site is c.1.2km southeast from the village of Skreen and is c.2.8km northeast from the village of Tara.
- 1.1.3. Locally the surrounding area comprises improved agricultural grassland. Other habitats surrounding the site include hedgerows, treelines, drains and streams. The application site itself consists of pastureland.
- 1.1.4. The site boundaries comprise / are demarcated as follows – the western and eastern lateral boundaries comprise of a fence, the southern boundary frontage onto the L05550 local road comprises a fence and a treeline / hedgerow, and the northern / rear boundary demarcated by a hedgerow and small stream.

2.0 Proposed Development

- 2.1. The proposed development will consist of
 - erection of a 2-storey, 3no. bedroom, c.223.4m² dwellinghouse
 - finished in napped plaster, with blue / black slate roof
 - a private vehicular entrance
 - a proprietary waste water treatment system, and
 - all ancillary site works

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse planning permission, for 1no. Refusal Reason relating to the applicant not clearly demonstrating a site specific rural generated housing need for a dwellinghouse, at the location proposed.

3.2. Planning Authority Reports

The report of the Planning Officer can be summarised as follows :

3.2.1. Local Rural Housing Need

- Located outside of a designated urban centre, within an unserviced rural area, rural single house development is strictly limited to local need.
- Located within a rural area under 'strong urban influence', the applicants have been refused planning permission several times over recent years, for a house on the application site. The most recent refusal decision was under **AA/160226**. The refusal reason related to the applicants not satisfactorily demonstrating a local rural housing need.
- The applicants indicate that from 1999 through to the present, they have lived in Oberstown, Tara and in Kildalkey. At present, they are residing locally with relatives.
- Whereas Sect.10.4 sets out a number of categories of person, who will be considered to be 'an intrinsic part of the rural community', for determining rural local housing need, Sect.10.4 goes on to provide further that where proven applicants can demonstrate by way of "documentary evidence, that their original dwelling was sold due to unavoidable financial circumstances, such applications will be considered on their individual merits, where the applicant satisfies local housing need criteria".
- The applicants constructed a house on the adjoining property to the west in 2000/2001, and resided there until they sold it in 2011.
- The applicants substantiate justification for their current application based on their having to sell their previous property, adjoining the current application site, due to unavoidable financial difficulties. Substantial, substantive documentation was submitted by the applicants in this regard.
- New such documentation to the current application included an accountant's report and a planning policy report. Reference the applicants' opinion that this documentation is not only new, but that it has equal or greater force than a bank letter stating that the sale was forced upon them.

- In response, the Planning Authority note the new documentation. However, contrary to Planning Authority requirements, the documentation fails to confirm that the house had to be sold.
- Specifically, the Planning Authority requires a letter from a lending financial institution confirming that the property had to be sold. Such a letter has been required from other applicants, who have applied under this policy within Co. Meath.
- The applicants were notified of this requirement several times during pre-planning consultations.
- Whereas the applicants submit that the Planning Authority should accept “whatever documentary evidence is available to them”, the Planning Authority reiterate –
 - the applicants were notified of this requirement several times,
 - that compliance under this policy required documentation from the lending institution confirming the applicants had to sell their home, and
 - the Planning Authority has consistently required this information with applications in relation to this policy throughout the County, and the applicants have been made aware of this.
- Under previous application **Reg.Ref.No.AA/160226**, the applicants included a letter from Bank Of Ireland which stated that in 2011 the applicants advised the Bank of their serious financial pressure and that they took the decision to sell the house at Obertstown. Specifically, the letter included confirmation by Bank of Ireland that whilst they indeed held the mortgage account, this was not a decision enforced by the Bank. Whilst the Banks letter confirms the applicants financial difficulty, it did not confirm that the property had to be sold.
- Because the Bank of Ireland letter states that the decision to sell the family home was not enforced by the Bank, the Planning Authority is not satisfied that the property was sold due to unavoidable financial circumstances.
- The Planning Authority has consistently required this information with applications in relation to this policy throughout the County, and the applicants have been made aware of this.

- The applicants have not submitted relevant information so as to warrant a reversal of the decision to refuse planning permission, previously made by the Planning Authority.
- The applicants have not demonstrated a local housing need in accordance with the policies and objectives set out in the Meath County Council Development Plan 2013 - 2019.

