

An  
Bord  
Pleanála

## Inspector's Report ABP-306489-20

<b>Development</b>	Teach aíochta agus 28 teach
<b>Location</b>	Ráth Chairn, Contae na Mí
<b>Planning Authority</b>	Comhairle Contae na Mí
<b>Planning Authority Reg. Ref.</b>	KA190433
<b>Applicant(s)</b>	Colm Ó Gríofa
<b>Type of Application</b>	Cead
<b>Planning Authority Decision</b>	Diúltú
<b>Type of Appeal</b>	Céad Páirtí
<b>Appellant(s)</b>	Colm Ó Gríofa
<b>Observer(s)</b>	Aoife Báille Anita Ní Cathain Comharchumann Ráth Chairn
<b>Date of Site Inspection</b>	6 <sup>ú</sup> Bealtaine 2020
<b>Inspector</b>	Kevin Moore

## 1.0 Site Location and Description

1.1. The 4.24 hectare site is located in the village centre of Rathcairn in County Meath within the Meath Gaeltacht. The village has a range of facilities including a primary school, a secondary school, a preschool, a community hall, a church, football pitch, playground, and an Údarás na Gaeltachta industrial estate. The site is located in the area between the community hall, the church, the primary school and the creche at the junction of two local roads. It is bounded to the north-west by one of the local roads, to the north east by the other local road and residential properties, to the south and south-west by agricultural land and a house adjoining the local road, and to the east by the preschool and national school. The site comprises relatively level land in agricultural use and it is bounded by hedgerows.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise the development of a detached guesthouse and 28 two-storey houses. The guesthouse would be three-storeys in height, with a stated gross floor area of 2,658 square metres, and would provide 30 ensuite bedrooms, meeting rooms, and ancillary parking to accommodate 88 cars. The proposed houses would consist of a mix of two-storey house types, ranging from three to five bedroom units. Associated development would include an internal road network, footpaths, open spaces, a pedestrian/cycleway linked to the village national school, and services connections.
- 2.2. Details submitted with the application form and drawings included a Design Statement, a Language Impact Statement and an Engineering Services Report.
- 2.3. The scheme was revised by way of further information and two pairs of semi-detached houses were introduced, replacing proposed detached houses and increasing the number of houses to 30.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 17<sup>th</sup> December 2019, Meath County Council decided to refuse permission for the proposed development relating to the applicant not demonstrating that the proposed development provides public open space at the minimum rate of 15% of the total site area as set out in Section 11.2.2.2 of the Meath County Development Plan and that, as a consequence, the development materially contravenes two housing policies set out in the County Development Plan.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner noted the site's planning history, the policy context, third party submissions, and the reports received. The key planning issues were seen to be Appropriate Assessment, planning policy, the design/layout/siting of the development, access and parking, Part V, water services and utilities. Stage 2 Appropriate Assessment was not considered necessary. The applicant's proposal that 50% of the proposed houses be reserved for Irish speakers was considered acceptable. The density of development was seen to be acceptable given the site's village centre location. The design of the guesthouse was considered acceptable. The redesign of proposed House Type C was considered necessary in order to be consistent with the Meath Rural House Design Guide. Details on the quantum of public and private open space within the scheme and boundary treatment were considered necessary to be provided. The requests for further information set out in other reports were referenced. A request for further information was recommended.

#### 3.2.2. Other Technical Reports

The Housing Section recommended that further information be sought requesting the redesign of three units to meet the needs of social tenants or a default position of 10% of lands.

The Broadband Officer referred to broadband requirements and recommended the attachment of a related condition.

The Public Lighting Engineer requested further information on the proposed lighting design.

The Conservation Officer submitted there were no conservation comments.

The Assistant Chief Fire Officer outlined Fire Safety and Building Control requirements.

The Transportation Engineer outlined deficiencies relating to sightlines, parking, footpath widths, junction design, access to the school, and permeability to remaining lands. A request for further information was requested.

The Water Services Engineer requested further information on drainage and surface water attenuation.

### 3.3. Prescribed Bodies

Údarás na Gaeltachta set out its and the local authority's duties in relation to the Irish language, referenced the decline in the daily use of the language and the pressures on it, and referred to the need to protect the language within the Gaeltacht. It was recommended that prominence be given to the language always, signage be in the Irish language, as well as the name of the business, the level and standard of Irish is maintained and that a language condition is applied in accordance with the requirements of Section 47 of the Planning Act. It was noted that the aim of relevant agencies is to increase the number of Irish speakers. It was concluded that any permission issuing should be in accordance with the aims of Plean Teanga do Ghaeltacht na Mí.

