



An
Bord
Pleanála

Inspector's Report ABP-302463-18

Development	Detached single storey dwelling with accommodation within part of the attic space, new site entrance, the repair and renovation of existing derelict structure for use as domestic garage/storage, proprietary waste water treatment system and all associated works.
Location	Lisdornan, Bellewstown, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB171494
Applicant(s)	Kevin Gogarty
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Anne Reid
Observer(s)	None
Date of Site Inspection	16 th of November 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site is located in the townland of Lisdornan, in the rural area, approx. 3kms east of Bellewstown village. The subject site is undulating (c. 0.92ha in area) and forms part of a larger landholding shown in blue under the applicant's parent's ownership. The site has a slight slope from the southern boundary towards the northern boundary. There are two derelict structures on site, both in ruinous condition, one a former shed adjacent to the roadside boundary and the other the ruin of an old stone building with upright walls in the northern portion of the site.
- 1.2. There is a single storey dwelling located in excess of 100m to the north of the proposed dwelling. There is a Recorded Monument (ME01285 – Castle/Motte) located in excess of 100m to the north of the proposed dwelling. This is a corner site with the county road (L5621) running along the eastern and southern site boundaries. There are roadside boundary hedges that have been severely cut back and a few roadside trees. There are also hedges which form part of a field boundary on site.
- 1.3. The site is located with the landscape of Bellewstown Hills which has a high character value rating of moderate sensitivity. There are extensive views to the north and north east from the site. The area is defined by an undulating rural agricultural landscape. There are also a number of sporadic one-off houses, but not ribbon development in this area.

2.0 Proposed Development

- 2.1. This is for the Construction of a detached single storey dwelling with accommodation within part of the attic space, new site entrance, the repair and renovation of existing derelict structure for use as domestic garage/storage, proprietary waste water treatment system and all associated works.
- 2.2. Details submitted with this application include the following:
 - Details providing a background and rationale for the proposed development;
 - Site location and Site Layout plans, drawings including floor plans, sections and elevations;

- Site Suitability Assessment & Letter from Dr. Robert Meehan re: Treatment System;
- Landscape Proposal;
- Letter of Consent;
- Local Needs Form with 8no. Support Documents.

2.3. Subsequently significant further information/revised plans were submitted.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission for the proposed development subject to 16no. conditions on the 7th of August 2018. These generally concern occupancy, design and layout, landscaping, infrastructural and construction related issues and development contributions.

3.2. Planning Authority Reports

Planner's Report

The Planner had regard to the locational context of the site, planning history and policy, interdepartmental reports and to the submission made. They included regard to the following:

- The site is not within or directly adjoining any Natura 2000 site. Screening for AA concludes that the proposed development either by itself or in combination with other plans or projects would not be likely to have a significant effect on European sites and that a Stage 2 AA (NIS) would not be required.
- The application site is located in a rural area under strong urban influence where local needs policy applies. Having regard to the documentation submitted they are satisfied that the applicant meets the Council's local needs criteria.

- They considered the design and siting of the dwelling to be acceptable in terms of the Meath CDP 2013-2019 and the Meath Rural House Design Guide.
- They note that Transportation Department's comments and provide that in order to accommodate a safe access to this site, that it is recommended that the existing hedgerow along the front of the site be removed entirely.
- They note that it is proposed to install a pwwts and soil polishing filter on this site and have regard to site characterisation. They note it is proposed to install a private well.

Further Information Request

They recommended that this be sought to include the following:

- The proposal to refurbish the ruinous structure with a garage is unacceptable in its current form and they queried whether the garage could be more appropriately located on site.
- They queried the intentions for the dilapidated structure 'cattle and hay shed'.
- They requested a survey of the roadside hedge and location of roadside trees, to show existing road side boundary to be removed and the new boundary set back 3m from the roadside edge.
- To comment on the matters raised in the Third Party submission.

Further Information Response:

- Revised drawings have been submitted showing the existing structure is to be retained and not converted into a domestic garage. A new detached single storey storage shed is to be located to the side/west of the proposed dwelling.
- The corrugated metal sheeting and timber structure are to be removed from the existing cattle & hay shed. All that will remain are the original rubble walls.
- The roadside hedge has been resurveyed and overlaid on the Site Layout Plan and details are given of this. The existing hedgerow has been inspected and is in poor condition. The Landscape Inspection & Recommendation (Martin Curran Design) recommends its replacement with a new multispecies double hedgerow.

- They have enclosed a response to the Third Party submission prepared by the applicant.
- Revised Public Notices have been submitted.

Planner's Response

They had regard to the F.I submitted and to the Submissions and Representation made and include the following:

- The applicant satisfies the local housing need criteria as outlined in the MCDP 2013-2019 and as such qualifies to build a dwelling on his family lands in this rural location.
- The proposed access has been assessed by the Transportation Department and the engineers are satisfied that the required sight lines can be achieved and maintained, subject to the hedge being set back 3m on the site.
- A landscape inspection was carried out on the hedgerow along the front of the site and this found the hedge to be of poor horticultural quality and a new setback hedge is to be planted along the frontage.
- The applicant has addressed the issues raised to the satisfaction of the PA.
- They recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

Transportation Section

This site is located on the busy L5621, the roadside boundary will have to be removed to facilitate sightlines. No objections subject to recommended conditions.

