



An  
Bord  
Pleanála

## Inspector's Report ABP – 302634 – 18.

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<b>Development</b>	Construction of dwelling house, detached garage, waste water treatment system, percolation area and all associated site works.
<b>Location</b>	Mooneystown, Athboy, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	KA180770.
<b>Applicant</b>	Ronan Bennett.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Ronan Bennett.
<b>Observer</b>	Transport Infrastructure Ireland.
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2018.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The 0.954ha appeal site lies c2.5km to the northeast of the settlement of Athboy in County Meath. The site is situated in the Townland of Mooneystown with its southern-most boundary running parallel with the N51, national road, at a point where a posted speed limit of 80kph applies, the alignment is curved and there is no roadside verge.
- 1.2. The site forms part of a larger parcel of grazing land with the roadside boundaries containing low cut mainly indigenous hedgerow with evidence of knotweed being present.
- 1.3. The site consists of two distinct parcels of land that are not demarcated. The main area of the site is situated in the south western portion of the site, has an irregular rectangular shape and it is where the proposed dwelling, garage, waste water treatment system and percolation are proposed. The second consists of a restricted in width long rectangular parcel of land which runs parallel with the southern site boundary and with the N51 in a west east direction. An entrance onto an existing private road is proposed at the easternmost end of this parcel of land and a long driveway is proposed to run from the proposed entrance in a westerly direction to where the site widens out to the area in which the proposed dwelling, garage and other associated works are proposed.
- 1.4. The private road accommodates a few dwellings, a group of farmstead buildings, a number of entrances to fields and it would also appear to accommodate a commercial haulage enterprise. The haulage enterprise appeared to be operational at the time of my site inspection which I note was outside normal business hours.
- 1.5. Opposite this existing entrance is a dwelling house and access to agricultural land. There are several one-off dwellings within the surrounding area.

## 2.0 Proposed Development

- 2.1. Planning permission is sought to construct a single storey dwelling with a stated GFA of 220m<sup>2</sup>, a domestic garage with a stated GFA of 24m<sup>2</sup>, a waste water treatment system and percolation area together with all associated site works which includes the provision of an entrance in close proximity to where there is an existing private

laneway access onto the N51. I note that the proposed source of water supply is via the provision of a private well.

- 2.2. This application is accompanied by a report titled “*Invasive Weed Management Plan for Site Development at Mooneystown, Athboy, Co. Meath.*” This report indicates the presence of Japanese Knot weed, a non-native invasive species, on the appeal site. This report sets out a site management plan for the safe removal and eradication of this species. It also indicates preference to use another entrance to that proposed.
- 2.3. This application is also accompanied by a Site Characterisation Report, a landscape plan for the proposed development, the written consent of the landowner as well as various documents with the purpose of supporting the applicant’s qualification for a ‘*Local Needs*’ dwelling at this location.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. The Planning Authority issued a notification to **refuse** permission as follows.

*“It is considered that the proposed development would be at variance with national policy in relation to control of development on national roads and would result in an intensification of use of the existing entrance onto the N51 which is designated as a Strategic Corridor in the Meath County Development Plan 2013-2019. The proposed development, would therefore result in an undesirable future precedent for development of this kind, would constitute a traffic hazard and endanger public safety and would be contrary to the proper planning and sustainable development of the area.”*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The Planners Report is the basis for the Planning Authority’s decision.

##### 3.2.2. Other Technical Reports

**Transportation:** Refusal recommended on traffic hazard and road safety grounds.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Observations/Submissions

3.4.1. **Transport Infrastructure Ireland (TII):** A submission was received by the Planning Authority from the TII. The concerns raised in this submission are the same as those raised by them in their submission to the Board (Section 6.4).

