



An
Bord
Pleanála

Inspector's Report ABP 305338-19

Development	Construction of dwelling and detached garage.
Location	Waynestown, Dunboyne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	RA190532
Applicant(s)	Carol 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	13 th December 2019
Inspector	Brendan Coyne.

1.0 Site Location and Description

1.1. This site (0.38 ha) is located on the southern side of the L62221, a cul-de-sac just off regional road R156, in the rural townland known as Waynestown, c. 4.5 north-west of Dunboyne. The site is rectangular in shape for the most part and comprises part of a large open field, currently used for the grazing of cattle. The site as outlined extends along the roadside hedge in a westerly direction, to provide a road frontage of c. 97 metres, which then further extends for a narrow strip along the roadside hedge to the north of the nearby road junction, for a further distance of 73 metres. The ground level of the site is relatively level. The roadside boundaries of the site comprise dense hedgerow. The remaining site boundaries are undefined. An overhead utility line runs along the northern roadside boundary. A dwelling is located opposite the northern boundary and 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 03rd May 2019 - Permission sought for the following;

- Construction of a detached 2 storey 4-bedroom dwelling (209 sq.m.),
- Detached garage (52 sq.m.),
- New wastewater treatment system and percolation area,
- Associated site works.

Revised Proposal as submitted by way of Further Information on the 04th July 2019.

- Revised Site Characterisation Report.

This was deemed as Significant Further Information by the Planning Authority and the applicant was requested to re-advertise the proposal. A copy of the revised public notices were submitted to the Planning Authority on the 25th July 2019.

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.2 Prior to any works commencing on site, the applicant shall remove the entire roadside boundary hedge along the L-62221, from the eastern side of the site to the junction with the private lane (a distance of 100 metres approximately), and set it back at least 3 metres. The western boundary of the field to the north of the site shall be removed and set back at least 1 meter behind the sightline, for a distance of 75 meters approximately from the junction of the L-62221 and the private lane.

3.1.1. Planning Reports

3.1.2. Summary of issues raised in the initial planning report (20/06/2019) and the second planning report (16/08/2019).

- 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. Two adjacent planning applications RA/18363 and RA/181364 have been withdrawn and therefore are not assessed in conjunction with the subject application.
- The removal and setting back of the hedgerow along the roadside will achieve adequate sightlines. This is acceptable to the Transportation Section, subject to Conditions.
- The applicant was requested to submit by way of Further Information a revised Site Characterisation Report (SCR), as the report submitted appeared to be the same as that submitted under Planning Authority Ref. RA/181500, for the

proposed dwelling on the adjoining site to the east. The revised SCR submitted was considered acceptable to the Environment Section.

3.1.3. Other Technical Reports

Transportation Section: No objection subject to Conditions.

Environment 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. RA181500 / ABP Ref. 304885-19 On the 25th October 2019, An Bord Pleanála refused permission to Noel O'Hora for the construction of a detached two storey 3-bedroom dwelling, a detached garage, a new waste water treatment system and percolation area and associated site works.

The Reasons for Refusal were as follows;

- 1. The site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to 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, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant comes within the scope of the housing need criteria as set out in the Guidelines nor has a demonstrable economic or social need to live in this rural area. Furthermore, the Board is not satisfied that the applicant's housing needs could not be satisfactorily met in an established smaller town or*

village/settlement centre. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would be contrary to the Ministerial Guidelines and to the overarching national policy, notwithstanding the provisions of the current Meath County Development Plan 2013-2019 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the nature and location of the applicant's employment located within an existing village settlement, it is considered that the proposed development would involve urban generated housing within a rural area under urban influence.*

4.2. **Adjacent site further to the east:**

P.A. Ref RA190884 Permission granted to Denis Beirne 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. Decision Date: 16/12/2019.

4.3. **Adjacent Site further to the east:**

P.A. Ref. RA190710 On the 16th August 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. Both the subject site and Kilcloon (where the applicant was born and reared) are located outside any designated settlement in the Meath Urban Settlement Hierarchy.

Section 10.2 Rural Settlement Strategy - 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 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 is originally from the Kilcloon/Kilcraigue area, 5.5 km away from Waynestown.
- The applicant does not have a housing need.
- The applicant is not intrinsically linked to the townland of Waynestown 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 west, P.A. Ref. 181500, 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 development is 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.

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:

- 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 has intrinsic links to this rural area based on the fact that she was born and reared in Kilcloon, which is 2.9km from the subject site and is an active member of the rural community in Kilcloon.
- The applicant's rural housing need is based on the fact that she does not own a house and is living with her husband and young daughter in sub-standard temporary rental accommodation in Donadea, c. 18km from the subject site.
- The applicant does not own a house and has never owned a house.
- The applicant's daughter is registered for Kilcloon Pre-school and her brother Noel O'Hara is seeking planning permission on the adjoining site to the west. It is the applicant's wish that they live side by side in this rural area, where they grew up.

