



Development	Construction of a two storey style dwelling, a proprietary domestic effluent system, connection to existing public services, new site entrance, and all associated site works.
Location	Waynestown, Dunboyne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	RA181500
Applicant(s)	Noel O'Hora.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellants	Residents of L62221 Cul-De-Sac.
Observer(s)	None
Date of Site Inspection	20 th September 2019
Inspector	Brendan Coyne.

1.0 Site Location and Description

1.1. This corner site (0.4ha) is located on the eastern side of the local road L62221 on a junction with an un-named local road, in the rural townland known as Waynestown. Both local roads are cul-de-sacs. The site is located c. 360m south of the regional road R156 and c. 4.5 north-west of Dunboyne town. The site is rectangular in shape for the most part and comprises the north-western corner of a large open field, currently used for the grazing of cattle. The northern site boundary extends along the roadside hedge in an easterly direction, to provide a road frontage of c. 91 metres. Likewise, the western side boundary extends along the roadside hedge to the north of the junction, to provide a road frontage of 90 metres. The site has a ground level of 88.5m above O.S. Datum at the north-western corner of the site dropping to 87.2m above O.S. Datum at the south-eastern corner of the site. The roadside boundaries of the site comprise dense hedgerow. The remaining site boundaries are undefined. A telecom overhead line runs along the western boundary of the site and an ESB overhead line traverses the site in a north / south direction. There is a row of 5 dwellings located opposite the western boundary of the site and 1 no. residential dwelling located adjacent the northern boundary of the site. The surrounding area is characterised by agricultural land and dispersed rural one-off housing and agricultural buildings.

2.0 Proposed Development

2.1. Application as lodged on the 14th December 2018 - Permission sought for the following;

- Construction of a detached 2 storey 4-bedroom dwelling (208 sq.m.),
- Detached garage (29sq.m.),
- New wastewater treatment system and percolation area,
- Associated site works.

Revised Proposal as submitted by way of Significant Further Information on the 14th May, 2019.

- Re-location of proposed site entrance from the western boundary to the northern boundary of the site.
- Revisions to the chimney design of the dwelling
- Re-orientation of proposed garage.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission for the proposed development subject to 16 no. Conditions. Of these, a Condition of note is as follows;

C.3 Prior to commencement of development the applicant shall carry out the following works;

(a) Remove the entire roadside boundary hedge along the L-62221, from the eastern side of the adjacent site to the junction of the private lane (a distance of 100 metres), and setting it back at least 3 metres.

(b) The western boundary of the field to the north of the site shall be removed and set back at least 1 metre behind the sightline, for a distance of 75 metres approximately from the junction of the L-62221 and the private lane.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Summary of issues raised in the initial planning report (13/02/2019) and the second planning report (18/06/2019).

- The application site is located in a rural area under strong urban influence. Based on the documentation submitted, the applicant has established a local housing

need for the proposed dwelling and therefore complies with Meath County Council rural housing policy.

- The proposed site does not constitute ribbon development, as it is not located within a 250 metre continuous road frontage of five or more houses. If this development and the 3 concurrent planning applications are granted, a total of 4 houses will be developed in a continuous row.
- The Planning Authority had concerns regarding the carrying capacity of the local road L-62221 junction with the regional road R156. The applicant was requested to clarify, by way of Further Information, that the junction has the capacity for additional traffic. The applicant submitted a traffic impact assessment, prepared by Carroll & Browne Consultants, demonstrating that the local road network has the capacity to accommodate the proposed dwelling.
- The Transportation Section had concerns regarding sightlines at the entrance to the site along the western boundary of the site. The applicant was requested to address this issue by way of a Further Information request. The applicant submitted a revised proposal by way of Significant Further Information, relocating the proposed entrance to the northern boundary of the site. As a result of this change of location of the entrance, it is no longer necessary to remove and set back the boundary hedge on the western boundary of the site. This is acceptable to the Transportation Section, subject to Conditions.
- The applicant was requested to submit by way of Further Information a revised dwelling design internalising the chimney, as it was considered an overtly dominant feature on an exposed/open site, when viewed from the public road. The revised dwelling design submitted addressing the chimney detail was considered acceptable.

3.2.3. Other Technical Reports

Transportation Section: No objection subject to Conditions.

Water Services Section: No objection subject to Conditions.

Irish Water: No objection subject to Conditions.

