



An
Bord
Pleanála

Inspector's Report

ABP-306407-20

Development	Construction of two storey dwelling, detached domestic garage, new vehicular entrance, installation of a proprietary wastewater treatment system with percolation area and all associated ancillary site works
Location	Baytown , The Ward, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA/191394
Applicant(s)	David Rispin
Type of Application	Permission
Planning Authority Decision	Grant permission (14 no. conditions)
Type of Appeal	Third Party
Appellant	Dublin Airport Authority
Date of Site Inspection	12/03/2020
Inspector	Conor McGrath

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1.0 Site Location and Description

- 1.1. The site comprises a stated area of 0.2913ha, located at The Ward, south Co. Meath approx. 1.4km northeast of the village of Kilbride, and approx. 1.3km west of the M2. The site is level and under grass, located at a lower level than the adjoining public road. The southern boundary is formed by a post and wire fence, while the eastern and northern boundaries are generally open. There is an existing farm complex within the same landholding immediately south of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a two-storey detached dwelling to be served by a proprietary wastewater treatment and disposal system and a new piped water connection.

3.0 Planning Authority Decision

The planning authority decided to grant permission for the proposed development subject to 14 no. mainly standard conditions, including the imposition of a S.47 occupancy condition (no. 2).

3.1. Planning Authority Reports

3.1.1. Planning Reports

Accepted the rural housing need of the applicant. The applicant has successfully demonstrated that he is an intrinsic part of the rural community and meets the requirements of National Policy Objective 19 in the NPF. Concerns in relation to the solid-to-void ratio but overall the design is acceptable and consistent with the Meath Rural Design Guide. The site is at an optimal location from a siting, layout and road safety perspective.

The submission of DAA is noted. It is not considered reasonable to attach such a condition in the absence of the proposed variation to the Fingal County Development Plan being adopted or an equivalent provision in the Meath County Development Plan. Recommend that permission be granted for the proposed development.

3.1.2. **Other Technical Reports**

Environment Section: No objection subject to conditions.

3.2. **Prescribed Bodies**

Dublin Airport Authority: Site is located within Zone C of noise control zones under proposed Variation no. 1 to the Fingal County Development Plan 2017-2023. Meath County Development Plan also seeks to control development in the Outer Noise Zone, although this site is not within the current Outer Noise Zone. An assessment of the noise environment and need for noise insulation measures should be required.

4.0 **Policy Context**

4.1. **National Planning Framework 2040**

National Policy Objective 65

“Promote the pro-active management of noise where it is likely to have significant adverse impacts on health and quality of life and support the aims of the Environmental Noise Regulations through national planning guidance and Noise Action Plans”.

4.2. **Eastern Midland Region – Regional Spatial Economic Strategy**

RPO 8.19: Spatial planning policies in the vicinity of the airport shall protect the operation of Dublin Airport in respect to its growth and the safe navigation of aircraft from non-compatible land uses. Policies shall recognise and reflect the airport noise zones associated with Dublin Airport. Within the Inner Airport Noise Zone, provision of new residential and/or other noise sensitive development shall be actively

resisted. Within the Outer Noise Zone, provision of new residential and/or other noise sensitive development shall be strictly controlled and require appropriate levels of noise insulation in all cases.

4.3. Sustainable Rural Housing Guidelines for Planning Authorities

The Guidelines distinguish between:

- Housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas (rural generated housing), and
- Housing in rural locations sought by persons living and working in urban areas, including second homes (urban generated housing).

With regard to urban generated housing in the open countryside, the NSS identified four broad categories of rural area types with differing development circumstances that required tailored settlement policies in the development plan process.

The appeal site is located within an area identified generally as an Area Under Strong Urban Pressure. In rural areas under strong urban influences, development driven by cities and larger towns should generally take place within their built-up areas or in areas identified for new development through the planning process.

These areas will exhibit 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 urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

4.4. Meath County Development Plan 2013-2019

Strategic Policies

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 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....

The site is located within Area 1 - Rural Areas under Strong Urban Influence

RD POL 1 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 POL 2 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.

Sections 10.4 and 10.5 of the Plan outlines the criteria by which applicants can demonstrate a local housing need.

Policy RD POL 7 To attach an occupancy condition to all individual one off rural dwellings,

TRAN POL 1 To strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on Map 11.1. Comprehensive noise insulation shall be required for any house permitted. Any planning application shall be accompanied by a noise assessment report produced by a specialist in noise assessment which shall specify all proposed noise mitigation measures together with a declaration of acceptance of the applicant with regard to the result of the noise assessment report.

11.17 Development in Proximity to Approach Zones/Noise Zones of Airports

Developments shall be restricted (and where appropriate, prohibited) in public safety zones and approach zones of airports and airfields, and in noise zones associated with airport flight operations as illustrated on map no. 11.1. In the assessment of

such applications regard shall be had to the relevant policy documents and consultation shall take place with the relevant authorities.

4.5. Natural Heritage Designations

- 4.5.1. The appeal site is not designated for any nature conservation purposes. The closest sites are the Royal Canal pNHA approx. 9km to the south, Malahide Estuary SPA & SAC located approx. 11km to the east and Rogerstown Estuary SPA & SAC located approx. 13km northeast of the site. The appeal site is not directly connected to these conservation sites.

4.6. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity and the absence of 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.

