



An
Bord
Pleanála

Inspector's Report PL17.248656

Development	Demolition of existing house and construction of a house, garage, septic tank, percolation area, widening of laneway and associated works.
Location	Rathkenny, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	KA 161398.
Applicants	G. and S. O'Connor.
Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	G. and S. O'Connor.
Observer(s)	None.
Date of Site Inspection	13 th September 2017.
Inspector	L.W. Howard.

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1.0 Site Location and Description

- 1.1. The stated 0.45ha application site is located within the Townland of Rathkenny, Co. Meath.
- 1.2. The sites northern boundary frontage is onto an agricultural laneway / cul-de-sac, which intersects with the School Road L-74161 (aligned north to south), c.120m to the west, in close proximity to the local Rathkenny National School (diagonally across from the junction).
- 1.3. School Road is straight in this vicinity, with the junction exists at the top of an incline, with each of the northerly and southerly approaches dropping off from this point. The speed limit is 50kph. No pedestrian footpaths exist along the road generally, and proximate to the National School specifically.
- 1.4. At present on the northern half of the site there is an old understood pre-1963 cottage, with the remains of what appear as associated outbuildings. Whilst clearly unoccupied for some time, and in considerable disrepair, evidence of ad hoc patchwork to the cottage is apparent. The outbuildings are overgrown. The southern half of the site comprises what appears as pasture lands.
- 1.5. Surrounding development and land use include agricultural lands to the north (across the laneway), east and south. A row of single detached dwellinghouses exist to the west of the site, either side of School Road

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements –
 - demolition of existing single-storey dwellinghouse
 - construction of a replacement one and a half storey dwellinghouse.
 - a detached domestic garage.
 - entrance
 - septic tank and percolation area
 - widening of existing laneway.
 - all associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission Refused, for one reason summarised as follows :

Planning Authority not satisfied the proposed development, if permitted –

- would not endanger public safety by reason of traffic hazard, and
- would not be in compliance with the Design Manual for Roads and Bridges, due to the absence of appropriate sightlines to the north of the access roadway.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report can be summarised as follows :

Appropriate Assessment

- Site is not located within, or directly adjoining any Natura 2000 site. Further, no Natura 2000 site is apparent within 15km from the application site.
- Having regard to scale and nature of the proposed development, by itself or in combination with other plans and developments in the vicinity, and the lack of pathway to the Natura 2000 site, the proposed development will not impact on any Natura 2000 site.
- A Stage 2 Appropriate Assessment is not required.

Planning Policy and Principle of Development

- The applicants propose to demolish the existing single storey, 60m² cottage on site. Drawings submitted state the existing dwelling as being 'derelict'.
- The existing cottage is a habitable dwelling as it is not in use, but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict.
- The original structure on site was last used as a dwelling.
- The roof, internal and external walls comprising the existing cottage are generally intact.
- The proposed development "complies with the relevant policies in the County Development Plan 2013-2019.

Design, Layout & Siting

- The existing single storey, 60m² cottage on site is positioned such that its gable end is directly adjacent to the laneway.
- The proposed replacement 261m², 7.8m high storey and a half dwellinghouse with eaves dormers, is to be positioned centrally on the application site.
- The proposed design of the new dwellinghouse is considered visually acceptable at this location, and in accordance with the Rural House Design Guide.

Access

- the application site fronts onto a laneway off the public road to the west.
- the applicants propose removal of existing scrub along the laneway in order to widen it, and then to erect a new timber and rail fence to form a new laneway boundary.
- at the junction of the laneway with the public road, “the sightlines to the north and south are severely restricted”.
- note applicants statement that the boundary of the property to the south will be set back in accordance with the planning permission relating to that site – **NA/20191**. Consider this as being outside of the control of the applicant.
- Reference Transportation Department report recommending the proposed development be refused due to traffic hazard consequent of existing sightlines from the laneway onto the public road being in the order of 5m – 10m.

Note the Departments further refusal opinion due to the lack of pedestrian facilities to services.