3.4. Third Party Observations

A detailed submission has been received from local resident Anne Reid noting her concerns relative to the proposed development.

She has submitted a further detailed submission relative to her concerns regarding the further information submitted.

These have been read and noted. As she is the subsequent Third Party Appellant her concerns are considered further in the context of the grounds of appeal below.

Letters of Support

A letter of support has been submitted by CLLR Tom Kelly and letters have also been received from some local residents.

4.0 Planning History

Subject Site:

- Reg.Ref.LB150802 – Permission granted subject to conditions to Kevin Gogarty for a New dwellinghouse, site access & wastewater treatment system, percolation area and all associated site works.

This was subsequently overturned and refused by the Board (it is referenced that the Board's Inspector recommended permission) – Ref. PL17.245629 refers (note a copy of the Inspector's Report and the Board's Direction and Decision is included in the History Appendix of this Report). The reasons for refusal include in summary:

1. The proposed development located in an 'Area under Strong Urban Influence' as identified in the 'Sustainable Rural Housing Guidelines for Planning Authorities 2005', would be contrary to local needs policy RD POL 2 of the Meath CDP 2013-2019 and would contribute to the encroachment of random rural housing in the area and militate against the preservation of the countryside and be contrary to the proper planning and sustainable development of the area.
2. It would be contrary to Policy RD POL 9 in the Meath CDP 2013-2019 in that it would involve the removal of a large amount of hedgerow to facilitate sightlines and would fail to be adequately absorbed and integrated into the landscape on a prominent site. It would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the proximity of the proposed entrance to a junction and a prominent bend, the Board was not satisfied that the proposed development would not endanger public safety by reason of traffic hazard and obstruction

of road users arising from the additional traffic turning movements that would be generated by the proposed development at this location.

Proximate site:

Reg.Ref. LB/171195 – Permission granted to Ronan and Sarah Brennan by Meath County Council subject to conditions for the Construction of a house, garage, sewerage treatment facilities and all associated works. The site is to the south west with frontage onto a county road, the L-5618-16. This proposal is currently the subject of a separate Third Party Appeal to the Board – ABP-301317-18 relates.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

Relevant provisions are referenced as follows –

The application site is located on rural lands, outside of any identified settlement in the Co. Dev. Plan 2013;

Sect.10.2-10.3 sets out the relevant ‘policy’ regarding the assessment of housing within in rural areas. Policy RUR DEV SP 1 seeks: *To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types.*

Section 10.3 provides for three distinct rural area types within Co. Meath, which reflect the different levels of development pressure across the county. These are Area 1 – Rural Areas under Strong Urban Influence, Area 2 – Strong Rural Area, Area 3 – Low Development Pressure Areas (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 provides the detailed requirements relating to the establishment of ‘local housing need’. This sets out a number of categories of person, who will be considered to be ‘an intrinsic part of the rural community’, (see copy attached).

It is noted that the Planning Authority recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural

resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include:

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

The following policies were all referred to in the Board's Direction and 3no. reasons for refusal in PL17.245629

RD POL 2 of the Plan seeks: *To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.*

RD POL 9 seeks: *To require all applications for rural houses to comply with the Meath Rural House Design Guide.*

RD POL 41 seeks: *To avoid the removal of existing roadside boundaries where they are more than 3m from the road edge (edge of carriageway), except to the extent that this is needed for a new entrance, and where required for traffic safety reasons.*

(Please refer to policies contained in Section 9.7.8 Woodlands, Hedgerows and Trees in this regard).

NH POL 13 seeks: *To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.*

Chapter 11 of the Co. Dev. Plan sets out the 'Development Management Standards & Guidelines';

Appendix 15 sets out the Co. 'Rural Housing Design Guide'.

5.2. **The Sustainable Rural Housing Guidelines 2005**

This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working full-time or part-time in rural areas.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.4 is concerned with Access and restriction of such on National Primary and Secondary Roads. Regard is also had to Roadside Boundaries Section 4.5 is concerned with Protecting Water Quality and Site Suitability issues.

5.3. Code of Practice Wastewater Treatment Disposal Systems serving Single Houses

This document (2009) by the EPA relevant to single houses (p.e <10) and replaces SR6:1991 and the EPA Manual 2000 for 'Treatment Systems for Single Houses'. The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

5.4. EU Water Framework Directive

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.

5.5. Natural Heritage Designations

- 5.5.1. The nearest site of nature conservation interest lies c.4km to the north east of the appeal site and comprises Laytown Dunes/Nanny Estuary proposed Natural Heritage Area (site code 000554) and the River Nanny and Shore Special Protection Area (site code 004158).

6.0 The Appeal

6.1. Grounds of Appeal

A detailed Third Party Appeal has been submitted by Anne Reid, who resides in the dwelling to the north of the subject site. She has extensive knowledge and strong ties to the local area and believes that the proposed development should be refused. This is based on the following grounds:

1. The development would be detrimental to the archaeological, natural and vernacular heritage on the proposed development site.
2. The Applicant does not qualify for Local Need Planning Permission.
3. The proposed dwelling would have a negative impact on the rural character and scenic beauty of Lisdornan.