4.0 Planning History

4.1. Adjoining Site to the East:

P.A. Ref. RA190532 / ABP Ref. 305338-19 On the 16/08/2019 Meath County Council granted permission to Carol O'Hora for a two storey style dwelling and detached domestic garage, the installation of a proprietary domestic effluent system, connection to existing public services, new site entrance, and all associated site works. Current Status: This application is currently on appeal (third party) before An Bord Pleanála.

4.2. Adjacent site further to the east:

P.A. Ref RA190884 Current application lodged by Denis Beirne, seeking planning permission for the construction of a two storey style dwelling with detached domestic garage, the installation of a proprietary sewage treatment system, new entrance from the public road and relocation of existing agricultural entrance to the eastern boundary of site.

Current Status: Further Information requested by the Planning Authority on the 28/8/2019.

4.3. Adjacent Site further to the east:

P.A. Ref. RA190710 On the 16/08/2019 Meath County Council granted permission to Jonathan Walsh for the construction of a 1.5 storey 3 bed family dwelling and detached domestic garage, the installation of a proprietary domestic effluent system, connection to existing public services, a new site entrance and all associated site works.

5.0 Policy and Context

5.1. Meath County Development Plan 2013-2019

Zoning The site is located on un-zoned land, outside a zoned town.

Rural Area Type The application site is situated within a ‘rural area under strong urban influence’ – as indicated on Map 10.1 of the Development Plan.

Policies for **Rural Areas under Strong Urban Influence** are set out in **Section 10.3** of the Development Plan as follows;

RD POL1 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL2 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 POL3 To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

Urban Settlement Hierarchy: The County’s Urban Settlement Hierarchy is set out in **Table 2.1** of the Meath County Development Plan.

Note: Both the subject site and Kilcloon (where the applicant currently lives and work) are located outside any designated settlement in the Meath Urban Settlement Hierarchy.

Rural Settlement Strategy – set out in **Section 10.2** of the Development Plan.

The **Goal** of the Rural Settlement Strategy seeks ‘To ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process’.

Rural Settlement Strategy Strategic Policies are as follows;

RUR DEV SP 1 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.

RUR DEV SP 2 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan

Section 10.4 refers to '**Persons who are an Intrinsic Part of the Rural Community**' and states that the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can;

- Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category of local need. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be farming / natural resource related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.
- Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can

demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.

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 scenario's 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 being a person 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 is suited to rural locations such as farm hands or trades-people and who have a housing need.

Section 10.5.1 sets out **Development Assessment Criteria** and matters to be considered in assessing individual proposals for one-off rural housing.

Section 10.5.2 refers to **'Ribbon Development'**.

RD POL 7 Occupancy Conditions - To attach an occupancy condition to all individual one off rural dwellings, including those located in Graigs, on unzoned land, pursuant to Section 47 of the Planning and Development Act 2000-2012, restricting the use of the dwelling to the applicant, as a place of permanent residence. The period of occupancy will be limited to a period of 7 years from the date of first occupation. No such occupancy condition shall be imposed with respect to housing located in Rural Area Type 'Low Development Pressure Area'.

RD POL 9 Rural Residential Development: Design and Siting Considerations - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

RD POL 41 Roadside Boundaries - 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 Woodlands, Hedgerows and Trees - 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.

RD POL 43 One Off Houses: Sight Distances and Stopping Sight Distances - 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.

Section 10.19.2 refers to ‘**Groundwater Protection and the Planning System**’ and seek to ensure environmental protection. Policies RD POL 44 and RD POL 45 refer.

Section 10.19.3 refers to **Wastewater Disposal**. Policy includes;

RD POL 46 To ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided.

Chapter 11 of the Development Plan sets out ‘**Development Management Standards & Guidelines**’.

Appendix 15 of the Development Plan provides the ‘**Rural Housing Design Guide**’.

5.2. **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’.

5.3. **National Planning Framework – Project Ireland 2040**

NPO19 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the

commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.4. **Other Relevant Government Guidelines**

Rural Housing Policies and Local Need Criteria in Development Plans - Circular Letter SP/5/08

Development Management Guidelines (2007)

Code of Practice Wastewater Treatment Disposal Systems serving Single Houses (October 2009)

Implementation of new EPA Code of Practice on Waste Water Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10

5.5. **Natural Heritage Designations:** The appeal site is located 5.5km to the north of the Rye Water Valley / Carton SPA.