Applicants F.I. Submission

- The applicants F.I. report by ‘Trafficwise – Traffic and Transportation Solutions’ submitted.
- Note that consent has been obtained from the landowner to the south, to carry out works required to achieve sightlines in a southern direction.
- The report states that no works are necessary to the roadside boundary to the north of the junction. This was however, a specific part of the F.I. request by the Planning Authority.
- Note the County Transportation Department response to the applicants F.I. submission as follows :

- The junction is in proximity to a National School. The speed limit along the Local Road L-74161 is 50kph. No footpaths in the area to service the numerous houses, plus the national school.
 - Regarding visibility splays, Trafficwise conclude that the sightlines in a northerly direction (ie. a setback distance of 2.4m) require the demolition and reconstruction of the entire boundary wall of adjoining property. Note Trafficwise opinion that this is not necessary. In response, the County Transportation Department strongly disagrees with this opinion.
 - Note Trafficwise reference to a 'letter of acknowledgement' received from the adjoining landowner – P. Powderly. Previous planning permissions ref. **NA/20191** and **NA/70377**, which Condition the setback of the hedgerow. This has not been done
- Affirm the key issue is the sightlines either side of the entrance / exit point.
 - Note agreement secured with the neighbouring landowner to the south.
 - However, the issue of poor sightline to the north is not resolved.
 - Proposed development to be refused due to the lack of pedestrian facilities and poor sightlines in a northerly direction, which may result in a traffic hazard.

Water Services

Waste Water

- The 'Site Characterisation Form' concludes the site is suitable for the on-site waste water disposal.
- On-site test results included -
 - the 2.02m deep trial hole showed no rock or water.
 - a T-Value of 17.8 minutes.
 - a P-Value of 13.4 minutes.
- Applicants propose to install an on-site septic tank and percolation area

Water Supply

- Note proposed water supply by way of on-site private well.

Development Contributions

- Determination of required 'development contributions' payments re. surface water drainage, roads and social infrastructure, in accordance with the Meath County Development Contributions Scheme 2016-2021.
- Noteworthy is the provision that "The floor area of the dwelling to be replaced (existing) shall be calculated as a percentage of the replacement (new) dwelling and this percentage shall be deemed exempt from development contributions.

Revised Public Notices

- The applicants F.I. submitted considered as significant.
- The applicant satisfactorily completed required public re-advertisement.

Conclusion & Recommendation

- Conclude the applicants F.I. response submission was not to the satisfaction of the Planning Authority.
- The Transportation Department have recommended the proposed development be refused, "as the sightlines are not available to the north of the access road".
- Recommend refusal of planning permission, "on the basis of traffic safety".

3.2.2. Other Technical Reports

Road Design Office Recommend Refusal, "due to lack of pedestrian facilities and poor sightlines in a northerly direction which may result in a traffic hazard".

Environmental Section No report apparent.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

NA/20191 P. Powderly GRANTED planning permission for construction of a dormer residence, domestic garage, puraflo treatment system and new entrance, subject to 21no. Conditions.

NA/70377 J. Kavanagh GRANTED planning permission for construction of a dormer bungalow, proprietary waste water treatment system and domestic garage, subject to 16no. Conditions.

00/616 P. Powderly REFUSED 'outline' planning permission to construct 4no. dwellinghouses, with individual septic tanks and percolation areas, for two Refusal Reasons.

Noteworthy, the second refusal reason addressed threat to public safety by reason of traffic hazard due to –

- substandard capacity of lane to serve a housing development, and
- substandard sightline visibility at the laneway / public road junction due to poor horizontal and vertical alignment of the road.

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**

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

5.2. **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 3 – “Low Development Pressure 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”.
- Within “Low Development Pressure Areas”, Policy **RD POL 6** applies, which seeks “to accommodate demand for permanent residential development as it arises, subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas”.
- 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.10.15 **Vernacular Rural Buildings and Replacement Dwellings.**
The relevant policy considerations include policies **RD POL 30** through to **RD POL 35**.

Subsection 10.15.1 **Development Assessment Criteria** enables a framework against which applications for the replacement of existing housing stock in rural areas may be assessed.

- **Sect.10.16.2 Rural Development – Access requirements for New Development:**

Sets out requirements for new vehicular access points.