3.2.2. Access

- Under **Reg.Ref.No.AA/121016** permission was granted for an entrance onto the application site, and to be used for agricultural purposes only.
- The proposed entrance is off a narrow county lane.
- The County Road Design Section have no objection to a residential entrance being provided at this location, subject to the Conditions expressed under **Reg.Ref.No.AA/140111**.
- Having regard to the above, the proposed entrance considered acceptable.

3.2.3. Dwelling Design and Layout

- Having regard to the size, height and scale of the proposed dwellinghouse, and to the pattern of comparable house development locally, the Planning Authority is satisfied that the proposed house is consistent with the provisions of the Meath Rural House Design Guide.
- Having regard to adjacent 3rd party concerns regarding overlooking, the one side facing 1st floor window serving bathroom 1 to be omitted due to potential overlooking of the rear private amenity space of the dwelling to the east.

3.2.4. Site Servicing

- Having regard to the 'T' and 'P' test results (ie. 31.1 and 34.4), the proposed proprietary waste water treatment system and percolation area considered acceptable, subject to construction and commissioning being compliant with the submitted Site Characterisation Report and the EPA Code of Practice 2009.

3.2.5. Appropriate Assessment

- Application site located c.7.1km east of the River Boyne and the River Blackwater SAC.
- The applicants screening for appropriate assessment document concludes that having regard to
 - the separation distances to the boundary of the Natura 2000 Network,
 - the fact that surface water will contained within the application site, and
 - that there is no pathway to the receptor,
 the proposed development is not likely to have a significant effect on the qualifying interests of the Natura 2000 site.

Conclusion and Recommendation

- The applicants have not satisfactorily demonstrated a rural housing need at this location on the basis that -
 - they owned a dwelling at this location in which they resided, and
 - they have not demonstrated to the satisfaction of the Planning Authority that the dwellinghouse was sold due to unavoidable financial circumstances.
- That permission be refused

3.2.6. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1. One 3rd party submission received.

3.4.2. The issues argued include -

- No material alteration is proposed from the previous applications refused for the reason of a lack of local housing need.
- Impact on the privacy of the adjoining property.
- Compliance with required sightline visibility

- Additional traffic loading onto the small marrow road, will increase the risk of accidents.

4.0 Planning History

AA/160226 Permission refused to current applicants, for construction of 2-storey dwelling house, for one refusal reason – applicant did not demonstrate a rural generated housing need for a dwelling at this location.

AA/150863 Permission refused to current applicants, for construction of 2-storey dwelling house, for one refusal reason – applicant did not demonstrate a rural generated housing need for a dwelling at this location.

AA/150381 Permission refused to current applicants, for construction of 2-storey dwelling house, for one refusal reason – applicant did not demonstrate a rural generated housing need for a dwelling at this location.

AA/140875 Permission refused to current applicants, for construction of 2-storey dwelling house, for one refusal reason – applicant did not demonstrate a rural generated housing need for a dwelling at this location.

AA/140111 Permission refused to current applicants, for construction of 2-storey dwelling house.

AA/121016 Permission granted to current applicants, for a proposed agricultural entrance and all associated site works.

5.0 Policy Context

5.1. National

5.1.1. Sustainable Rural Housing Guidelines 2005

Both the National Spatial Strategy and the Sustainable Rural Housing Guidelines 2005 distinguish between rural generated housing and urban generated housing and seek to ensure that the needs of rural communities are identified in the development plan process. The guidelines make clear that in all cases, consideration of individual sites will be subject to satisfying normal planning considerations relating to siting and design, including vehicular access, drainage, integration with the physical surroundings and compliance with the objectives of the development plan in general.

5.1.2. **EPA Code of Practice**

5.1.3. The EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, 2009 applies.

5.2. **Development Plan**

5.2.1. **Meath County Development Plan 2013-2019**

Relevant provisions are referenced as follows –

- Sect.10.2 – **Rural Settlement Strategy** and Sect.10.3 – **Rural Area Types** set out the relevant policy framework regarding the assessment of housing within in rural areas.
- The application site is located on rural lands, outside of any identified settlement.
- The Co. Dev. Plan provides for three distinct rural area types within Co. Meath, reflecting the different levels of development pressure across the county. The application site is located on lands designated as Area 1 – “Rural Area under Strong Urban Influence” (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”.
- Sect.10.4 – **Persons who are an Intrinsic Part of the Rural Community** 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’
- Sect.10.7 – **Rural Residential Development: Design and Siting Considerations**
- Sect.10.17 – **Roadside Boundaries**

- Chapter 11 sets out the **Development Management Standards & Guidelines**.
- Appendix 15 sets out the County **Rural Housing Design Guide**.