5.0 The Appeal

5.1. Grounds of Appeal

Dublin Airport Authority make the following points in their appeal against the decision to grant permission for the proposed development:

- DAA has no objection in principle to the development.
- The site is located within Zone C of the revised airport noise zones set out in Variation no. 1 of the Fingal County Development Plan.
- The site is not located within the Outer Noise Zone identified in the current Meath County Development Plan, however, this plan does not reflect the new airport noise control zones.

- It is understood that this may form part of an upcoming review of this plan
- National, regional and local policy seeks to manage noise impacts.
- The development could benefit from appropriate noise insulation.
- Meath Co. Co. should advise all future occupants with regard to their location within Noise Zone C and proximity to the New North Runway.
- As a noise sensitive development located in a noise zone the Board should modify the planning decision to require an assessment of the noise environment, demonstrate appropriate internal noise levels can be achieved and appropriate levels of noise mitigation measures.

5.2. Applicant Response

In response to the appeal, the first party have submitted an Inward Noise Impact Assessment report in respect of the proposed development.

- The assessment identifies relevant acoustic design standards and is based on published daytime and night-time noise contours in respect of Dublin airport including the proposed new northern runway.
- The assessment identifies mitigation measures to achieve the recommended noise criteria including enhanced glazing, an acoustically attenuated ventilation system and enhanced roof construction specification.
- It is confirmed that the identified mitigation measures will be implemented.

5.3. Planning Authority Response

The issues raised in the third-party appeal have been addressed in Planning Reports. The appellants have acknowledged that the Meath County Development Plan does not reflect the new noise control zones and therefore the proposed site is not constrained by same. Permission should be granted for the proposed development subject to the 14 no. conditions set out in the Chief Executive's order.

5.4. Further Responses

In response to the first party response to the appeal, the DAA note the content of the Inward Noise Impact Assessment. No further objection subject to the implementation of the requirements of that report.

6.0 Assessment

6.1. I note the decision of the planning authority, the nature of the third-party appeal and the lack of other third-party submissions on the file. The substantive issue in the appeal relates to the attachment of conditions with regard to possible noise impacts arising from the location of the site relative to Dublin airport operations. Before considering the substantive issue, I note the following points:

- Based on the available information, the first party appear to meet the local rural housing need criteria for this area.
- The location and design of the proposed dwelling is not likely to give rise to undue impacts on the landscape or visual amenities of the area, subject to the appropriate landscaping and revisions to the proportions and fenestration on the western / front elevation.
- Adequate sightlines are available at the proposed entrance from the public road.
- While trial holes were closed at time of inspection, the site suitability assessment report appears to accurately describe the prevailing ground conditions on the site. Based on the reported T and P values, the design of the system would appear to ensure that wastewater can be satisfactorily treated and disposed of on-site. I note that the Environment Section of the planning authority raised no issue in respect of public health.

6.2. With regard to potential noise impacts, I note that the imposition of controls on lands and development within the zone of influence of the airport has been accepted practise for a considerable time, supported by national and regional policy. Having regard to infrastructural and runway developments at the airport, it is considered

reasonable that these noise control zones would be subject to review and change over time.

6.3. The appellants refer to the recent variation to the Fingal County Development Plan which revised and extended the noise control zones around Dublin Airport, which variation was aligned with the Dublin Airport Noise Action Plan 2019. The appeal site is not located within the Outer Noise Zone as defined in the current Meath County Development Plan 2013, however, the appeal notes that the review of the Meath County Plan may incorporate such revisions to the noise control zones. Based on the available information, in the period pending such review it is not considered unreasonable to consider the attachment of conditions in line with the third-party appeal, in the interests of residential amenity.

6.4. In response to the appeal, the first party have submitted an assessment of potential noise impacts arising from the location of the site relative to Dublin Airport and have identified mitigation measures to achieve identified internal noise criteria. No objection to the implementation of such noise mitigation measures has been raised by the first party and I consider it reasonable that their implementation be subject to condition.

7.0 Appropriate Assessment Screening

7.1. The proposed development is small in scale and remote from any European sites. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Malahide Estuary SPA & SAC or Rogerstown Estuary SPA & SAC, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 Recommendation

- 8.1. That the decision of the planning authority be upheld and that permission be granted for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the policies and objectives of the development plan for the area, the nature and scale of development proposed, it is considered that subject to compliance with the conditions set out below the proposed development would be acceptable in terms residential and visual amenity, would not give rise to a the creation of a traffic hazard and would be acceptable in terms of public health. The proposed development would therefore 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 to An Bord Pleanála on the 12th day of February 2020, 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>
2.	The proposed development shall be amended as follows:

	<p>(a) The noise mitigation measures identified in the Inward Noise Impact Assessment report submitted to An Bord Pleanála on 12th of February 2020 shall be implemented in full.</p> <p>(b) The roof pitch of the proposed dwelling shall be a minimum of 35 degrees.</p> <p>(c) The design and layout of fenestration on the front / western elevation of the proposed dwelling shall be amended in accordance with the provisions of the Meath Rural House Design Guide.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<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 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>
4.	<p>(a) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>(b) Tree shelter belts shall be planted along the northern, western and southern site boundaries. The trees shall consist of native or naturalised species and varieties and shall be protected from grazing animals by stock-proof fencing. Any trees which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
5.	<p>(a) 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>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p>

	Reason: In the interest of traffic safety and to prevent pollution.
6.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 22nd day of October, 2020, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</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>Reason: In the interest of public health.</p>
7.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution of €9,000 (Nine thousand euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the</p>

	<p>time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Conor McGrath
Senior Planning Inspector

30th March 2020