The relevant policy considerations include – **RD POL 38, RD POL 39 and RD POL 43**

- **Sect.10.17 – Roadside Boundaries**
- **Sect.10.19.1 – One Off Houses, Sight Distances & Stopping Sight Distances**

“RD POL43 To ensure that the required Standards for Sight Distances and Stopping Sight Distances are in compliance with current road geometry standards as outlined in the NRA Document ‘Design Manual for Roads and Bridges (DMRB)’ specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the Countryside”.

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

5.3. **Natural Heritage Designations**

- The application site is not within, or directly adjoining a Natura 2000 site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows :

- 6.1.1. The local laneway and its junction onto School Road already exist. These serve to provide access to agricultural lands and to the existing pre-1963 dwelling on the application site, that the applicants propose to demolish and replace.
- 6.1.2. Having regard to plans and particulars lodged, to the applicants F.I. response submission, to the Planning Authority’s internal reports relating to the applicants F.I.

response, and to the decision to refuse planning permission, the applicants contend that the matter of sightline visibility improvement to the existing junction has been suitably and satisfactorily addressed.

6.1.3. The grounds of appeal summarised are :

- the Planning Authority, in its decision to refuse planning permission, “has not taken a balanced approach”;
- the Planning Authority has not fully considered the low speed, low traffic flow characteristics of the receiving road (ie. School Road L-74161);
- the Planning Authority ignores the flexibility permitted, and indeed advised, in applying the appropriate design standard recommendations.
- Given the applicants comprehensive F.I. response, which both –
 - clearly set out the achievable sightline visibility criteria; and
 - the engineering rationale for accepting such achievable sightlines,the applicants invite the Boards agreement that the current proposal –
 - is well formulated;
 - provides a balanced approach to the provision of improved access to the proposed replacement dwelling;
 - will not result in significant traffic congestion, traffic hazard or endangerment of public safety; and
 - would accord with proper planning and sustainable development.
- Request the Board uphold the applicants appeal, and grant planning permission, for the main reasons, arguments and considerations set out in their appeal submission documentation.

6.2. Planning Authority Response

6.2.1. The Planning Authority and the County Transportation Department gave the applicants the opportunity to address their concerns with regard to access.

6.2.2. The applicants F.I. submitted was considered not to the satisfaction of the County Transportation Department. The Department considered the proposed development to be a traffic hazard.

6.2.3. Reference the substance of the Transportation Department opinion in response to the applicants F.I. submitted.

6.2.4. Request that the Board uphold the decision of the Planning Authority to refuse planning permission.

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 issue of appropriate assessment also needs to be addressed. 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
- Rural Buildings and Replacement Dwellinghouses
- Visual Amenity Impact
- Road Access and Traffic Safety
- Waste Water Treatment
- Appropriate Assessment.

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

7.2.1. The application site is located outside of any designated settlement within County Meath, and within an unzoned and underserviced rural area of the County. The 'Rural Settlement Strategy' set out at S10.2 in the Meath County Development Plan 2013-2019 designates this location as being within "Area 3 – Low Development Pressure Areas" of County Meath (ref. S10.3 – "Rural Area Types" and Map 10.1 – "Rural Area Types Development Pressure"), with the key challenge "to arrest population and economic decline".

- 7.2.2. The relevant rural development policy RD POL6 within “Low Development Pressure Areas”, is “to accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmental sensitive areas”.
- 7.2.3. Accordingly, on the information available, I am satisfied the applicants meet the requirements for rural single house development prescribed at S10.2 – “Rural Settlement Strategy”, S10.3 – “Rural Area Types”, and rural development policy RD POL6 particularly, of the Meath County Development Plan 2013-2019. In my view, subject to demonstrated compliance with the relevant Development Plan Standards and Policy relating to siting, house design and site layout, surface water and effluent drainage and access and traffic safety are achieved, the principle of development of the site as proposed, is acceptable