Her grounds of appeal include the following:

- This application is almost identical to that previously refused by the Board in 2016. None of the changes address the previous reasons for refusal on this site and the previous reasons for refusal remain.
- The only substantial differences are a change in house shape from a T-shape to an L-shape, with a concurrent reduction in height and a small reduction in the size of the proposed development site.
- The proposed development site remains in a rural area under strong urban influence, near Junction 7 of the M1 motorway.
- The applicant remains a daily commuter to Dublin for work purposes and the applicant's housing need is still urban generated.
- The application still proposes the removal of a large area of boundary hedgerow contrary to the Meath Rural House Design Guide.
- The proposed new entrance is in an identical location to the entrance that was previously proposed and no changes have been made to improve road safety.
- The development would destroy the Natural Heritage on the Proposed Development Site;
- The development would be detrimental to the Archaeological, and Vernacular Heritage of the proposed development site;
- The proposed dwelling would have a negative impact on the rural character and scenic beauty of Lisdornan;
- The proposed development would have a negative impact on her residential amenity;
- The proposed new entrance is dangerous.

It is noted that her appeal is based on each of these issues and that she has made observations on both the original and the revised site layouts, both of which she objects to. Photographs including aerial photographs and mapping are included in the context of the appeal.

Impact on Natural Heritage

- The proposed development is not justifiable and would be contrary to planning policy in that it would destroy a large part of the roadside boundary hedgerow including mature roadside trees, internal hedgerow and a consequent loss to natural heritage.
- The applicant has neither sought nor received permission from the owners of the derelict house to plant a new hedge, for the purposes of integration on the inside of the post and wire fence.
- It is reasonable to presume that the applicant proposes to regularly, and severely, trim the hedgerow in order to maintain sightlines. Such would have a detrimental effect on the hedgerows.
- Concerns relative to the proposed new entrance - would be a *de facto* combined agricultural and domestic entrance.
- The 'Further Landscape Inspection & Recommendation' document compiled by Martin Curran is unsatisfactory and should be disregarded. They ask the Board to note that there has been no assessment by an independent, qualified arborist.
- It is noted that the Heritage Council accord a high significance to historic (1830's shown on O.S mapping) boundary hedges. Reference is also made to their publication *Conserving Hedgerows*.
- They refer to flora and fauna and note views of Bird Watch Ireland on the importance of the retention of hedgerows.
- The destruction of 115m of roadside boundary hedgerow would impact adversely on the ecosystem. This would detract from the long established natural heritage and biodiversity of the area.

- They note the previous application - PL17.245629 refers, contained numerous photos of the roadside hedgerow which was then as now, under threat from the proposed development.

Impact on Archaeological and Vernacular Heritage

- The proposed development would destroy the real, but delicate and fragile heritage on the subject site. It is in an area of potential archaeological interest. They note the proximity from a Norman Motte (National Monument ME028-013), located to the north of the proposed development site and zone of archaeological potential.
- There is also potential for eighteenth and nineteenth century or older archaeological remains to be found on this site.
- They express concerns Mr Brendan Matthews' Archaeological Report relative to Lisdornan Village.
- Concern that despite the archaeological potential of this site, MCC did not attach a condition relative to archaeological monitoring to their permission. In refusing permission ABP would protect the archaeological heritage of this site.
- As an alternative to the applicant's proposal and based on the documentary evidence, they believe that the 'Hedge School' building should be afforded the status of a Protected Structure – Objective CH OBJ 14 relates. This proposal is contrary to policy which seeks to encourage the sensitive restoration of such.
- The other ruinous structure known as the 'hay shed' was erected relatively recently by the tenant of the current landowner and is currently being used in a way in which it was not previously used in living memory.
- This building is not worth of retention but there are concerns as to the agricultural use and as to how agricultural vehicles would access the site.

Local Needs issue

- It is contended that the applicant has not demonstrated that they are part of the established rural community and does not have intrinsic local needs rather his needs are urban generated.

- To allow such random rural development would be contrary to sustainable development in this Rural Area under Strong Urban Influence.
- A Map is included showing the distance from the applicant's family home (5.4kms) at Clusin, Carns Road, Bellewstown to the proposed site.
- In accordance with MCDP rural housing policies including RD POL 2 the applicant should not be granted permission on the basis of local needs.

Impact on Rural Character and Landscape

- The proposal would have a negative impact on the rural character, landscape and scenic beauty of Lisdornan.
- They note there is a proximate current application under appeal and pressure for one-off housing in the area.
- The proposed development would increase traffic in the area.
- The proposed design and layout would not be compliant with the Meath Rural House Design Guide and would be overly prominent and would detract from the character and views in the area.
- They are concerned about the proposed siting, large site area and being wasteful of agricultural land. It would not compliment or integrate well into the landscape or contribute in a positive manner to the built heritage of the area.
- They are concerned that it will impact on the stream which feeds directly into the River Bradden c. 960m from the site, and note that the estuary of this river is part of the SPA 'River Nanny and Shore' (c.4kms away).
- The proposal will impact adversely on flora and fauna in the area.

Local Authority Permission – They consider that the LA granted permission for the applicant's planning proposal despite the fact that the applicant failed to address, or supply new material in relation to, any aspect of the previous ruling of the Board.

Impact on Residential Amenity

- The proposed development would have a negative impact on the Appellant's privacy and residential amenity both at construction and occupation phases.

- The proposed access drive between the roadside entrance and the communal field gate presents a hazard to her private well.
- Potential negative effect of proposed new garage/storage on her residential amenity.