5.3. **Natural Heritage Designations**

None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. **Proof of Forced Sale and Unavoidable Financial Circumstances**

- Acknowledge that at the ‘pre-planning’ with the Meath County Council, it was agreed and confirmed that
 - the only outstanding matter of concern to the Planning Authority, was the lack of a letter from the applicants Bank stating that it forced the sale of their previous home.
 - the only evidence the Planning Authority accepts, which satisfies the County Development Plan 2013 ‘policy’ is a Bank letter confirming that they had to sell.
 - the required Bank Letter was an internally agreed position within the Council, and not a requirement in public planning policy.
- The applicants fully accept they do not have the Bank letter as required by the Planning Authority. Further, they accept that they have been told this was the requirement by the Planning Authority on several occasions.
- Clarify the letters obtained from their Bank (ie. B.o.I.) confirmed –
 - that both mortgage accounts held on their former home were in arrears, and
 - that the applicants were in unavoidable financial circumstances
- The applicants emphasise the point that it was not necessary for B.o.I. to force the sale of the house. That decision was made by the applicants, for themselves.

- The Planning Authority agreed to accept a new application for planning permission from the applicants, with additional, new evidence.
- The current application, when lodged, included substantial, substantive fresh evidence detailing the dire financial position of the applicants. These details were all provided to the Bank as documentary evidence, as required by Development Plan
- The new documentation included an accountant's report and a planning policy report. This documentation is not only new, but it has equal or greater force than a bank letter stating that the sale was forced upon the applicants.
- Argue the object of the Development Plan 2013 policy is for the applicants to prove, by "whatever documentary evidence is available to them", the reasons for their financial circumstances at the time of their decision to sell their previous property. There is nothing more specific in the wording of the policy than that.
- Proof of force sale by way of Bank letter specifically requiring the sale of their property, as a means of addressing their unavoidable financial circumstances does not exist in the Development Plan 2013. Both as an example, or the only means by which this policy test can be passed.
- Yet consequent of the pre-planning consultation, the applicants understood that the Bank letter as proof of force sale, is the only evidence accepted by the Planning Authority. Further, this is the requirement "agreed internally by the Planning Authority".
- Argue this requirement by the Planning Authority is fundamentally flawed, in so far as it is the only means by which unavoidable financial circumstances can be proven.
- The manner in which the Planning Authority applies this policy is inequitable. What happens to applicants in unavoidable financial circumstances who do not hold a bank mortgage on their property.
- The Council's internal and inequitable policy practice must be set aside.
- The applicants request "fair and equitable treatment of the evidence they are presenting".
- Rather than waiting to be pushed by the Bank, the applicants proactively took their own decision, as advised by a Chartered Accountant, to sell their property, which they had lived in for 10 years.

- The substantial, substantive facts detailing the applicants situation, point emphatically to unavoidable financial circumstances.

6.1.2. **Local Need other than Financial Circumstances**

- The Local Needs Form completed by the applicants satisfactorily demonstrates themselves as an intrinsic part of the rural community, and as having a local rural housing need, in compliance with County Development Plan 2013-2019 requirements.
- Save for financial considerations, all other information regarding the applicants close ties to the area are accepted by the Council.

6.1.3. **Access**

- The Planning Authority concluded the proposed access onto the site as appropriate
- Having regard to availability of satisfactorily sightline visibility, and to the few single houses served by the local county road, no serious traffic hazard will result from the proposed development.

6.1.4. **Site Servicing**

- Reference the Planning Authority confirmation that the proposed proprietary wastewater treatment system and percolation area is acceptable.

6.1.5. **Dwelling Design and Layout**

- Reference the Planning Authority confirmation that the proposed house design and layout is compliant with the Meath Rural House Design Guide.
- The proposed house is simply designed, distinct and sympathetic to the local context.
- Having regard to adjacent 3rd party concerns regarding overlooking, the applicants have no objection to the single east facing 1st floor window serving bathroom 1, being omitted, as recommended by the Planning Authority.

6.1.6. **Appropriate Assessment**

The applicants screening for appropriate assessment document concludes that having regard to the separation distances to the boundary of the Natura 2000 Network, the fact that surface water will contained within the application site, and that there is no pathway to the receptor, the proposed development is not likely to have a significant effect on the qualifying interests of the Natura 2000 site.