The Department of Culture, Heritage and the Gaeltacht noted the sensitive position of the Irish language in the Meath Gaeltacht and the decline in daily speakers of the language in the Rathcairn area. The influence that development plays on the language of the district and housing estate development such as that proposed was acknowledged. The Department recommended, in the event of permission being granted, that a condition requiring 100% of the houses being retained for Irish speakers be attached.

I note from the details contained in the appeal file that a further submission was made by the Department of Culture, Heritage and the Gaeltacht to the local authority prior to the receipt of the applicant's further information, outlining duties and responsibilities of agencies relating to sustaining and strengthening Gaeltacht communities, including acknowledging the threat housing estate and apartment development poses to the application of public policy being pursued at this time.

The Health Service Executive recommended, having regard to an overgrown ditch along the site boundary and the need to prevent adverse health impacts on local residents, a construction management plan should be implemented and set out the controls that should apply.

Irish Water requested further information relating to a wayleave for a foul sewer in proximity to the site.

#### 3.4. Third Party Observations

A submission was received from Aoife Báille and the observation to the Board reflects the principal concerns raised.

Glór nan Gael submitted that there would be a negative impact on Irish language use in the area if the proposed housing is developed. It was requested that a strong language condition requiring a suitable proportion of fluent Irish speakers occupying the houses should apply, being more than 80%.

Coláiste Pobail Ráth Chairn raised concern about the scale of the proposed development having negative impact on the well-being of the language and culture of the area.

Úna Ní Fhaircheallaigh, as former Cathaoirleach of Comharchumann Ráth Chairn Teoranta submitted that it would be impossible to sell the number of houses proposed to those with Irish as the principal language in the home and that the development would have a disastrous impact on the Gaeltacht.

Comharchumann Ráth Chairn Teoranta opposed the proposed development. Reference was made to the need to increase the number of daily speakers of the Irish language, the scale of the proposed development and its consequential impact, the inadequacy of the language condition of the planning authority, and the need to



increase the percentage of houses required to be occupied by daily Irish speakers to 90%. The observation submitted by the Co-operative to the Board reflects the concerns raised.

A submission was received from Anita Ní Cathain and the observation to the Board reflects the principal concerns raised.

Scoil Uí Ghramhnaigh detailed the importance of the Meath Gaeltacht and queried the impact the proposed houses would have on the community, heritage and culture of the area. The correct application of language conditions and the damage arising if conditions are not properly applied are referenced.

Úna Ní Fhaircheallaigh submitted the proposal was very large for the village and expressed concern about the ability to sell the houses to people with the Irish language and the likely impact of English speakers. There was also concern about the impact of those employed related to the proposed guesthouse coming from outside of the Gaeltacht and its adverse impact.

Caoimhe Ní Uigínn, a Gaeilgeoir, referred to her desire to live in Rathcairn and the proposed development giving her the opportunity to live in a Gaeltacht again.

Micheál Ó Churraoin supported the proposed development as it would give him the opportunity to live in Rathcairn, where he was raised.

Aodhan O'Floinn supported the proposal and considered it would give him and his family the opportunity to live in the Gaeltacht and strengthen the Irish language in the village.

Labhráis O'Ciúsoig submitted that, as a native of the area, the proposal would give him the opportunity to return to live in the area and it would bring much needed jobs which can only strengthen the Irish language.

Colm Ó Haicéad supported the proposal as it would bring much needed employment and strengthen the community by retaining local families and attracting new families.

Coláiste na bhFiann expressed concern about the adverse impact the proposed development would have on the Irish language in the area and the effect it would have on its Summer courses for students. The duty to protect Rathcairn from potential damage as a Gaeltacht community was stressed.

Darach O'Gríofa supported the proposed development as it would give him the opportunity to live in his native area and because it would enhance the area by bringing in new families and creating new jobs.

Tómás O'Mealóid supported the proposed development as it would give him the opportunity to live in his native area and because it would enhance the area by bringing in new families and creating new jobs.