## 4.0 Planning History

### 4.1. Site and Immediate Vicinity

- **P.A. Reg. Ref. No. KA/170621:** Planning permission was **refused** for the construction of a dwelling, domestic garage, waste water treatment, percolation area and all associated site works. The grounds of refusal are summarised under the broad headings below.
  - 1) Traffic Hazard/Road safety concerns in relation to the proposed use of an existing entrance onto the N51.
  - 2) Contrary to the guidance and policies set out in the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan.
  - 3) Proposed design of the dwelling house was considered to be contrary to Section 10.7.1 of the Meath County Development Plan, 2013-2019.
- **P.A. Reg. Ref. No. KA/60267:** Planning permission was **refused** for a similar development on similar grounds to those stated above.
- **P.A. Reg. Ref. No. KA/60624:** Planning permission was **refused** for a similar development on similar grounds to those stated above.

## 5.0 Policy Context

### 5.1. National

5.1.1. **National Development Plan, 2018 to 2027**, seeks to safeguard the strategic function of the national road network alongside safeguarding investment made in the transport network to ensure its quality levels, accessibility and connectivity for users.

5.1.2. National Roads guidelines are set out in the **Spatial Planning and National Roads Guidelines** published by the Department of Environment, Community and Local Government in January 2012. These guidelines indicate that the policy of Planning Authority's will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply except in exceptional circumstances.

5.1.3. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005.**

These guidelines require the planning system to facilitate people who are part of the rural community, including in areas under strong urban influence subject to safeguards such as meeting the normal requirements in relation to such matters as road safety, proper disposal of surface water while directing urban generated development to areas zoned for housing development in cities, towns and villages. Essentially these guidelines seek to reach a balance in terms of development in the countryside so that the landscape is conserved and that new dwellings take account of as well as integrate in an appropriate manner with their surroundings.

### 5.2. Local

5.2.1. **Meath County Development Plan, 2013 to 2019.**

The appeal site lies in a rural area that is identified as under Strong Urban Influence. The policies are relevant to the proposed development are set out below.

- **Chapter 6** deals with the matter of transport. Section 6.10.4 includes TRAN POL 24 which indicates that the Planning Authority will seek *“to promote road and traffic safety measures in conjunction with Government Departments, the Road Safety Authority and other agencies through the provision of appropriate signage, minimising or removing existing traffic hazards and preventing the creation of*

*additional or new traffic hazards*". Section 6.10.8 includes TRAN POL 40 which indicates that the Planning Authority will seek to *"avoid the creation of any additional access point from new development intensification of traffic from existing entrances onto national roads outside the 60kph speed limit"*.

- **Chapter 10** deals with the matter of rural development and indicates an overall goal for rural housing is to ensure that rural generated housing needs are accommodated in the areas in which they arise, subject to the safeguards (Goal and Strategic Policy RUR DEV SP 2) without compromising the physical, environmental, natural and heritage resources of the County. Within rural areas designated as being under strong urban influence policies RD POL 1 and RD POL 3 apply. These include that individual housing developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which the development is proposed (Section 10.4). Section 10.19 and policy RD 9 sets out the technical and design requirements for new housing.
- Section 10.16.1 indicates that the Planning Authority under policy RD POL 36 will seek *"to develop and maximise the opportunities of the county's national primary and secondary roads as key strategic infrastructure vital to the county's continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development"* and under RD POL 37 *"ensure that future development affecting national primary or secondary roads shall be assessed in accordance with the guidance given in the document 'Spatial Planning and National Roads – Guidelines for Planning Authorities"*.

### 5.3. Local: Other

#### 5.3.1. Meath Rural House Design Guide, 2009.

These guidelines seek to positively encourage the application of good siting and design principles for new single house developments in the countryside.

### 5.4. Natural Heritage Designations

#### 5.4.1. There are a number of Natura 2000 sites situated within 15km radius of the appeal site.

- Jamestown Bog NHA (Site Code: 001324) is located c2.4km to the east.

- River Boyne and River Blackwater SAC (Site Code: 002299) is located 4.2km to the west.
- River Boyne and River Blackwater SPA (Site Code: 004232) is located c3.5km to the south-west.
- Girley Bog NHA (Site Code: 001580) is located c4.2km to the north-west.