6.1.7. Conclusion

- The applicants have clearly and satisfactorily demonstrated their unavoidable financial circumstances, which caused their decision to sell their previous property, in compliance with the relevant Development Plan policy.
- The Board is respectfully requested to consider the applicants 1st party appeal positively, and to grant planning permission.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority is satisfied that all issues argued in the 1st party appeal submission, were covered and addressed in the planning officers report.
- 6.2.2. The Planning Authority confirm that notwithstanding all of the additional information submitted, and particularly that submitted by the applicant's accountant Mr. F. McLoughlin - HSM Chartered Accountants, the documentation fails to confirm in compliance with the Planning Authority's requirements, that the dwelling had to be sold. Specifically, the Planning Authority requires a letter from a lending financial institution confirming that the property had to be sold. Such a letter has been required from other applicants, who have applied under this policy within Co. Meath.
- 6.2.3. Contrary to the 1st party appeal argument that the Planning Authority should accept whatever documentary evidence is available to them, confirm the applicants were notified of this requirement several times, and that compliance under this policy required documentation from the lending institution confirming the applicants had to sell their home.
- 6.2.4. Under previous application **Reg.Ref.No.AA/160226**, the applicants included a letter from Bank Of Ireland which stated that in 2011 the applicants advised the Bank of their serious financial pressure and that they took the decision to sell the house at Obertstown. Specifically, the letter included confirmation by Bank of Ireland that whilst they indeed held the mortgage account, this was not a decision enforced by the Bank. Whilst the Banks letter confirms the applicants financial difficulty, it did not confirm that the property had to be sold.
- 6.2.5. Because the Bank of Ireland letter states that the decision to sell the family home was not enforced by the Bank, the Planning Authority is not satisfied that the property was sold due to unavoidable financial circumstances.

- 6.2.6. The Planning Authority has consistently required this information with applications in relation to this policy throughout the County, and the applicants have been made aware of this.
- 6.2.7. The applicants have not demonstrated a local housing need in accordance with the policies and objectives set out in the Meath County Council Development Plan 2013 - 2019.
- 6.2.8. Request that the Board uphold the decision to refuse permission for the proposed development.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed Rural House development
- Visual and Residential Amenity Impact
- Road Access and Traffic Safety
- Wastewater Treatment
- Appropriate Assessment.

7.2. **Principle and Location of the proposed Rural House development**

- 7.2.1. The application site is located outside of a designated urban centre, within an unserved rural area. Within such rural areas planning policy requires that rural single house development is strictly limited to local need.

- 7.2.2. Located within a rural area under 'strong urban influence', the applicants have been refused planning permission several times over recent years, for a house on the application site. The most recent refusal decision was under **AA/160226**. I note that the refusal reason given by the Planning Authority has consistently related to the applicants not satisfactorily demonstrating a local rural housing need.
- 7.2.3. Through the Local Needs Form, I note the applicants indicate that from 1999 through to the present, they have lived in Oberstown, Tara and in Kildalkey. At present, they are residing locally at Oberstown with relatives. During this time, the applicants resided in the house adjacent and to the west of the application site.
- 7.2.4. Whereas Sect.10.4 sets out a number of categories of person, who will be considered to be 'an intrinsic part of the rural community', for determining rural local housing need, Sect.10.4 goes on to provide further that where proven applicants can demonstrate by way of "documentary evidence, that their original dwelling was sold due to unavoidable financial circumstances, such applications will be considered on their individual merits, where the applicant satisfies local housing need criteria".
- 7.2.5. The applicants constructed the house on the adjoining property to the west in 2000 / 2001, and resided there until they unfortunately sold it in 2011, due to financial hardship.
- 7.2.6. The applicants substantiate justification for their current application based on their having to sell their previous property, adjoining the current application site, due to unavoidable financial difficulties. Substantial, substantive documentation was submitted by the applicants in this regard.
- 7.2.7. New such documentation to the current application included an accountant's report and a planning policy report. I note the applicants' conviction that this documentation is not only new, but that it has equal or greater force than a bank letter stating that the sale was forced upon them.
- 7.2.8. In response, the Planning Authority note the new documentation submitted with the current application. However, contrary to Planning Authority requirements, this documentation fails to confirm that the house had to be sold.