Simon Ó Cróinín opposed the proposed development for reasons relating to the inability to get the number of Irish speaking families into the proposed houses in this application, the need to keep out such large scale development to maintain the Gaeltacht, the inability of the Council to implement appropriate language conditions and to ensure the appropriate standard of Irish speaker, and because of potential flooding arising from inadequate drainage.

James Scott supported the proposed development because it was considered that it would bring much needed tourism, housing and infrastructure to the area.

Rachael Farrell supported the proposed development as it would give her the opportunity to live in her native area and because it would strengthen existing facilities in the village.

Peadar Tóibín TD was opposed to the application because it would materially damage the use of Irish in the Gaeltacht. It was further submitted that he would support the development if the houses were to be bought by Irish speaking families.

Cllr David Gilroy referenced the consequences of development on a linguistically sensitive area and, while supportive of elements of the proposal, submitted it was important to consider the possible adverse linguistic impact arising from the residential scale of the development.

William and Edel Kerrane objected to the proposal on traffic safety grounds and its impact on pupils attending schools in the vicinity.

Colum Mac Eoin opposed the development because it was considered that Rathcairn is too small to accommodate the proposal and because of the pressure it would put on the Irish language by those coming to the area without Irish.

Craobh Ráth Chairn de Chonradh na Gaeilge requested the Council to support the sustainable growth and development of the Gaeltacht and to follow the prevailing policy.

Bartle, Carmel, Étaín, and Máire Ni Churraoin opposed the proposed development for reasons relating to the adverse impact it would have on the language in the community.

Conradh na Gaeilge expressed concern that the proposed development would damage the Irish language and future of the Rathcairn Gaeltacht, queried the content of the applicant's Language Impact Study, and highlighted the relevance of the Language Plan for the Meath Gaeltacht.

Larry Murtagh supported the proposal because it would be of benefit to the area by providing housing for families who wish to speak and learn Irish.

Colm Keegan opposed the proposed development, expressing concerns relating to damage to the Irish language, damage to the character of the village by the commercial component, traffic impact and flooding.

Sherry Fitzgerald Royal supported the proposal and indicated the degree of interest in those wishing to acquire houses and live in the Gaeltacht in Rathcairn.

Órla Ní Shúilleabháin opposed the proposal, expressing concern about the impact on the rural beauty of the area, the adverse impact on the Irish language, and the lack of demand for housing and a hotel.

Cllr Maria Uí Eúaire stated she would like to oppose the development. No reasons were given.

A request for further information was made by the planning authority on 5<sup>th</sup> June 2019 and a response to this request was given by the applicant on 31<sup>st</sup> October 2019.

Further third party submissions were received from Anita Ní Cathain, Comharchumann Ráth Chairn Teoranta, Úna Ní Fhaircheallaigh, Bartle, Carmel, Étaín agus Máire Ní Churraoin, Colum Mac Eoin, and Niamh Ní Dhonncha. These reiterated the earlier submissions.



Following the receipt of further information, the reports to the planning authority were as follows:

Inland Fisheries Ireland had no objection to the proposal once all local waters are protected at the construction and occupational stages.

The Water Services Section was satisfied the proposal met with the Council's requirements relating to surface water collection, treatment and disposal. A schedule of issues was set out to be addressed prior to construction.

Irish Water had no objection to the proposal.

The Public Lighting Engineer was satisfied with the submitted design.

The Department of Culture, Heritage and the Gaeltacht submitted that there was no reason to revise its previous recommendation to the planning authority based upon the further information received.

The Transport Engineer submitted that the northern access to the residential estate should be refused because of inadequate sightlines. There was no objection to the development subject to permission for pedestrian and cycle access only being provided at the northern access, a turning area being provided at house 8, the western boundary of the site being set back, widening the existing road to 6 metres and providing a 3 metre footpath.

The Planner noted the third party submissions, reports received and the applicant's responses to the request for further information. It was submitted that the open space located centrally on the site was only 10% of the site area and was not in compliance with County Development Plan standards which requires a provision of 15% of the site area. A refusal of permission was recommended due to the deficiency in open space provision and this resulting non-compliance with housing policies.

#### 4.0 Planning History

##### P.A. 99/1924

Permission was refused for a house and treatment system.

## 5.0 Policy Context

### 5.1. Meath County Development Plan 2013-2019

#### Rathcairn Village Statement

Rathcairn is a designated 'Village' in the Settlement Hierarchy of the County Development Plan. Its household allocation under the Core Strategy is 40 houses over the Plan period.