Roads Issues:

- The traffic report submitted confirms that there is sufficient capacity on the L62221 local road serving the site to cater for the proposed development.
- The Roads Section of the Planning Authority have no objections to the proposed development.

- The proposed development will not have any impact on agricultural traffic using the L62221 local road serving the site.
- Having regard to the nature of the proposed development and its location on a cul-de-sac, the proposal will not give rise to a traffic hazard.

Access:

- The proposed development provides a shared bellmouth entrance arrangement with the applicant's brother on the adjoining site to the west.
- The site would provide 90 metre sightlines to the east and 58 metres to the west of the entrance.
- Having regard to the lightly trafficked cul-de-sac road serving the site and the corner junction which acts as a natural inhibitor of speed, the proposed sightlines are adequate to cater for the proposed development.
- A revised site layout plan has been submitted showing the retention of all hedgerow in the vicinity of the road junction, as it was not considered appropriate to remove this hedgerow.
- The applicant would be happy to accept a Condition that the proposed entrance be relocated to the eastern corner of the site in order to increase the sightlines to the west, if the Board considers it necessary.

Impact on Hedgerows:

- The applicant has submitted a revised site layout plan showing the retention of hedgerows in the vicinity of the adjacent road junction. Only a small amount of hedgerow is to be removed to facilitate the creation of the proposed entrance.

Public Health:

- The soil characterisation and site suitability assessment demonstrate that the proposed sewage treatment system and percolation area complies with the requirements of the EPA Code of practice (2009) and there will be no risk of pollution arising from the proposed development.
- The proposed sewage treatment system will be certified under new EU legislation for small sewage treatment plants (Certifications No.'s EN-12566-1 & EN12566-3).

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. Counsel was sought from Ms. Mary Moran-Long BL in this regard. Counsel advised that the appeal should be returned as invalid on the basis that it does not comply with Section 127(1) of the Planning and Development Act (as amended).
- The third-party appellants discuss another appeal currently before the Board, ABP Ref. 304885-19 which is inappropriate, and should be returned on the basis that the appeal is attempting to elaborate in writing and make further submissions on an appeal before the Board.

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

- Letter from Mary Moran-Long BL addressing the validity of the third-party appeal and issues raised in this appeal, as detailed above.
- Letter from Gaeil Bhlath Gall confirming Carol O'Hara has played ladies football for Kilcloon and later for Blackhall Gaels from a young age into her adult years and continues to support club activities and fundraising efforts.
- Letter from the priest of the Parish of Kilcloon confirming that the applicant grew up, attended school and celebrated all her sacraments in the parish of Kilcloon.
- Letter from St. Peter's College, Dunboyne confirming that Carol O'Hara attended this school for her secondary education.
- Letter from Scoil Oilibhéir Naofa, Kilcloon confirming that the applicant attended this school for her primary education.
- Bank statement of the applicant, dated July 2009, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Statement of Earnings from the Dept. of Education and Skills, dated 09th June 2015, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Correspondence from Laya Healthcare and Cornmarket Insurance, dated August and September 2013, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.

- Statement from Kilcloon Credit Union, dated August 2014 and May 2015, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Statement from St. Raphael's Garda Credit Union Limited, dated March, April and May 2014, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- P60 Statement for year ending 2013, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Letter form the Teaching Council, dated January 2014, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Statement from Bank of Ireland, dated September 2017, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Correspondence from the Office of the Revenue Commissioners, dated September 2017, confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- Electoral Register Statement (2018-2019), confirming the applicant's address at Kilcraigue, Kilcloon, Co. Meath.
- A Site Layout Plan and a Site Location / Landholding Map with respect the recent application of the adjoining site to the east, which was made by the applicant's brother, Noel O'Hora.

6.3. **Planning Authority Response**

The Planning Authority's response is as follows;

- The Planning Authority is satisfied that all matters raised in the ground of appeal were considered in the assessment of the planning application.
- Whilst the site is located in an area experiencing significant development, the proposal does not constitute ribbon development, as it is not located within 250 metres of continuous road frontage of five or more homes.
- The applicant has demonstrated a strong local need to the area and the design of the proposed dwelling complies with the Meath Rural Design Guide.

- The removal of hedgerows will improve visibility for all homeowners on the laneway and the applicant will be conditioned to replant new native hedgerow to replace existing hedgerow.