- 7.2.9. Specifically, I note that the Planning Authority requires a letter from a lending financial institution (ie. Bank) confirming that the property had to be sold. The Planning Authority clarify that such a letter has been required from other applicants, who have applied under this policy within Co. Meath.
- 7.2.10. I note that the applicants acknowledge and accept that they were notified of this requirement several times during pre-planning consultations with the Planning Authority.
- 7.2.11. Whereas both within the original application and in their 1st party appeal submission, the applicants submit that the Planning Authority should accept “whatever documentary evidence is available to them”, I rather accept as reasonable the Planning Authority reiteration that –
- the applicants were notified of this requirement several times,
 - that compliance under this policy required documentation from the lending institution confirming the applicants had to sell their home, and
 - the Planning Authority has consistently required this information with applications in relation to this policy throughout the County, and the applicants have been made aware of this.
- 7.2.12. I have noted that under previous application **Reg.Ref.No.AA/160226**, the applicants included a letter from Bank Of Ireland which stated that in 2011 the applicants advised the Bank of their serious financial pressure and that they took the decision to sell the house at Obertstown. Specifically, this letter included confirmation by Bank of Ireland that whilst they indeed held the mortgage account, this was not a decision enforced by the Bank. Clearly, whilst the Banks letter confirms the applicants financial difficulty, it did not confirm that the property had to be sold.
- 7.2.13. Because the Bank of Ireland letter states that the decision to sell the family home was not enforced by the Bank, the Planning Authority in response expressed the view that it is not satisfied that the property was sold due to unavoidable financial circumstances. In this regard, and notwithstanding the arguments made by the applicants on appeal, I note that nowhere in the documentation available, is reference made to the applicants assets comprising their landholding, including the current application site, as an opportunity for relief from their unavoidable financial circumstances.

- 7.2.14. The Planning Authority has consistently required this information with applications in relation to this policy throughout the County, and the applicants have been made aware of this. Contrary to the applicants arguments, I believe the Planning Authority have been transparent with all applicants in this regard.
- 7.2.15. Notwithstanding the applicants detailed, substantial substantive documentation and argument in this regard, I share the Planning Authority view that the applicants have not submitted relevant information so as to warrant a reversal of the decision to refuse planning permission, consistently previously made by the Planning Authority.
- 7.2.16. In my view the applicants have not demonstrated a local housing need in accordance with the policies and objectives set out in the Meath County Council Development Plan 2013 - 2019. Accordingly, I conclude that the decision by the Planning Authority to refuse planning permission, for the stated refusal reason, be sustained.

7.3. Visual and Residential Amenity Impact

- 7.3.1. Having regard to the potential for negative visual amenity impact on the rural character of the local area at Oberstown, I note that no designated Scenic Views or Viewing Points exist in the vicinity of the application site.
- 7.3.2. Notwithstanding its 2-storey height, size and scale, in itself compatible with the local pattern of house development locally, I have regard to the proposed house is simply designed, distinct and sympathetic to the local context. Further, I note the Planning Authority confirmation that the proposed house design and layout is compliant with the Meath Rural House Design Guide.
- 7.3.3. Whilst the applicants broader landholding extends north away from the county road L-5005-0, it is well screened from view from the local rural road network, by mature, dense and full hedgerows. This is particularly so along the application site's frontage onto the L-5005-0.
- 7.3.4. Set back approximately 27m from the L-5005-0, I believe the proposed dwellinghouse would be satisfactorily secluded in the Oberstown landscape, when viewed from the L-5005-0 and the rural road network beyond.

- 7.3.5. Accordingly, I believe the scale, form and design of the proposed dwellinghouse would not appear incongruous in the context of other domestic residential development and land use in the Oberstown vicinity. In my view, the visual impact would be mitigated by the flattish, even topography of the application site, and the approximately 27m set back behind mature, dense and mature hedgerow / treeline along the road, as well as the established mature boundary treatments of properties surrounding the site. Further mitigation of visual impact would be achieved by supplementary landscaping and planting around and within the application site. Such mitigation could be secured by way of Condition, were planning permission to be granted.
- 7.3.6. Accordingly, I believe no disproportionate negative visual impact will result on the rural character of the Oberstown area.
- 7.3.7. Further, having regard to the 2-storey height, size and scale of the proposed dwelling, and its footprint location contextually with neighbouring similarly, sized, scaled properties, I believe that no adverse impacts on local residential amenity will arise. Specifically, I note the large properties, with generous separation distances on all sides between existing houses and the proposed house.
- 7.3.8. I have had regard to the adjacent 3rd party concerns regarding overlooking. In response, I do not believe it necessary that the single east facing 1st floor window serving bathroom 1, be omitted, as recommended by the Planning Authority and agreed to by the applicants. I express this view having regard firstly to the satisfactory separation distances. I also note that this is proposed as a minor window serving a 1st floor bathroom. If mitigation is in fact necessary, I believe this could be achieved by requiring frosted, opaque or obscure glazing to this window. Such mitigation could be secured by way of Condition, were planning permission to be granted.
- 7.3.9. Accordingly, I believe no disproportionate negative visual or residential amenity impact will result locally, consequent of the proposed development.