Traffic Hazard

- Concern that the proposed new entrance is in a dangerous location and will lead to traffic hazard and that the Board's previous reason for refusal has not been addressed.
- Consideration of possible dual usage (including for domestic/agriculture) and that this would not be in compliance with current standards.
- Sightlines - high levels of traffic on the local road network are noted. The applicant proposes to locate a new combined domestic/agricultural entrance only 90m from the prominent bend.
- Non compliance with current standards and policies. It would be justified that the applicant be required to achieve the full 160m sightlines either side of the proposed entrance.
- Concern regarding the revised site layout and noting that in order to achieve sightlines and setback long established hedgerow outside the site will have to be removed.
- Problems of proliferation of entrances on a short stretch of undulating county road close to a bend and junction where maximum speed limits of 80kph apply. Regard to traffic accidents in the area.
- The applicant has offered no new arguments or evidence to show that the proposed new entrance would be safe and has, therefore, failed to show that it would not present a serious hazard for local road users.
- She refers to all the issues raised and seeks to protect her local area from an unsustainable, destructive and dangerous development and requests the Board to refuse permission.

6.2. Applicant Response

Joe Bonner Town Planning Consultant has submitted a First Party response to the grounds of appeal on behalf of the applicant Kevin Gogarty. This includes the following:

- The Board's previous reasons for refusal have been addressed in the current application and revised plans submitted.
- As per the F.I submitted the proposed repair and renovation of the existing derelict structure for use as domestic garage/storage, was omitted from the application.
- They note contact with neighbours and pre-planning carried out.
- Mr Gogarty (the applicant) prepared and submitted a comprehensive response to the PA in respect of the third party submission.

Differences and Similarities between 2015 and 2018 applications

- They note that the site area has been reduced in the current application.
- Changes to the house type to assimilate better into the landscape.
- The entrance has been shown slightly north of where it was shown in 2015 to improve sightlines.
- A discussion is provided of the applicant's compliance with local needs policy.
- This includes relative to the wording of the Board's Direction.

Local Needs

- While Lisdornan is an area under strong urban influence this does not constitute a blanket ban on housing which appears to be the view which the Board took in 2016.
- The applicant has a genuine proven local need. This application is not in conflict with Policy RD POL 2 as per reason no 1 of the Board's refusal and the Board should conclude the contrary on this occasion.

- They note that almost half of County Meath is deemed to be in an area under strong urban influence and that the policies for such areas are designed to restrict but not prohibit rural housing in the county.
- The applicant clearly complies with the local need provisions of the Meath CDP 2013-2019. The first reason for refusal has been overcome and the proposal complies with planning policy.

Uneconomic provision of services and infrastructure

- They note that the road infrastructure is existing as is the provision of telecommunications, electricity and postal services.

Reason no.2 – Removal of Boundary Hedgerows

- There is little of any quality to be found in the hedgerow that is present along the roadside, the hedge that is to be removed in the middle of the site has grown up along the fence line and is of no quality.
- The overgrown stone wall now discovered also contains the old wrought iron gate and pedestrian access. They note the importance of this old stone wall (and include photographs) and have regard to its inclusion in the landscaping proposals.
- They have an obligation to manage, maintain and cut back their roadside hedgerows. They enclose a letter from the Council: *Notice in respect of Trees, Shrubs, Hedges or vegetation constituting a hazard or potential hazard.*
- The proposed development will be well integrated into the landscape and the ridges of the house have been designed to fall with the natural topography of the land – Fig 4.12 relates. Existing roadside trees are set back 3m from the road edge and can be retained.
- The design and siting of the dwelling is considered acceptable in terms of the Meath County Development Plan 2013-2019 and the Meath Rural Housing Guide.
- They conclude that the Board's second reason for refusal has been overcome.

Reason no.3 – Dangerous Entrance

- They note that the Transportation Department of the Council did not object to the proposed development.
- The removal and proposed setback of the hedgerow along the roadside boundary will facilitate 90m sightlines which are available in either direction. The new access will improve rather than diminish traffic safety. It is in accordance with planning policy and guidelines.
- As well as facilitating the development of a home for a member of the local community, the works to be carried out to will improve traffic safety.

Other issues

- An Archaeological Impact Assessment has been submitted and they note the National Monument is more proximate to the appellant's house.
- The ruinous building will not now be used as a shed.
- The landholding/site entrance has very limited agricultural use.
- They conclude that the Board's previous reasons for refusal have been overcome having regard to the changes made and the documentation submitted in the current application. Also, that this proposal is in accordance with the proper planning and sustainable development of the area.
- It is of note that a separate response to address the Third Party Submission has been submitted by the Applicant.

6.3. Planning Authority Response

This includes the following:

- They provide a summary of issues raised in the Third Party grounds of appeal.
- They note that the applicant responded to the issues raised in their F.I request to the satisfaction of the PA.