5.6. **EIA Screening**

5.7. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was received from the residents of the L62221 cul-de-sac in Waynestown. The main grounds of appeal are summarised under the headings below;

Rural Housing Need:

- The applicant does not comply with the 'local needs criteria' as set out in the Meath County Development Plan by reason that;
 - The applicant lives in the Kilcloon area, some 4-5 miles away from Waynestown.
 - The applicant is the owner of a dwelling at Maynooth Park in Maynooth, Co. Kildare. Land Registry Folio 184L confirming same submitted.
 - The applicant does not have a housing need.
 - The applicant is not intrinsically linked to the Waynestown area and does not have close family ties with the area.
- The landowner Mr. P Kelly is selling four sites from his agricultural lands at Waynestown. All four sites are adjoining each other and are part of the same large rural agricultural field. The proposed development comprises one of these sites. Mr. Kelly purchased these lands in September 2013 according to Land Registry Records.

Roads Issues:

- The proposed dwelling, along with proposed development on adjacent sites, will result in the generation of additional traffic on the L6222. This road currently serves 19 no. existing dwellings and farmland owned by 6 no. separate farmers. The provision of 4 no. additional dwellings along this rural road would create a potential traffic hazard.

Access:

- The proposed dwelling provides sightlines of only 48 metres which is significantly below the 90m sightline standard required by Meath County Council. Such development will create a traffic hazard.

Impact on Hedgerows:

- The proposed development together with the planning application on the adjoining site to the east, P.A. Ref. 190532, will result in the total removal and destruction of over 530 metres of existing rural hedgerows. This will have a severe impact on existing wildlife habitats.

Scale & Design

- The proposed developments are unsuitable, un-sympathetic and totally out of scale with the rural setting of Waynestown and if proceeded will have a drastic impact on the area.
- The proposed development would set a precedent for similar development in rural areas in County Meath.

Public Health:

- The appellants express concern that the concentration of 4 no. septic tanks, percolation areas and soakaways in close proximity to each other on poorly drained soil classified as 'Ashbourne Impervious' could collectively prove prejudicial to the public health of the residents in the vicinity.

Procedural Issues:

- The Further Information submitted to the Planning Authority constitutes a Material Change to the original application by reason of substantial changes to the site layout, location and orientation of the proposed dwelling, change to the location of the vehicular entrance and reduction in sightlines provided. The revised entrance comprises a joint shared entrance with the proposed dwelling on the adjoining site to the east.
- Meath County Council declined to invite the opinions of certain 'Prescribed Bodies' including An Taisce and Government Departments when assessing the planning application.

6.2. Applicant's Response

Geraldine Fahy, Planning Consultant, has responded on behalf of the applicant to the third-party grounds of appeal, addressed under the headings below;

Rural Housing Need:

- The applicant's rural housing need is based on the fact that he does not own a house and is living with his wife and two small children on a temporary basis with his parents, in the family home in Kilcloon.
- The applicant has intrinsic links to this rural area based on the fact that he was born and reared in Kilcloon and has been working full time in the local rural school for the past 13 years.
- The Land Registry Folio 1849L, referred to by the appellants, has been sold. Solicitor's letter submitted as an appendix confirming same.
- The applicant's sister has a planning application on the adjoining site to the east.

Roads Issues:

- Having regard to the low level of traffic and the local nature of traffic on this lane, the 48 metre sightlines at the entrance to the site is sufficient to cater for the proposed development and would not, therefore, give rise to a traffic hazard on this cul-de-sac.
- Any construction traffic for a single dwelling would be very limited, minor in nature and would not have any impact of the amenity of neighbouring properties.

Access:

- There are anomalies between the Planning Report and its recommendation whereby, the Planning Report acknowledges that as the location of the proposed entrance has changed from the western side to the northern side of the site, and that it is no longer necessary to remove and set back the boundary hedge on the western boundary of the site. Somewhat confusingly, the recommendation of the Planning Report requires the removal of the entire roadside boundary hedging along the L 62221, from the eastern side of the adjacent site to the junction with the private lane (a distance of approx. 100 metres) and setting it back at least 3 metres. Having regard to the fact that the entrance has been relocated, there

should be no requirement for the removal of the hedgerow. The applicant suggests the Board may wish to consider which approach is more appropriate and condition that either the proposed development be constructed either in accordance with the Further Information request or as proposed in the revised drawing submitted.