7.4. Road Access and Traffic Safety

- 7.4.1. A new domestic residential access is required off the local county road L-5005-0, to facilitate the proposed development. The current geometric, spatial and

topographical context of the location of the proposed new single entrance junction is clearly shown in the photographs, taken at the time of site visit.

- 7.4.2. I note that under **Reg.Ref.No.AA/121016** permission was granted for an entrance onto the application site, and that it was to be used for agricultural purposes only. The location of the current proposed entrance appears co-incidental with the existing agricultural entrance.
- 7.4.3. The L-5005-0 is generally straight, passed the application site frontage. Sightline visibility is satisfactory, to County Development Plan 2013 Standard, to each of the western and eastern approaches along the L-5005-0. In this regard, I note that sightline visibility of 70m to the west and 120m to the east, is achieved. Further, I am satisfied that all works required, can be accommodated within the application site boundaries. Therefore, no legal agreements are required in order to achieve required visibility. I note this was a concern of the 3rd party objector, adjacent to the west.
- 7.4.4. Further, satisfactory separation distances and intervisibility exists along the L-5005-0 in this vicinity between the proposed new entrance and the existing domestic entrances. Improvement to local traffic safety will also be enabled by the front boundary set back and treatment as proposed.
- 7.4.5. In my view, satisfactory compliance has been achieved with the relevant traffic safety Standards set out in the Meath County Development Plan 2013-2019, and that no obviously serious threat to traffic safety is apparent, consequent of the creation of a new single entrance directly off the L-5005-0 at this location.

7.5. **Wastewater Treatment**

- 7.5.1. I have given careful regard to the "Site Characterisation Form" report on file, completed dated 30/01/2014. I have further had regard to my own observations made at the time of site visit, where test 'trial' and 'percolation' holes had been covered up (see photographs attached) and to the topographical, environmental and drainage characteristics of the site observed at that time, most notably the absence of any standing water collection. Consequently, I was unable to verify what appear to be satisfactory at least Trial Hole, and 'T'- Value and 'P' – Value results, stated as for the purpose of a mechanical aeration system and discharge to ground via a

raised polishing filter. I note the 'Trial Hole' and 'Percolation Hole' photographs included with the report.

- 7.5.2. I note the application site is located within a locally important aquifer (LM) with moderate vulnerability. The site has an R1 response, which I understand means that the proposed risk (ie. the treatment plant), is acceptable subject to normal good practice.
- 7.5.3. 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. In this regard, on the information available, I deem the applicants' proposed "site improvement works" including 'Oakstown BAF Effluent Treatment System' and sand polishing filter consisting of a minimum 90m² area, underlain by tested suitable 'T' / 'P' value topsoil, 'pea' gravels and capped with topsoil, all in accordance with EPA Code of Practice - 2009, as reasonable precautionary mitigation intervention towards adequate ground water protection, and of local wells. I accept the conviction expressed by the applicants in this regard.
- 7.5.4. 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 construction and commissioning being compliant with the submitted Site Characterisation Report, including required certified compliance that the percolation area has been designed, laid out and constructed in accordance with the design proposed, and the EPA Code of Practice 2009.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a rural environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed 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 set out below.

9.0 Reasons and Considerations

The application site is located in a rural area outside any designated settlement and in a Rural Area under Strong Urban Influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities' and the Meath County Development Plan 2013 – 2019, where development which is not rurally generated should be more properly located in settlement centres. It is the policy of the County Development Plan to restrict housing in this area to those who are intrinsically part of the rural community, or who have an occupation predominantly based in the rural community. It is considered, based on the information submitted, that the applicant has not established a site specific rural generated housing need for a dwelling in this location. The proposed development would be contrary to the policy of the Sustainable Rural Housing Guidelines for Planning Authorities' and the Meath County Development Plan 2013-2019 and would, therefore, be contrary to the proper planning and sustainable development of the area and would establish a very undesirable future precedent.

L. W. Howard
Planning Inspector

11 April 2017