## 5.5. Environmental Impact Assessment

- 5.5.1. The site is not directly connected to the Natura 2000 sites within the 15km radius, in particular the Natura 2000 sites set out in Section 5.4.1 above which are nearest to the site, by any hydrology. Given the distances involved, the lack of any hydrological link and having regard to the applicant sufficiently demonstrating that they can comply with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (2009).
- 5.5.2. Having regard to these factors combined with the nature, size and location of the proposed development, I do not consider that the proposed development, if permitted, has the potential to give rise to groundwater or surface water pollution.
- 5.5.3. I consider there is no real likelihood of significant effects on the environment arising from the proposed development sought under this application and that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are summarised below.
- The appellant contends that they meet the Local Needs criteria set out in the Development Plan.
  - A grant of permission would be consistent with RD POL 2 of the Development Plan.
  - No other options for sites exist on the family landholding.
  - The Planning Authority considers that the design and landscaping is acceptable.



- The required sightlines are more than achievable.
- Unless there is a change in the applicant's circumstances there will be no intensification of use of the existing entrance.
- Traffic on the N51 could at best be described as moderate.
- The precedent for a new direct access onto the N51 has already been established by the Planning Authority by the creation of a motorway service depot at Robinrath & Knockcumber to serve the M3. This has entrance results in significantly more traffic than that associated with the development proposed. In addition, access was permitted for a workshop at Rathmore on appeal to the Board.
- The Board is requested to overturn the decision of the Planning Authority.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response is summarised below.

- All matters raised by the appellant have been considered.
- Transport Infrastructure Ireland and the Planning Authority's Road Department recommend refusal of permission as per the stated reason of refusal set out in the notification.
- The family landholding contains alternative sites with access onto a county road.
- The Board is requested to uphold its decision.

## 6.3. Observations

6.3.1. The Transport Infrastructure Ireland observation is summarised below.

- The Planning Authority's decision in this instance is supported as the proposed development is at odds with Section 2.5 of the Spatial Planning and National Roads Guidelines.
- The proposed development would give rise to day-to-day occupation, patterns of activity associated with the same and trips generated by other services, utilities and the like. Thus, it would result in intensification of use of the existing access at

a point where the posted speed limit of 80kph applies. This in turn gives rise to road safety concerns.

- The proposed development conflicts with National Strategic Outcome 2 of the National Planning Framework.
- The proposed development is inconsistent with Section 6.10.1, Section 6.10.8 and Policies TRAN POL 28 and TRAN POL 40 of the Development Plan.
- There are no exceptional reasons to justify a significant departure from national and local planning policy.
- The landholding has access to an alternative sites and access onto a local road.
- There has been no change in circumstances to warrant a reversal of the decision made by the Planning Authority under P.A. Reg. Ref. No. KA/170621.
- The proposed development would establish an undesirable precedent, would constitute a traffic hazard, would endanger public safety, would be contrary to the proper planning and sustainable development of the area.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal. Outside of whether the overall design resolution of the proposed dwelling is consistent with the Development Plan and the guidance set out under the Meath Rural House Design Guide, 2009, this I consider to be a new issue. I am satisfied that outside of this concern no other substantive issues arise in this case. The issues of appropriate assessment and environmental impact assessment also need to be addressed. I consider that the issues in this appeal case can be dealt with under the following broad headings.