6.4. **Further Responses**

- 6.4.1. Further to the applicant's submission, the appellants submitted a letter elaborating on the issues raised in their grounds of appeal. The submission received details how the proposed development should be refused permission on the grounds as set out in the reason for refusal given by An Bord Pleanála on the adjoining site to the east, under P.A. Ref. RA181500 / ABP Ref. 304885-19, as detailed in Section 4.0 above.
- 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
- Sightlines
- 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.

The Agent representing the Applicant has submitted a detailed letter putting forward a case for how the applicant has a genuine rural generated need for a house at this location and how the applicant complies with rural housing policy as set out in the National Planning Framework, the Rural Housing Guidelines (2005) and rural housing need criteria as set out in the Meath County Development Plan. The applicant's case for a rural house at this location is summarised as follows;

- The applicant has intrinsic links to this rural area based on the fact that she was born and reared in Kilcloon, which is 2.9km from the subject site and is an active member of the rural community in Kilcloon.
- The applicant does not own a house and has never owned a house.
- The applicant is living with her husband and young daughter in rental (temporary) accommodation in Donadea, c. 18km from the subject site. This is the nearest affordable property to rent in the vicinity.
- The applicant's daughter is registered for Kilcloon Preschool and her brother Noel O'Hara is seeking planning permission on the adjoining site to the east. It is the applicant's wish that they live side by side in this rural area where they grew up.
- The applicant is currently employed (permanent position) as a teacher in Solas Chríost in Tallaght, Dublin 24.
- The applicant's husband was born in Leixlip, is currently employed as a Garda and is stationed in Ballyfermot, Dublin 10.

- 7.2.3. Documentation submitted with the application and appeal, supporting the applicant's case for 'local housing need' is set out in Section 6.2 above.
- 7.2.4. The Planning Authority Planning Report, based on the information submitted, considers that the applicant has a local housing need for the proposed dwelling and therefore complies with Meath County Development Plan policy regarding rural housing criteria.
- 7.2.5. In assessing the subject appeal, I must have regard to the recent decision of An Bord Pleanála in its determination of the applicant's brother Noel O'Hora who sought permission for a similar two storey 3-bedroom dwelling on the adjoining site to the west, under P.A. Ref. RA181500 / ABP Ref. 304885-19. The reasons for refusal are set out in Section 4.0 above.
- 7.2.6. The site is located is located c. 5km north-west of Dunboyne town, on un-zoned rural lands. Kilcloon, where the applicant was born and raised, 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). The site, however, is located within a 'Rural Area Under Strong Urban Influence' as detailed on Map 10.1 of the Meath County Development Plan. Such areas are defined in Section 2.7 of the Development Plan in accordance with Rural Area Types as set out Section 3.2 of the Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- 7.2.7. 'Rural areas under strong urban influence' are defined in Section 3.2 of the Sustainable Rural Housing Guidelines as rural areas exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such areas and pressures on infrastructure such as the local road network. The Guidelines distinguish between rural and urban generated housing. 'Rural generated housing' is described as housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. 'Urban generated housing' is described as housing in rural locations sought by persons living and working in urban areas, including second homes.
- 7.2.8. For 'rural areas under strong urban influence', Policy RD POL 2 of the Meath County Development 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.

- 7.2.9. Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area, having regard to the viability of smaller towns and rural settlements.
- 7.2.10. Having reviewed the documentation submitted with the application and appeal, I consider that the applicant does not come within the scope of the housing needs criteria as set out in Section 10.4 of the Development Plan and does not have a demonstrable economic or social need to live in this rural area. As detailed in the documentation submitted, the applicant confirms that she currently lives in Donadea, c. 18km from the subject site and is currently employed as a school teacher in Tallaght, Dublin 24. It is my view that the nature and location of the applicant's employment establishes that the applicant's need for a house is urban generated. The proposed development would, therefore, comprise urban generated rural housing in a rural area under strong urban influence. Such development would be contrary to Policy RD POL 2 of the Development Plan, which seeks to direct urban generated housing to areas zoned for new housing development in towns and villages. I am not satisfied that the applicant's housing needs could not be satisfactorily met in an established town, village or urban settlement area. Given that the proposal would comprise an urban generated rural house and that the applicant does not demonstrate an economic or social need to live in this rural area, it is my view that the proposed development would be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and National Policy Objective 19 of the National Planning Framework.
- 7.2.11. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. For this reason, I recommend that the proposed development be refused permission.