- The appellants suggest that a 'joined shared access' is proposed. The applicant asserts that this is untrue. There are two separate entrances proposed by the applicant and his sister, albeit they are side by side.

Impact on Hedgerows:

- The applicant has submitted a revised site layout plan showing the retention of hedgerows along the roadside boundaries of the site. The only hedgerow to be removed is at the relocated entrance to the site. The applicant is happy to provide native hedgerow behind the rear boundary of the site, by way of Condition.

Procedural Issues:

- The third-party appeal is invalid by reason that it fails to state clearly the names of the appellants. Only the first name initial and surnames are given.
- The appellants discuss the sale of other sites by the landowner and discuss applications which are irrelevant to this appeal. The applicant states that An Bord Pleanála is precluded from dealing with any other proposed development save for the appeal site and must confine itself to dealing with the merits of this application and the contents of the application site within the red line.
- The appellants argument that the further information submitted by the applicant constitutes a material change to the original application is incorrect. The Planning and Development Regulations make specific provisions for the submission of revised plans or Significant Further Information. In this instance, the Planning Authority deemed that the Further Information submitted was significant and required it to be re-advertised.
- The applicant argues that reference to other permissions being refused permission on other sites, by other applicants, are irrelevant and cannot be considered by An Bord Pleanála in this instance.

Appendices lodged with the applicant's response include the following;

- Letter from Scoil Oilibhéir Naofa, Kilcloon confirming that Noel O'Hara has been employed in the school in a permanent capacity since 2008.
- Letter from Scoil Oilibhéir Naofa, Kilcloon confirming that Noel O'Hara attended this school for his primary education.
- Letter of Professional Standing of Noel O'Hara from The Teaching Council.
- Letter from Kilcloon Credit Union stating that the applicant has had an account at this branch since 2000.
- Bank statement of the applicant, dated July 2018, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Letter from The Law Society of Ireland providing particulars and conditions of sale of a dwelling at Maynooth Park, Maynooth, Co. Kildare in November 2018.

6.3. **Planning Authority Response**

The Planning Authority is satisfied that all matters raised in the ground of appeal were considered in the assessment of the planning application.

6.4. **Further Responses**

- 6.4.1. Further to the applicant's submission, the appellants submitted a letter, c/o J.Kelleher Solicitors, elaborating on the issues raised in their grounds of appeal. No new material issues arise.
- 6.4.2. The Planning Authority responded to the applicant's submission, confirming that they are satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application.

6.5. **Observations**

None

7.0 **Assessment**

- 7.1. The main issues for consideration are as follows;
 - Rural Housing Need

- Roads Issues
- Access
- Impact on Hedgerows
- Scale and Design
- Wastewater Treatment
- Screening for Appropriate Assessment

These are addressed below.

7.2. Rural Housing Need

- 7.2.1. The appellants express concern in the grounds of appeal that the applicant does not comply with the ‘local needs criteria’ as set out in the Meath County Development Plan.
- 7.2.2. Policy RD POL 1 of the Development Plan states that it is policy of Meath County Council to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed. Section 10.4 of the Development Plan refers to ‘persons who are an intrinsic part of the rural community’ and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas. These criteria are detailed in Section 5.1 above.
- 7.2.3. The site is located is located c. 5km north-west of Dunboyne town, un-zoned rural lands. The site is situated within a ‘rural area under strong urban influence’ – as indicated on Map 10.1 of the Development Plan. Policies for rural areas under strong urban influence are set under Section 5.1 above.
- 7.2.4. Documentation submitted with the application, putting forward the applicant’s case for ‘local housing need’, includes the following;
- Local Needs Form detailing that the applicant currently resides and has lived all his life at Kilcloon. Details are provided of the applicant’s membership in a local sports club.

- Letter from Scoil Oilibhéir Naofa, Kilcloon confirming that Noel O'Hara has been employed in the school in a permanent capacity since 2008.
- Letter from the priest of the Parish of Kilcloon confirming that the applicant grew up, attended school and has been involved in local organisations in the parish of Kilcloon.
- Letters of Employment confirming the applicants address at Kilcloon (dated Aug. 2018).
- Letter from Kilcloon-Batterstown Blackhall Geals Football and Hurling Club confirming that the applicant has been a member of the club since 2000.
- Letter from Scoil Oilibhéir Naofa, Kilcloon confirming that Noel O'Hara attended this school for his primary education.
- Letter of Professional Standing of Noel O'Hara from The Teaching Council.
- Letter from Kilcloon Credit Union stating that the applicant has had an account at this branch since 2000 and confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Bank statement of the applicant, dated July 2018, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Tax Certificates (for years ending 2010 - 2017), hospital invoice (dated Dept. 2017) and Eflow statement (dated July 2018) confirming the applicants address at Kilcraigue, Kilcloon, Co. Meath.
- A letter of consent from the owner of the lands, Patrick Kelly, giving consent to the applicant to apply for planning permission.