- It is the view of the PA that the applicant has demonstrated that they satisfy the local housing need criteria as outlined in the MCDP 2013-2019 and as such qualifies to build a dwelling on his family lands in this location.
- The Transportation Department have assessed the proposed access and the engineers are satisfied that the required sightlines can be achieved and maintained, subject to the hedge being set back 3m on site.
- A landscape inspection carried out found the hedge to be in poor quality and a new hedge is to be planted along the site boundary.
- The ruinous structure will be retained on site and there are no works proposed to same. This structure is not a Protected Structure and does not have any status in terms of protection.
- The design and siting of the dwelling is considered acceptable in terms of the Meath CDP 2013-2019 and the Meath Rural House Design. The dwelling is low lying and they consider it could be assimilated well into the local landscape.
- They request the Board to uphold the decision of the PA.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As noted in the Planning History Section above, there has been a recent refusal by the Board to the current applicant, for the construction of a new dwelling house on this site. Ref. PL17.245629 relates. It is noted that the key issues of concern for the Board were: Pressure for one off housing in the area, Removal of hedgerows, Traffic hazard. The Policies noted by the Board in their previous refusal have been quoted in the Policy Section above. It is noted that the policies and objectives of the Meath County Development Plan 2013-2019 are still applicable.
- 7.1.2. The Third Party consider that the Applicant has failed to address the reasons why his previous application was refused permission by the Board. They provide a detailed discussion of this relative to the grounds of appeal and further submission and are concerned that the proposed development would detract from the rural character of

the area and the proposed design and layout would not overcome the Board's previous reasons for refusal. This includes regard to lack of the applicant's demonstrated local need, poor design and layout and removal of a large area of roadside boundary hedgerows not being in accordance with policy or guidelines and the creation of a dangerous access leading to traffic hazard.

7.1.3. The First Party refute this and provide that the Board's reasons for refusal in Ref. PL17.245629 have been addressed in the current application. They provide that the documentation they have submitted demonstrates that the applicant complies with local needs policy and the site has been reduced in area and the design and layout changed to comply with the *Meath Rural House Design Guide*. They note that the removal of this area of roadside boundary hedgerow is necessary to achieve sightlines and that landscaping plans show that this will be replaced with a new hedgerow that will be set back. They also provide that the entrance has been moved slightly to the north to allow for a safer entrance and facilitate sightlines.

7.1.4. Therefore, regard is had to these issues as it needs to be ascertained that the Board's reasons for refusal in the previous application have now been addressed in this new application. Also, that the proposed development would not detract from the amenities or character of the area, lead to traffic hazard or loss of amenity and would comply with current policy and guidelines and be in the interests of the proper planning and sustainable development of the area.

7.2. Reason 1 - Regard to Local Needs issues

7.2.1. The site is located in a Rural Area under Strong Urban Influence as identified in the Meath CDP, Map10.1 relates. It is put forward that the applicant has a proven local need and there should not be a blanket ban on genuine applicants in the area. Details of the Applicant's local need have been submitted with the planning application. The Third Party appeal submission includes a Map showing current levels of rural housing in the area. It is also noted that there is a proximate current appeal relative to another dwelling to the south west (ABP-301317-18 relates).

7.2.2. The information submitted with the application provides that he and his fiancée are native of Bellewstown and are intrinsic members of the local rural community and that they and their families have long standing ties to the area. It is also of note that a

separate response to the Third Party Submission has been submitted by the Applicant. Section 2 includes details relative to his local need. This is based on him being a person who is an intrinsic part of the rural community (section 10.4 of the Meath CDP relates), despite his work not being locally based. Also, that the distance to the family home stated as being 5.4km away is irrelevant as it is in the rural area and a distance of 10km is cited in Policy RD POL 8 of the Meath CDP i.e: *(a) Where a person cannot secure an appropriate site in their native rural area consideration will be given to permission for a rural dwelling within a Graig (maximum distance of 10km from the family home).*

- 7.2.3. Details in Section 4 provide that since the purchase of this land in 2006 it has only ever been used as grazing ground for cattle. Also, that the construction of a house anywhere on the 7acre (approx.) holding will reduce the amount of agricultural activity throughout the year. Appendix 2.2 notes that since that land was purchased by the applicant's father in 2006 the landholding has been let for grazing purposes. The Site Location Map shows the site in red and the landholding in blue. Land Registry details and Folio number have been submitted. A letter is included from the applicant's father giving his consent for his son to apply for permission on this site.
- 7.2.4. It is noted that the Planning Authority considers that based on the information submitted with the application, that the applicant would satisfy the local need criteria for the area. Having regard to the information submitted, I would concur with this and would not consider that lack of demonstrated local needs should be a reason for refusal in this case.

7.3. Reason 2 – Impact of Design and Layout

- 7.3.1. The First Party provides that the design intent was always to minimise impact on the local area. The site area has now been reduced from 1.36ha compared to 0.92ha. Images 3.1 and 3.2 in the First Party response to the appeal show the site areas in 2015 and 2018 respectively. The site boundary has been set back in a northern direction so that the site will not border the appellant's property as was proposed in the 2015 application.
- 7.3.2. The Appellant considers that the proposed development would have a negative impact on her privacy and residential amenity in this rural area. She is also

concerned about the location of a proposed communal field gate. The First Party response provides that there will be no adverse impacts on the Appellant's property as the site is now removed from the northern boundary.