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 L62221. 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 the southern side of a local cul-de-sac rural road, close to a junction on the L62221 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. 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 L62221 is a cul-de-sac road with very low 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.
- 7.3.4. The Transportation Section of Meath County Council outline no objections to the proposed development subject to a Condition requiring the removal of the roadsides boundary hedges to provide adequate sightlines. It is noted that two recent planning applications RA/18363 and RA/181364 on adjacent sites have been withdrawn and therefore are not assessed in conjunction with the subject application.
- 7.3.5. 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 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.

7.3.6. The location of the proposed dwelling accords with the requirements of Section 4.4 of the Rural Housing Planning Guidelines (2005) which recommends that access serving rural dwellings should be provided off local rural roads.

7.3.7. 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. **Sightlines**

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.

7.4.4. Drawings show that sightlines of 2.4m x 90m to the east and 2.4m x 58m to the west of the proposed entrance would be provided. The applicant, therefore is unable to provide sightlines of 2.4 x 90m to the west of the site by reason of the proximity of

the vehicular access to the corner junction. Notwithstanding this, given that the Transportation Section of Meath County Council outline no objections to the proposed development subject to Conditions regarding the removal / setting back of hedgerows, 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. The applicant has submitted a site layout plan showing the extent of hedgerow to be setback and removed to achieve sightlines for the proposed new entrance. This Plan shows that new native hedgerow is to be planted behind the sightlines, 4m from the edge of the public road. Only a small amount of hedgerow is to be removed to facilitate the creation of the proposed entrance.
- 7.5.3. It is noted that Condition No. 2 of the grant of permission by Meath County Council requires that 'Prior to any works commencing on site, the applicant shall remove the entire roadside boundary hedge along the L-6221, from the eastern side of the site to the junction with the private lane (a distance of 100 metres approximately), and set it back at least 3 metres. The western boundary of the field to the north of the site shall be removed and set back at least 1 meter behind the sightline, for a distance of 75 meters approximately from the junction of the L-62221 and the private lane'.
- 7.5.4. Given that the proposed development provides for the replanting of native hedgerow, behind the sightlines required for the proposed new entrance to the site, it is my view that the removal of the hedgerow would be temporary and mitigated by their replanting behind the sightlines provided. Such development would comply with the requirements of Policy NH POL 13 of the Development Plan.

7.6. Scale and Design

- 7.6.1. The proposed development is a 2 storey 4-bedroom dwelling. The dwelling is centrally located on the site with a setback of 21m from the northern roadside boundary of the site. The floor area of the proposed dwelling is 209 sq.m. The proposed dwelling has a width of 14.1m and a depth of 16.5m. 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.
- 7.6.2. The garage to its side has a floor area of 29 sq.m., a front elevation width of 5.7m and a depth of 11m. Its ridge height is 5.6m. Elevation finishes would match that of the main dwelling.
- 7.6.3. Having reviewed the drawings submitted, it is considered that the scale and design of the proposed dwelling and garage 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.

7.7. Wastewater Treatment

- 7.7.1. 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.
- 7.7.2. 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'.
- 7.7.3. 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 mains water. The SCR details that the Ground Water flows in a south-easterly

direction and that ground conditions are dry and firm in the ppa and throughout the site.

- 7.7.4. The trial hole encountered Silt/Clay to a depth of 0.7m and Clay to a depth of 1.3m. The SCR found that groundwater was not encountered in the trial hole and that the winter water table was encountered in the trial hole at a depth of 1.3m below ground level. Bedrock was not encountered in the trial hole.
- 7.7.5. With regard to percolation characteristics, a T value of 79.99min/25mm and a P value of 26.98 min/25mm were recorded. The SCR concludes that the 'T' value rating indicates poor percolation of the subsoil but that the 'P' value rating indicates good percolation characteristics of the topsoil.
- 7.7.6. 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.
- 7.7.7. 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.
- 7.7.8. 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.

7.8. Screening for Appropriate Assessment

- 7.8.1. 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 that planning permission should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located in a 'Rural Area Under Strong Urban Influence' as set out in Section 2.7 and Map 10.1 of the Meath County Development Plan and in accordance with Section 3.2 of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005), wherein it is policy to distinguish between urban-generated and rural-generated housing need. For such areas, Policy RD POL 2 of the Meath County Development Plan requires that urban generated housing be directed to areas zoned for new housing development in towns and villages in the area of the Development Plan. Furthermore, National Policy Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, Planning Authorities should 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, having regard to the viability of smaller towns and rural settlements.

Having regard to the documentation submitted with the application and appeal, it is considered given the location of the applicant's employment within an urban area, that the applicant's need for a house is urban generated and that the applicant's housing needs could be satisfactorily met in an established smaller town, village or urban settlement area.

The proposed development would contribute to the encroachment of random development in a rural area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

03rd January 2020