7.2.5. It is noted that the Planning Report of Meath County Council, based on the information submitted, considers that the applicant has a local housing need for the proposed dwelling and therefore does comply with Meath County Development Plan policy regarding rural housing criteria.

7.2.6. Kilcloon is located 3.5 km directly west of the subject site and is not listed as an urban area in the County Meath Urban Settlement Hierarchy (Table 2.1).

7.2.7. Having reviewed the documentation submitted, I consider that the applicant forms an intrinsic part of the rural community and complies with the rural housing need criteria,

as set out in Section 10.4 of the Meath County Development Plan, by reason of the following.

- Kilcloon is a neighbouring rural townland, located 3.5 km directly west of the subject site. The documentation submitted established that the applicant grew up and currently resides in Kilcloon. As such, the applicant demonstrates that he has spent substantial periods of his life, living in the surrounding rural area a member of the established rural community.
- The applicant currently works on a permanent basis as a primary school teacher in Scoil Oilibhéir Naofa in Kilcloon. Given that Kilcloon is an un-zoned rural area, it is considered that such employment is rurally based.

Given that Kilcloon is not designated an urban area in the Meath Urban Settlement Hierarchy, I consider that the proposed development would not comprise an urban generated rural house. As such the proposed development would not materially contravene Policy RD POL2 of the Development Plan which seeks to direct urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan. I recommend, therefore, that this ground of appeal should not be upheld.

7.3. Roads Issues

- 7.3.1. The appellants express concern that the proposed dwelling, along with proposed development on adjacent sites, will result in the generation of additional traffic on the L6221. The appellants state that the road currently serves 19 no. existing dwellings and farmland owned by 6 no. separate farmers. The appellants express concern that the provision of 4 no. additional dwellings along this rural road would create a potential traffic hazard.
- 7.3.2. The site is located on a junction, on the eastern side of the local rural road L62221, which is a cul-de-sac, and on the southern side of an un-named rural road. The L62221 is accessed off the southern side of the Regional Road R156 and is subject to an 80km/h speed limit.
- 7.3.3. As outlined in Section 4.0 above, there are currently 2 no. separate planning applications under consideration for individual residential dwellings on lands to the

east of the subject site, and permission was recently granted by Meath County Council for an individual residential dwelling on lands further to the east of the site. Given that a decision has not been made on the 2 no. planning application, I consider it inappropriate to take these into account in the assessment of the subject application on the issue of traffic generation / road safety.

7.3.4. The applicant has submitted a traffic impact assessment, prepared by Carroll & Browne Engineer Consultants which addresses the R156/L62221 junction, traffic volumes at this junction, the junction capacity and visibility. The report concludes that the L6221 is a cul-de-sac road with extremely small traffic volumes on this road. With such a low 'base' level, the capacity of the existing junction is sufficient for existing traffic and for additional traffic that would be generated from the proposed development. The report states that the junction visibility complies with Standards.

7.3.5. It is noted that the Transportation Section of Meath County Council outline no objections to the proposed development on the grounds of the capacity of the local rural road serving the site.

7.3.6. Having regard to the above and further to inspection of the site and the local road network, it is my view that the proposed development would not would generate significant levels of traffic on the local rural road network to such an extent that it would create a traffic hazard by reason of the following;

- The nature of the proposed development which comprises a 4 bedroom / 8 person house would not generate significant additional levels of traffic.
- The width (3.1m-4.5m), straight road alignment, paved surface and good structural condition of the local rural roads serving the site have the capacity to serve the additional traffic generated from the proposal.
- The 80km/h speed limit and the availability of pull-in points along the local road network which allow opposing vehicles to pass.
- The existing low volumes of traffic using the cul-de-sac road network serving the site.

7.3.7. The location of the proposed dwelling accords with the requirements of Section 4.4 of the Rural Planning Guidelines which recommends that access serving rural dwellings should be provided off local rural roads.