7.3. Rural Buildings and Replacement Dwellinghouses

- 7.3.1. The applicants propose demolition of the existing understood pre-1963, 60m², cottage on site, which north gable end fronts directly onto the agricultural laneway (see photographs attached), and replacement with the proposed storey and a half, 261m² dwellinghouse, with eaves dormers and located centrally on the application site.
- 7.3.2. I note the existing cottage is stated as ‘derelict’ in the application documentation.
- 7.3.3. Having inspected the site and cottage, and having reference to S10.15 – “Vernacular Rural Buildings and Replacement Dwellings” of the Meath County Development Plan 2013-2019, I am inclined to the view of the existing modest cottage on site as a habitable dwelling, as whilst clearly not in residential use for some time, when last used was used as a dwelling and does not appear derelict. In my view the cottage roof, internal and external walls appear generally intact. Further, evidence of new materials is indicative of recent attempt to patch repair, and maintenance of the cottage.
- 7.3.4. Rural development policy RD POL31 enables the replacement of existing dwellings subject to compliance with the development assessment criteria outlined in the County Development Plan 2013-2019 at S10.15.1.

- 7.3.5. I am satisfied that the proposed demolition of the existing cottage on site and its replacement with a new dwellinghouse, reasonably complies with S10.15 – “Vernacular Rural Buildings and Replacement Dwellings” and S10.15.1 – “Development Assessment Criteria” of the Meath County Development Plan 2013 – 2019.
- 7.3.6. I do note with interest the applicants (c/o “Streetwise”) statement in their appeal submission, that in the event of a planning refusal for the current application, the existing cottage on site “will in all likelihood be renovated and restored to original condition without further reference to the Planning Authority”. They comment further that under this scenario, the existing site access, the existing laneway and junction onto School Road L-74161 “would not enjoy any improvement, but would still be subject to the current traffic flows and traffic generated by a private dwelling”. Having regard to Ch.10 – “Rural Development” and Ch. 11 – “Development Standards & Guidelines” generally, and S10.15 – “Vernacular Rural Buildings and Replacement Dwellings” and S10.15.1 – “Development Assessment Criteria” of the Meath County Development Plan 2013 – 2019 specifically, I am not certain this would be the case. As discussed further at paragraph 7.5 below, I believe that road access to the site and associated traffic safety will still require attention by the applicants.

7.4. Visual Amenity Impact

- 7.4.1. Having regard to the potential for negative visual amenity impact on the rural character locally, I note that no designated Scenic Views or Viewing Points exist in the vicinity of the application site at Rathkenny.
- 7.4.2. The application site itself is well screened from view from the local rural road network, by mature, dense and full hedgerows and trees, together with single house development with associated property boundary demarcation and landscaping. This is particularly so along the School Road L-74161.
- 7.4.3. Set back c.125m from the School Road L-74161, and behind the existing row of single houses fronting onto School Road, I believe the proposed new dwellinghouse would be satisfactorily screened in the local Rathkenny landscape, when viewed from the surrounding rural road network.

- 7.4.4. Accordingly, having regard to insitu mitigation of visual impact, I believe the scale, form and design of the proposed new dwellinghouse is satisfactorily compliant with the relevant provisions of the Meath County Development Plan 2013-2019 (ie. S10.7 – “Rural Residential Development : Design and Siting Considerations”; S10.15 – “Vernacular Rural Buildings and Replacement Buildings”; and Appendix 15 – “Rural Housing Design Guide”) and would not therefore, appear incongruous in the context of other domestic residential and agricultural development and land use in the vicinity. If deemed necessary, further mitigation of visual impact could be achieved by supplementary landscaping and planting around and within the application site.
- 7.4.5. Accordingly, I believe no disproportional negative visual impact will result locally, consequent of the proposed development.

7.5. Road Access and Traffic Safety

- 7.5.1. To facilitate the proposed development, a new single domestic entrance is proposed midway along the sites northern boundary frontage onto the existing modest agricultural laneway currently providing access to adjacent agricultural lands and to the existing pre-1963 dwelling on site, proposed for demolition and replacement. Further right of way vehicular access is proposed using the c.120m long agricultural laneway, intersecting with the School Road L-74161, and diagonally across from the Rathkenny National School. Of further noteworthiness, this junction is located on the crest of an incline and between two single detached domestic dwellinghouses comprising a component of a row of similar houses along the eastern frontage of School Road.
- 7.5.2. The cluster of houses within which the application site is located at Rathkenny Townlands, is located outside of any designated formal settlement area, or village or town under the Meath County Development Plan 2013-2019. The application site is therefore located on rural lands, outside of any identified settlement (ref. S3.4 – “Meath Settlement Strategy”; Table 2.1 – “County Meath Urban Settlement Hierarchy”).
- 7.5.3. In my view, the above referenced clarification is necessary having regard to the applicants grounds of appeal (prepared on behalf of the applicants by ‘Trafficwise – traffic and transportation solutions). In my view neither the application site within