- Access onto the N51
- Traffic/Road Safety
- Wastewater Treatment
- Appropriate Assessment

## 7.2. Access onto the N51

- 7.2.1. The proposed development would be accessed off a National Road (N51) via a private laneway. This component of the proposed development is contrary to both local and national policy. In this regard I note that Section 2.5 of the Spatial Planning and National Roads Guidelines seeks that Planning Authorities avoid the generation of increased traffic from existing accesses that open onto national roads. This provision applies to all categories of development including that sought under this application except under certain very limited circumstances which the applicant has not demonstrated that they would meet. In addition to Section 2.5 of the said guidelines I note that National Strategic Outcome 2 of the National Planning Framework includes an objective which seeks to maintain the strategic capacity and safety of the national roads network.
- 7.2.2. In terms of local planning policy, the spirit of Section 2.5 of the said Guidelines are reiterated in the Development Plan under Section 6.10.8 by way of policy TRAN POL 40. This policy seeks to “*avoid the creation of any additional access point from new development intensification of traffic from existing entrances onto national roads outside the 60kph speed limit*”. Further Section 10.16.1 and policy RD POL 36 indicates that the Planning Authority will seek to protect strategically important infrastructure from one-off housing development.
- 7.2.3. In my view there is no justification provided to warrant the overriding of national and local planning policies in relation to safeguarding national roads, that would compromise their operational efficiency, that would give rise to potential for additional traffic hazards and road safety issues for road users for a stretch of national road where 80kph speed limit applies. The greater public good outweighs the appellants desire to build at a location that is unsuitable in terms of access to the public road network for the provision of a single rural dwelling house. In these circumstances I consider the proposed development, if permitted, would give rise to an undesirable precedent.
- 7.2.4. In relation to the proposed development sought, if permitted, I concur with the Planning Authority and the TII in that it would generate increased traffic from an existing access onto a national road. This increase of traffic would be inevitable from the day-to-day occupation of a 4-double bedroom dwelling house. A dwelling of this

size has the capacity to reside 8 persons and the waste water treatment system proposed is also designed to accommodate a similar population equivalent.

- 7.2.5. Rural dwelling houses like that proposed are un-serviced land and are not in easy reach to services by any other means than by way of private car. They therefore tend to generate more trips than dwellings in suburban and urban locations alongside requiring trips by other services and utilities for their day-to-day running.
- 7.2.6. Further, one of the safeguards that must be demonstrated as part of meeting the criteria set out under the Development Plan for a single rural dwelling house is demonstrating appropriate access (Goal and Strategic Policy RUR DEV SP 2).
- 7.2.7. The intensification of use of an existing access on a national road where a posted speed limit of 80kph applies, irrespective of demonstrating that the required sightlines can be achieved, has the potential to give rise to road safety, traffic related hazards and potential for conflict between road users, including vulnerable road users.
- 7.2.8. Of further concern the adjoining stretch of national road has a curving alignment, it contains no hard-surface roadside verge and I observed vehicles travelling at speeds that appeared to be excess of the posted speed limit. I also note that the private lane also serves a private enterprise that generates HGV traffic which adds to the potential traffic hazard of the proposed access.
- 7.2.9. I also consider that to permit an intensification of traffic from this existing access onto a national road would be contrary to maintaining the strategic capacity and efficiency of the national roads network. It would also conflict with the strategic investment made in these routes for the public and economic good of the country.
- 7.2.10. Based on the above considerations I consider on the matter of access onto the N51 that the proposed dwelling is contrary to national and local planning policy. I further consider this is sufficient basis to refuse planning permission on.

### 7.3. **Wastewater Treatment**

- 7.3.1. It is proposed to provide a secondary wastewater treatment system and to discharge to groundwater via a percolation area. The site characterisation records a T-test value of 12.75 and a P-test value of 17.17 in compliance with the EPA Code of Practice, 2009. On the basis of the of my site inspection and the documentation on

file accompanying this application I consider that the site can be adequately drained and that no significant risk of ground water or surface water pollution exists.

#### 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 8.0 **Recommendation**

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

#### **Reasons and Considerations**

It is considered that the proposed development, which would result in the intensification of use of an access onto the National Primary Road N51 at a point where a speed limit of 80km/h applies, would endanger public safety by reason of traffic hazard and the additional as well as conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.

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Patricia-Marie Young  
Planning Inspector  
22<sup>nd</sup> January 2019.