The Goal for the village is:

*To promote the development of the village in a manner that protects and enhances its linguistic and cultural distinctiveness, while also providing for development which will allow Rathcairn to develop in a sustainable manner, as an attractive place to live, work, recreate and visit, reflecting its Gaeltacht distinctiveness.*

Broad Objectives include:

- To ensure the continued survival and promotion of the Irish Language as the spoken language of the Gaeltacht community.
- To facilitate the protection and promotion of all aspects of the Gaeltacht cultural identity.
- To promote development that protects and enhances the linguistic and cultural heritage of Rathcairn.
- To ensure adequate provision of appropriate housing, commercial, community and educational facilities to serve existing and future residents and in a way that are both language and culture friendly.
- To provide a robust urban design framework that reflects the village's Gaeltacht distinctiveness.

#### *Zoning*

The northernmost part of the site closest to the road junction is zoned 'B1 Village Centre' with the objective "To protect, provide for and/or improve town and village centre facilities and uses."

The remainder of the site is zoned 'A2 New Residential' with the objective "To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy."

### *Residential Development*

The Plan states that it is intended that future residential development in Ráth Cairn will be low density to provide a sustainable alternative to one-off housing and to retain the overall rural character of the area. It is proposed that these areas can intensify in the future to ensure the sustainable use of serviced land. New residents should predominantly be prepared to integrate with the Irish speaking culture to ensure the protection of the language and culture in the area.

### *Building Typologies*

New buildings in the village centre and the proposed residential areas are required to be of a form and scale that reflects the vernacular of Rathcairn.

### *Strategic Policies*

These include:

SP 1: To ensure that the growth and development of Rathcairn shall be directed to meet the needs of the local community and be in keeping with the existing character, amenity, heritage and landscape of the village.

### *Policies*

These include:

#### **Gaeltacht Identity**

GAEL POL 1: To plan an efficient system whereby the aspects of the Gaeltacht environment can be assessed and protected as part of the planning process including the use of language conditions.

GAEL POL 2: To encourage architectural styles that complement local tradition such as the 'Land Commission house' and the Clachan Dwelling

cluster. A contemporary interpretation of indigenous traditions is encouraged.

#### **Residential Development**

- RD POL 1: To ensure that the resident population is of a sustainable number to protect and promote the linguistic and cultural distinction of the area.
- RD POL 2: To recognise that new residential developments could damage the use, visibility and status of the Irish language and to reduce / prevent their impact.

#### **Commercial, Economic and Retail Uses**

- CER POL 1: To encourage employment and enterprise development in the village that is language and culture friendly.
- CER POL 2: To recognise that new commercial developments could damage the use, visibility and status of the Irish language and to reduce / prevent their impact.
- CER POL 7: To provide for the development of new services and facilities in the village centre including small scale retail, commercial and office uses creating an identifiable village centre / focus.

#### **Urban Design**

- UD POL 2: To promote the development of detached family homes which reflect the traditional building form of the Land Commission dwelling comprising one storey and a half on A2 zoned lands.
- UD POL 3: To comply with the Design Standards provided below in the assessment of all planning applications for planning permission within the development envelop of Rath Cairn:
- To promote infill residential development adjoining existing residential developed areas that respect the scale and massing of adjoining dwellings.
  - To provide for the development of detached family homes of 6 units / ha (2.5 units / acre) or as appropriate on infill sites (A2 zoned lands) ...
  - To allow for increased building height, where appropriate, as demonstrated through an urban design statement.



- To encourage dwellings of a scale that reflects the vernacular of traditional 20th century houses of the Land Commission tradition.
- To promote the development of two storey buildings at the village centre to create a sense of enclosure and identity ...
- To encourage village centre development which provides for a continuous building line and active street frontage in the village core on lands zoned for village centre use.

### *Objectives*

These include:

#### **Gaeltacht Identity**

GAEL OBJ 2: New developments will be required to set out a design statement to accompany planning applications outlining how the development contributes to the creation of a particular Gaeltacht identity.

#### **Residential Development**

RD OBJ: To assist in assessing the impact of new residential development upon the use of Irish in the Gaeltacht all planning applications for residential development, both single and multiple house developments, will be referred to the Department of Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta management for comment and these comments shall be taken into account and such account shall be demonstrated in the making of decisions in all such planning applications

#### **Commercial, Economic and Retail Uses**

CER OBJ 2: To provide for appropriate language and culturally centred development within the appropriate land use zones in the village.