- 7.3.3. The house type has been changed from a 'T' plan as shown in the previous application to an 'L' plan and the ridge height proposed varied between the blocks and is 0.29m lower than the highest ridge line proposed in the previous application. The house is designed in two distinct adjoining blocks, connected by a recessed entrance. A shown the higher section for the 4no. bedrooms and the lower block for living accommodation. The first floor plan above the bedroom block is to include rooflights and to include a studio and playroom. The g.f.s of the proposed dwelling including the attic space is given as 295sq.m. and that of the previous proposal was 283sq.m.
- 7.3.4. Appendix 15 contains the Rural House Guide. Reference is also made in Section 2.3 to good design in the Meath Rural House Design Guide. I would consider that the revised lower profile more contemporary house type which as shown in the contextual elevation is to be set into the contours of the site will be better assimilated into its surroundings and in accordance with this Design Guide and therefore Policy RD POL 9 of the Meath CDP 2013-2019.
- 7.3.5. As per the revised plans noted in the F.I submitted the proposed repair and renovation of the existing derelict structure for use as domestic garage/storage, was dropped as part of the proposed development. The revised proposal does not include changes or works to the 'hedge school' ruinous stone building. In the interests of the preservation of heritage this is considered to be preferable.
- 7.3.6. The ruinous 'hay shed' structure, while it does not appear so, should not be used to house cattle and in view of the proximity to the local road. The F.I submitted notes that the corrugated metal sheeting and timber structure are to be removed from the existing cattle and hay shed. All that will remain are the original rubble stone walls. This structure is unsightly and I would recommend it the Board decides to permit that it be conditioned that this be removed and the original rubble stone walls retained.

7.4. Reason 2 - Impact on Natural Heritage – Hedgerows.

- 7.4.1. The Bellewstown Hills are described, in the Landscape Character Assessment, as a large remote area of steeply rolling hills to the south east of Duleek, which is intensively managed with well wooded hedgerows. Built development consists of scattered detached dwellings in the countryside and ribbon development along rural roads. It is noted that Lisdornan is located within the Coastal Landscape. And within the 'Hills and Upland areas' classification in the Meath CDP.
- 7.4.2. As can be seen relative to the photographs attached to the previous application (2015) there were substantial mature hedges existing particularly along the roadside boundaries. The situation now changed in that this hedge has been severely cut back and there are now relatively open views of the site from the public road. The Third Party is concerned about the impact on the rural environment and biodiversity of the removal of a considerable length of native mature hedgerow and trees to facilitate the proposed development. They are concerned that the revised site layout confirms that the applicant would be necessitated (to achieve 90m sightlines at the proposed new entrance) to remove and destroy approx. 115m of long established roadside hedgerow (which includes three mature trees) and replace it would a newly planted hedge, significantly set back from the roadside. It would take many years to mature and develop. This would be contrary to Policy as quoted in the Policy Section above.
- 7.4.3. They provide that Condition no.5(a) of the Council's permission is not consistent with either the previous ruling of ABP nor policies contained in the Meath CDP 2013-2019 or the Meath Rural House Design Guide. This provides: *The boundary hedge shall be removed and set back at least 3 metres from the road edge to facilitate sightlines, in accordance with the details indicated on the revised site layout plan received by the Planning Authority on the 27/06/18.* They consider there is a need to preserve this long established native hedgerow and the biodiversity it supports in an area of intensive agriculture. They are concerned that the new boundary hedgerow which would create a 3m gap (to allow for sightlines) fails to integrate with the existing long established hedgerow which forms the roadside boundary.
- 7.4.4. A Landscape Proposal has been submitted with the current application. This notes that three trees to the western boundary are to be maintained and that the existing

hedgerow requires augmentation with native species. It provides details of proposed planting. A drawing of the proposed landscaping scheme is included. Further details of planting have been submitted as part of the F.I response.

- 7.4.5. The First Party provides that surveys by the horticulturist have found that the health of the existing boundary hedge is poor. The removal of the hedge and its replacement with a new native hedge set back 3m is indicated, with the hedge to the north of the proposed entrance which benefits from the set back retained. They subsequently note that the old stone wall, piers and wrought iron pedestrian gate along the roadside boundary can be restored and improved as part of the proposed development due to its setback 3m from the roadside edge. A new hedge of native species is to be planted behind this wall with mature trees in the background to reduce any perceived short term visual impact of the development on the wider landscape. They note that the roadside trees are set back 3m from the road edge and will not be required to be felled to facilitate sightlines.
- 7.4.6. They consider that there is a link between the Board's second and third reasons for refusal in that the hedge must be removed to improve sight lines, the loss of the existing hedge is not significant and a new set back hedge would be much more beneficial to road users relative to biodiversity and achievement of sightlines. They also refer to the retention of mature trees along the roadside boundary and that the landscaping scheme proposed includes that many native species are proposed around the site.
- 7.4.7. I would consider that while the loss of this area of boundary hedge is regrettable, that the severely cut back roadside hedge now existing does not appear to add to the environment significantly. In this case its replacement with a hedge of native species indigenous to the area set back 3m from the roadside verge, including the augmentation of the existing hedge where that set back is available and retention where possible of the roadside trees would add to biodiversity and would not detract significantly from the character of the rural area. In view of this and the proposed landscaping of the site I do not consider that this should be a reason for refusal in this case.