7.3.8. In the absence of substantive evidence from the appellants demonstrating that the local rural road network serving the site does not have the capacity to accommodate the additional traffic generated from the proposal, it is my view that the proposal would not render the local road network unsuitable to carry the increased road traffic likely to result from the proposed development. I recommend, therefore, that this ground of appeal should not be upheld.

7.4. Access

7.4.1. The appellants express concern that the proposed dwelling provides sightlines of only 48 metres which is significantly below the 90m sightline standard required by Meath County Council, and that such development would create a traffic hazard.

7.4.2. Policy RD POL 43 of the Development Plan refers to One Off Houses: Sight Distances and Stopping Sight Distances and states that it is the policy of Meath County Council 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’.

7.4.3. This Guidance Manual requires a sightline ‘X’ minimum setback of 2.4m from the edge of the public road and requires a ‘Y’ sightline distance of 90m for road design speed of 60kph, 120m for 70kph and 160m for 85kph roads.

Drawings show that sightlines of only 2.4m x 48m in both directions upon exiting the site can be achieved. The applicant is unable to provide sightlines of 2.4 x 160m at the entrance to the site by reason of the distance from the vehicular access of the site to the corner junction of the site and the extent of lands within the ownership of the applicant. Notwithstanding this, given that the Transportation Section of Meath County Council outline no objections to the proposed development subject to Conditions, and having regard to the very low volumes of traffic along the road network serving the site, it is my view that the sightlines required can be relaxed in this instance. I recommend, therefore, that this ground of appeal should not be upheld.

7.5. Impact on Hedgerows

- 7.5.1. The appellants express concern that the proposed development, along with proposed development on adjacent sites, will result in the total removal and destruction of over 530 metres of existing rural hedgerows and that this will have a severe impact on existing wildlife habitats.
- 7.5.2. Having regard to the Drawings submitted by way of Further Information response, it is noted that the re-located access along the northern boundary of the site would not require the removal of hedgerow along the roadside boundary, except for at the entrance to the site itself.
- 7.5.3. It is noted that Condition No. 3 of the grant of permission by Meath County Council requires 'Prior to commencement of development, the applicant shall carry out the following works:
- (a) Remove the entire roadside boundary hedge along the L-62221, from the eastern side of the adjacent site to the junction of the private lane (a distance of 100 metres), and setting it back at least 3 metres.
 - (b) The western boundary of the field to the north of the site shall be removed and set back at least 1 metre behind the sightline, for a distance of 75 metres approximately from the junction of the L-62221 and the private lane.
- 7.6. In the absence of certainty of the requirement of this Condition, and given the relocated entrance to the northern boundary of the site and lack of requirement to remove the hedgerow along the northern boundary to achieve sightlines, it is considered appropriate that a Condition be imposed requiring the applicant/developer to submit for the written agreement of the Planning Authority revised drawings showing adequate sightlines at the entrance to the site and that the setting back of any roadside boundary shall be back planted with hedgerow species native to the area. Such Condition would ensure adequate sightlines and compliance with Policy NH POL13 of the Development Plan which requires that, where the removal of a hedgerow is unavoidable, mitigation by provision of the same type of boundary will be required.

7.7. Scale and Design

- 7.7.1. The proposed development is a 2 storey 4-bedroom dwelling. The dwelling is centrally located on the site with a setback of 12.9m from the northern boundary of the site and 19.3m from the western boundary of the site. The FFL is 88, which is the same as the levels of both roads adjoining the site.
- 7.7.2. The floor area of the proposed dwelling is 208 sq.m. The proposed dwelling has a width of 13.9m and a depth of 16.4m. The front elevation faces in a northerly direction. The ridge height of the dwelling is 8.5m. The roof profile of the dwelling is pitched. Elevation finishes are stated as comprising render finish, with blue/black or grey roof tiles.
- 7.7.3. The garage to its side has a floor area of 29 sq.m., a front elevation width of 7.9m and a depth of 4.6m. Its ridge height is 5m. Elevation finishes would match that of the main dwelling.
- 7.7.4. Having reviewed the drawings submitted, it is considered that the scale and design of the proposed dwelling is generally acceptable and would be in keeping with the rural character of the area. Its design is largely consistent with the 'Meath Rural Design Guide' as provided in Appendix 15 of the County Development Plan.