Rathkenny Townlands outside of a designated urban settlement, or the County Development Plan 2013-2019 rural development provisions at S10.19.1 – “One Off Houses : Sight Distances and Stopping Sight Distances” and Policy RD POL43 were considered by the applicants (c/o ‘Streetwise’) in advocating why the NRA document ‘Design Manual for Roads and Bridges (DMRB), specifically Section TD 41-42/09, is wrong. Rather, the applicants (c/o ‘Streetwise’) argue that because the School Road L-74161 is an urban road and that the 50km/hr speed limit applies, the appropriate design standard is DMURS. I do not share the applicants (c/o ‘Streetwise’) opinion in this regard and accordingly do not accept the argued successful application of the flexible 50m sightline visibility Standard and reduced 2.4m setback, deduced under DMURS, in demonstrating the satisfactory traffic safety at the existing agricultural laneway / School Road L-74161 junction.

7.5.4. In response, having regard to the existing pattern of development at this locality along School Road being a small cluster modest single dwellinghouses only, and notwithstanding the designated speed limit of 50km/h, I believe the application site must be considered as being located outside of a built-up, urbanised area within County Meath. Consequently, sightline visibility requirements from the existing junction are to be determined from the NRA’s “Design Manual for Roads and Bridges (DMRB), specifically Section TD 41-42/09.

7.5.5. Clearly, having regard to both the applicants drawings submitted, and to my observations at the time of site visit, sightline visibility to Standard under DMRB are not achievable towards each of the northern and southern approaches (see attached photographs). To the south, works are necessary to the adjacent property frontage boundary in order to achieve required sightlines. Sustained achievability of this sightline is also dependent on no vehicular parking along the property frontage onto School Road L-74161, which itself is directly opposite the Rathkenny National School. It must reasonably be anticipated that this might be a problem during peak school generated drop-off and pick-up periods through the day. Such restriction on sightline visibility was apparent at the time of site visit. Each of these threats are outside the control of the applicant. I note the inclusion in the applicants (c/o “Streetwise”) F.I. submission, as well as in their Appeal documentation, a letter of consent from that adjoining property owner to the south – Mr. P. Powderly, enabling the applicants with capacity to undertake works along that property frontage in order

to achieve required sightline visibility under DMURS (as advocated by the applicants c/o “Streetwise”).

I note that Mr. P. Powderly was granted planning permission for the now completed dormer bungalow on site on 23/07/2002. Set back of his boundary frontage from School Road, and improved road frontage treatment was amongst the 21no. Conditions attached to that planning permission granted under **Reg.Ref.No.NA/20191**. On the information available, I understand that compliance with this Condition has not been achieved. I note the County Road Design Office comment that this outstanding matter under **Reg.Ref.No.NA/20191** be referred to the County Planning Enforcement for attention (see report 08/05/2017). Whilst Mr. P. Powderly may in fact be assisted in this regard, in the apparent handover of responsibility for his boundary frontage set back to the current applicants, the Board may be mindful of implication for the outstanding, incomplete responsibilities of Mr. P. Powderly under **Reg.Ref.No.NA/20191**.