7.5. Reason 3 - Access and Traffic

- 7.5.1. This is a corner site with frontage to county roads to the east and south. While being close to the bend may cause traffic to slow down the site is within the 80kph design speed. There are currently two separate gated accesses to the site from the road to the east. The most northerly one is a narrow pedestrian entrance that may have been an access to the now ruinous stone building. The other is the agricultural entrance to the derelict structure that was formerly used as a small agricultural shed. This appears as a more centrally located field gate. It is proposed to block up the latter and provide a more northerly entrance to the public road to the east which will achieve improved sightlines. The Appellants entrance is located to the north of this.
- 7.5.2. The Board's previous reason for refusal in PL17.245629 had regard *to the proximity of the proposed entrance to a dangerous bend*. Their Direction included: *Finally, the Board considered that the risk of traffic hazard could not be eliminated having regard to the layout and proximity of the nearby junction at a prominent bend*.
- 7.5.3. The Appellant is concerned that the proposed entrance is in the same location as that previously refused and notes the prominent bend and major junction in close proximity. They refer to traffic hazard and that the proposed entrance is too close to their entrance which is located to the north of the site. They consider the entrance could be for combined domestic/agricultural usage in that agricultural vehicles which require wider access may also use this entrance. The local road network is busy and fast. This road links Stamullen to the R108, which continues to Drogheda. It is noted that there is no path or cycleway in the area. There is concern that this proposal will lead to problems of proliferation of entrances on a short stretch of local road. A Map is included with their appeal showing the entrances in the vicinity of the site.
- 7.5.4. The First Party notes the limited nature of agricultural use. In the current application the proposed entrance is located c.5m north of where it was proposed in 2015 as is evidenced in the proposed entrance relative to the ruinous structure. It is now shown c.25m south of the boundary of the site to the north (appellant's), rather than 30m previously shown. They provide that this assists in the achievement of appropriate sight lines and that the revised entrance location will improve visibility that will in turn aid safety on the local road. The Site Layout Plan submitted at F.I stage shows that the 90m are achievable provided the hedgerows along the road frontage are set

back by 3m. The availability of 90m sightlines in either direction is in accordance with current road standards and policy RD POL 43 of the Meath CDP. They also provide that traffic speed is reduced in this area based on a speed limit of 60km/h due to the prominent bend to the south. They note that warning signs have been placed in the vicinity to slow down traffic. Fig. 2 of their Response Submission refers.

- 7.5.5. It is noted that the Council's Transportation Department did not object to this proposal and recommended that the roadside boundary hedge be removed and the new boundary be set back 3m from the road edge over the entire site frontage. Condition no. 5 (a) of the Council's permission refers. Condition no. 5(b) provides that the entrance gate is to be set back 7m from the edge of the road. This is to allow for the joint agricultural usage of the site so that machinery is accommodated on the setback between the roadside gate and entrance to the field. It is recommended that if the Board decides to permit that a similar type condition be applied.

7.6. Impact on Archaeological and Vernacular Heritage

- 7.6.1. There is concern that the whole of the proposed development site is in an area of potential archaeological interest. The proximity from a Norman Motte (National Monument ME028-013), located to the north of the proposed development site is noted, as is the zone of archaeological potential. Regard is had to archaeological heritage policies CH POL 6 -9 in the Meath CDP, which seek to promote awareness of and protect such. The First Party considers that the proposed development will not have a significant negative impact on heritage also taking into consideration that the appellants house lies between the proposed house and the National Monument.
- 7.6.2. Note is also had of upstanding archaeological (vernacular) heritage, in view of the upstanding ruins on site. The Third Party provides that as per local folklore the stone structure was used as a hedge school in the eighteenth and nineteenth centuries and refer to (1836-37) O.S mapping. They are concerned that the applicant proposes to convert this building into a storage shed. The Third Party considers that the proposal would be contrary to CH POL 20 which seeks to encourage the sympathetic retention and reuse of such feature. Therefore, rather than demolition a sensitive restoration of the 'Hedge School' building is warranted. I would recommend that if the Board decides to permit that it be conditioned that the ruinous remains of this stone building be retained in situ on site and not converted to any other use.

7.6.3. An Archaeological Impact Assessment has been submitted with the First Party response to the appeal. This notes that the site is situated in an area with known archaeological remains recorded in the wider vicinity, a Recorded Monument lies just north of the site. There are currently no known archaeological remains surviving in situ within the site boundary. In view of the information submitted I would recommend that if the Board decides to permit that a condition relative to archaeological monitoring be included.

7.7. Drainage issues

7.7.1. The location of the proposed wwts and polishing filter is shown on the Site Layout Plan submitted. A Site Characterisation and Assessment has been submitted with the application. It is noted that this is dated July 2015 (appears to be relative to the previous application). However, the proposed wwts is to be located in an area similar to that previously proposed. A letter has been included with the current application (dated 20th December 2017) which provides an update and notes that the current new application for the site includes the same two elements recommended for the site as part of the 2015 site characterisation and assessment; a conventional septic tank and intermittent soil polishing filter. This notes compliance with the current guidelines and standards.

7.7.2. Regard is had to the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10). Table 6.2 of this EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and “in cases where $3 < P < 75$ the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay...” The ‘T’ and ‘P’ test values given are within this range.

7.7.3. The percolation tests provide that neither bedrock nor the water table was met in the trial pit, at 1.5m below ground level. The average ‘T’ results were 10.2. The average ‘P’= 13.5. It was recommended that a septic tank and polishing filter be installed and maintained in compliance with the EPA Guidelines (2009). It is also of note that the Site Characterisation includes a Map showing the location of the well of the property to the north and drains adjacent to the site. It also notes that there is a poor Aquifer

of moderate vulnerability in the area, soils are well drained and that the site is suitable for discharge to ground as there exists 1.5m depth of permeable soils. Therefore, having regard to these results, it is not considered that drainage is an issue for refusal in this case.