7.8. **Wastewater Treatment**

- 7.8.1. The appellants express concern that the concentration of 4 no. septic tanks, percolation areas and soakaways in close proximity to each other on poorly drained soil classified as 'Ashbourne Impervious' could collectively prove prejudicial to the public health of the residents in the vicinity.

As stated previously, the proposed development on the subject site will be assessed on its own merits, given that a decision has not been made regarding proposed development on adjacent sites.

- 7.8.2. A Site Characterisation Report (SCR) has been submitted with the application. This has been prepared by an indemnified and EPA Certified Site Assessor. The report submitted states that the soil in the area consists of Gleys (80%) and Grey Brown Podzolics (20%). The Aquifer Category is designated as 'locally important' and is of 'low' vulnerability. The Ground Protection Response is R1, 'acceptable to normal good practice'.

- 7.8.3. The Report states that no water courses / streams are located within 10m of the proposed percolation area (ppa). The proposed water supply will be taken from the main water which runs along the eastern boundary of the site. The SCR details that the Ground Water flows in an easterly direction and that ground conditions are firm in the ppa and throughout the site.
- 7.8.4. The trial hole encountered Silt/Clay to a depth of 0.6m and Clay to a depth of 1.3m. The SCR found that groundwater was not encountered in the trial hole and that the winter groundwater was encountered in the trial hole at a depth of 1.3m below ground level. Bedrock was not encountered in the trial hole.
- 7.8.5. With regard to percolation characteristics, a T value of 79.88min/25mm and a P value of 28.84 min/25mm were recorded. The SCR concludes that these T value indicates good percolation characteristics of the topsoil.
- 7.8.6. The SCR recommends that a purpose built percolation area should be constructed to ensure that there is a minimum of 0.9m of suitable percolating material between the base of the lowest part of the percolation area and groundwater at 1.3m BGL. Recommendations are made with regard distribution pipes to be used.
- 7.8.7. The SCR proposes the installation of an EN certified treatment system and percolation area as per the 2009 EPA Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses and overseen by a suitably qualified and accredited person.
- 7.8.8. In conclusion, and on the basis of the information submitted by the applicant as part of the Site Characterisation Report, I am satisfied that the appeal site is suitable for the installation of a EN certified treatment system and percolation area. It is my opinion therefore that the proposed development would not prove prejudicial to the public health and should not therefore be refused permission on these grounds.

7.9. **Screening for Appropriate Assessment**

- 7.9.1. The closest Natura 2000 site to the appeal site is Rye Water Valley / Carton SPA (Site Code 001398) which is located 5.5km to the south of the site. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site

characterisation form and the existing residential and farm development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the documentation submitted which adequately demonstrates that the applicant forms an intrinsic part of the rural community and complies with the rural housing need criteria, as set out in Section 10.4 of the Meath County Development Plan, and the suitability of the site for the safe disposal of domestic effluent and the lightly trafficked nature of the local road network, it is considered that the proposed development would not give rise to surface or ground water pollution or endanger public safety by reason of traffic hazard and that it would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 14/05/2019, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
3.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>(a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p> <p>(b) 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 in accordance with the standards set out in the EPA document.</p> <p>(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.</p> <p>Reason: In the interest of public health.</p>

5.	<p>(a) Prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority, revised drawings showing adequate sightlines at the entrance to the site.</p> <p>(b) Sight distance triangles shall be maintained and kept free from vegetation or other obstruction that would reduce the minimum visibility required.</p> <p>(c) Any setting back of the roadside boundary of the site shall be back planted with hedgerow species native to the area.</p> <p>Reason: In the interest of traffic safety and rural amenity.</p>
6.	<p>Prior to commencement of development, the applicant / developer shall submit for the written agreement of the Planning Authority a detailed Landscape Plan for the site, with full works specification. This plan shall include detailed specifications relating to boundary treatment, planting and hard surfaces where necessary.</p> <p>The site shall be landscaped in accordance with the agreed scheme. All planting shall be carried out in the first planting season following the commencement of development and shall be permanently retained thereafter. Any tree which dies, decays or is removed within the first five years of being planted shall be replaced with a tree of similar species and size</p> <p>Reason: In the interest of visual amenity and to protect the rural character of the area.</p>
7.	<p>(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</p>

	<p>planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(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.</p> <p>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.</p> <p>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 [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
8.	<p>(a) The roof colour of the proposed house and garage shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Brendan Coyne
Planning Inspector

08th October 2019