- 7.5.6. To the north, sightline visibility is restricted by the solid front boundary wall of the adjacent residential property and compounded further by the vertical alignment of the School Road in this direction. Available sightline visibility in this direction, is seriously restricted. Again, each of these threats are outside the control and influence of the applicants. Certainly, any works required, would not be contained within the application site, or on the lands over which they would obtain a right-of-way. Neither is any permission, or written consent apparent in the applicants favour, from the adjoining property owner to the north, to undertake such works necessary to improve sightline visibility. Having regard to the above, I am left to conclude that the required sightlines to Standard under DMRB to each of the northern and southern approaches, cannot be achieved. I note that the applicants (c/o “Streetwise”) do not dispute this conclusion under DMRB, in the appeal submission. Rather, the applicants (c/o “Streetwise”) argue that the incorrect Standard ‘Design Manual for Roads and Bridges (DMRB) published by the NRA, was applied by the Meath Road Design Office and by the Planning Authority. I understand that the applicants (c/o “Streetwise”) entire appeal argument rests on this distinction. I believe the applicants (c/o “Streetwise”) to be incorrect in advocating the application of DMURS in the current case.

- 7.5.7. Consequently, I believe the increase in turning movements reasonably anticipated consequent of the proposed development, through the existing substandard junction of the agricultural laneway with the School Road L-74161, would not be satisfactory from a traffic safety perspective.
- 7.5.8. I note that the proposed development would be provided with adequate on-site car parking. Further, the flow of traffic along the agricultural laneway, and the physical condition of the laneway itself, would certainly be improved consequent of the proposals made by the applicants.
- 7.5.9. Having regard to the vertical alignment of the School Road L-74161 in the vicinity of the existing junction of the agricultural laneway with School Road, and to the visually restrictive boundary conditions of the adjoining lands which are outside the control of the applicants, the required sightlines prescribed under the NRA's 'Design Manual for Roads and Bridges (DMRB), specifically Section TD 41-42/09', cannot be achieved. The proposed development would therefore endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate onto and off a road at a point where sightlines are restricted in both a northerly and southerly direction. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

7.6. Sanitation Services

- 7.6.1. Satisfactory effluent treatment and disposal is a serious challenge facing the applicants. I have given careful regard to the "Site Characterisation Form" and Assessment report on file, completed by "EurGeol – Robert Meehan Soil, SubSoil and Landscape Geologist", dated 21/12/2015. 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 as satisfactory Trial Hole, and 'T'- Value and 'P' – Value results, used by the applicants in their substantive motivation for the proposed onsite treatment and disposal of waste water by way of installation of a septic tank and

construction of a percolation area. Specifically, the Treatment System proposed by the applicants is the installation of a precast concrete, twin-chamber septic tank with 4m capacity, and gravity discharge via soil, subsurface percolation area to ground water. Installation of the septic tank and percolation area, to be certified through the Construction Stages of development / installation, compliant with the EPA (2009) Guidelines. I note further the evidential 'Trial Hole' and 'Percolation Hole' photographs included with the report.

- 7.6.2. I note the application site is located within a 'poor (PI)' aquifer area with a stated 'extreme' vulnerability. The site has an R2 Ground Water Protection Response, which I understand means that the proposed risk (ie. the septic tank and percolation area), is acceptable subject to normal good practice as prescribed by the EPA (2009) Guidelines.
- 7.6.3. 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 substantive 'Septic Tank and subsurface soil Percolation Area', all in accordance with EPA Code of Practice - 2009, as reasonable precautionary mitigation intervention towards adequate ground water protection, and of local wells, inclusive of that proposed to serve the applicants with water supply. I accept the conviction expressed by the applicants in this regard.
- 7.6.4. 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, and inclusive of sustained certified servicing.
- 7.6.5. Accordingly in this regard, the proposed development would be in accordance with the proper planning and sustainable development of the area

7.7. **Appropriate Assessment**

- 7.7.1. 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 be Refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the vertical alignment of the School Road L-74161 approaching its junction with the Agricultural Laneway serving the proposed development, and to the visually restrictive boundary conditions of the adjoining properties which are outside of the control of the applicants, the applicants have not clearly demonstrated to the satisfaction of the Board that the required sightline visibility as prescribed by Section 10.19.1 – “One Off Houses : Sight Distances and Stopping Sight Distances”, and Policy RD POL43 of the Meath County Development Plan 2013-2019, and the NRA document “Design Manual for Roads and Bridges (DMRB), specifically Section TD 41-42/09”, can be achieved. The proposed development would therefore endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both a northerly and southerly direction. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area

L.W. Howard
Planning Inspector

03rd October 2017