7.7.4. It is noted that the applicant is proposing to provide a private well on the site and as shown on the Site Layout Plan this is to be located to the south of the remains of the 'hedge school' building. The details submitted with the current application provide that the well at the eastern part of the site (and closer to the road – c.8m which is in accordance with Table 6.1 of the Code of Practice) maintains a distance of over 40m from all elements of the wwts. It is important that this be located away from any source of possible ground water contamination.

7.7.5. Appendix 2 of the First Party response to the Appeal submission includes Water Analysis Results. This noted that there is a discharge from a sewer pipe on the western side of the field, photographs have been included. Findings included that: *Water is not suitable for drinking or any form of domestic use unless boiled for several minutes.* The applicant was advised to contact his agent for advice on treatment methods. A letter has been submitted by the applicant to show that he has consulted the Department of the Environment in the Council. An email is included from Inland Fisheries Ireland expressing that: *Any such discharge may be contrary to the Water Pollution Act 1977 (as amended) and the Inland Fisheries Ireland Act 1959 to 2010.* There are concerns that this maybe a source of contamination for the deep ditch, stream and the groundwater flow is directly into this stream that ultimately joins the River Braddon. However, it appears that this area is to the north of and outside the subject site and it considered that this is a separate matter for the Environment Department of the Council rather than consideration in the current application.

7.8. Screening for Appropriate Assessment

7.8.1. A Screening for AA Report has been submitted in response to the grounds of appeal. The purpose of this report is to examine possible ecological impacts of the proposed development on Natura 2000 site network, in particular on the River Nanny Estuary & Shore SPA (Site Code 4158) which lies downstream. The SPA area is of ornithological importance as it supports five species of wintering waterbirds in

numbers of national significance – oystercatcher, ringed plover, golden plover, knot and saunderling. Two species using the Natura 2000 site, golden plover and bar-tailed godwit, are also listed on Annex 1 of the E.U Birds Directive. The Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation interests in the SPA.

- 7.8.2. The description of the site provides that there are no features of ecological interest on site though the stream valley supports significant biodiversity. It is noted that the project is for the building of a dwelling with septic tank and polishing filter, located about 12m away from the edge of the stream channel. Wastewater from the proposed development is indicated to be discharged via a proprietary effluent treatment system. The Site Characterisation Report indicates soils are capable of dealing with wastewater arising and no contaminated waters relative to the current proposal should discharge from the site.
- 7.8.3. The AA Screening Report provides that the site is some 3.5kms away from the designated area by direct line and 4.5kms by water. It is provided that the ecological condition of the River Nanny is generally poor and there is nowhere along the river favourable to salmonid breeding. It is concluded that the proposed development will not have any significant impact on the River Nanny Estuary & Shore SPA or its conservation objectives and that this being the case there is no likelihood of cumulative effects.
- 7.8.4. Having regard to the above, 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.

7.9. Screening for Environmental Impact Assessment

- 7.9.1. Having regard to the modest nature the proposed development (a single dwelling), the capacity of the soils on site to accommodate wastewater and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that the proposed development be granted permission subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the documentation submitted and to the revisions made to the proposed development from that previously refused by An Bord Pleanála in appeal reference number PL17.245629 is considered that the applicant has demonstrated a rural housing need and that the proposed development is consistent with the policies and objectives of the Meath County Development Plan 2013 to 2019, including the Rural Design Guide, would not seriously injure the landscape character or visual amenity of the area or detract from the residential amenity of property in the vicinity of the site, by way of being overbearing or giving rise to overshadowing or overlooking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 27th day of June 2018 and the 12th day of July 2018 and by the further plans and particulars received by An Bord Pleanála on the 1st day of October, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate

family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

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

- 3(a) The external wall finishes of the proposed dwelling shall be nap plaster, dry dash and/or natural stone, unless otherwise agreed in writing with the planning authority.
- (b) The roof of the dwelling shall be of a blue/black, black or dark grey colour (including ridge tiles).
- (c) The external finishes of the proposed storage shed shall match those of and it shall be used for purposes ancillary to the dwellinghouse.
- (d) The existing roadside shed shall be removed and the ruinous upstanding stone structure on site shall be retained.

Reason: In the interest of visual amenity.

- 4(a) Where necessary to facilitate sightlines the boundary hedge shall be removed and a replacement hedge of native species, set back 3 metres from the

roadside edge in accordance with details indicated on the revised site layout plan received by the Planning Authority on the 27th of June 2018.

- (b) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details including any replacement boundary planting, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of traffic safety and in order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 5(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and on the 20th day of December, 2017, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

7. (a) The recessed entrance to the public road, including gradients, wing walls boundary treatment and surface water arrangements, shall comply with the detailed standards of the planning authority for such works.

(b) The existing field gate/agricultural entrance shall be closed off.

Reason: In the interest of amenity and traffic safety.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-carriageway parking facilities, maintenance and repair of the public road in respect of any damage caused and off-site disposal of waste arising.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be

referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Angela Brereton
Planning Inspector

21st of November 2018