### County Development Plan Housing Policy

Policies include:

- HS POL 1: To encourage and foster the creation of attractive mixed use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities.
- HS POL 2: To require a high standard of design in all new residential schemes that are built in a style and scale that is appropriate to the landscape setting.

### Development Management Guidelines and Standards

#### *Residential Design Criteria*

Public open space shall be provided for in residential development at a minimum rate of 15% of total site area. Where residential developments are close to existing facilities or natural amenities or where, in the opinion of Meath County Council, it would be in the interest of the proper planning and sustainable development of the area, then Meath County Council may require a financial contribution towards the provision of public open space or recreational facilities in the wider area in lieu of public open space within the development.

#### **5.2. Appropriate Assessment**

The proposed site is not located within or in the vicinity of any Natura 2000 site. The proposed development would be served by a mains water and public foul sewer and would be sited within the settlement of Rathcairn. It is reasonable to conclude that 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 any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

#### **5.3. EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment that would warrant environmental impact assessment. No EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal may be synthesised as follows:

- The non-provision of an area of public open space, equivalent to 15% of the area of the residential development site, does not constitute a material contravention of the Meath County Development Plan (reference is made to previous Board decisions under ABP Refs. PL 17.248899 and PL 17.245994 in support of this ground of appeal);
- The area of public open space provided within the subject development scheme, albeit that it is less than 15% of the site area, satisfies in terms of its location, siting and design the criteria relating to these matters as set out in the Development Plan;
- The proposal is generally compatible with the relevant provisions re: public open space in the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas";
- The level of provision is more than adequate having regard to the density of the scheme and to the extensive areas of private open amenity space provided for each house;
- The level of provision of open space, having regard to its central location within the layout, will have no material impact on the amenities of adjoining properties nor on their value; and
- The development, by reason of its layout and infill status proximate to the village, can be easily distinguished on a site specific basis, thereby disqualifying it as a precedent to be applied elsewhere.

A revised layout plan providing for a central area of public open space amounting to 15.86% of the overall residential site area is submitted for consideration by the Board if it considers the area of open space being provided is inadequate. It is submitted that this revised layout would have no material impact on the interests of third parties adjacent to the site.

Further details submitted with the appeal include copies of An Bord Pleanála Orders relating to Refs. PL 17.248899 and PL 17.245994 and an extract from an Inspector's report relating to ABP Ref. 17.245994.

The appellant submitted that there was no objection to the attachment of conditions to meet with the requirements set out in reports received by the planning authority from the Transportation Section, the Water Services Section, the Housing Department and Irish Water.

## 6.2. Planning Authority Response

The planning authority submitted that it considered that the revised site layout identifies an area of public open space in compliance with County Development Plan standards. The Board is requested to condition the development accordingly to ensure compliance with the Development Plan and was invited to be cognisant of the policies in the Plan relating to the protection of the Irish language.

## 6.3. Observations

The observer Aoife Báille referred to Rathcairn having too many houses and a number of existing houses being vacant, to the excessive number of houses proposed, the requirement for those occupying houses to be fluent in Irish and the adverse impact on the Gaeltacht by English speakers, the guesthouse being excessive in height and the lack of need for it, the difficulties with the existing sewerage system, and the adverse impact on the natural amenity of the area. A copy of the observer's submission to the planning authority was attached with the observation.

The observer Anita Ní Cathain, residing to the west of the site, referred to the development being alien to its receiving environment, the suburban nature of the proposed house design, the failure to integrate with the character and setting of the village, non-compliance with the design principles of the Written Statement for Rathcairn, adverse impact on the residential amenity of the observer's property, and excessive density. It was requested that the Board refuse permission for the development for reasons set out in the observer's original submission to the planning



authority and because it would be contrary to the written statement for Rathcairn as set out in the County Development Plan. The observer's two submissions to the planning authority were attached with the observation.

The observer Comharchumann Ráth Chairn, whose role it is to implement Plean Teanga do Ghaeltachtaí na Mí, referred to achieving and maintaining the critical percentage of daily Irish speakers in the Gaeltacht to over 67% in accordance with evidence arising from *Stáidéar Cuimsitheach Teangeolaíoch ar Úsáid na Gaeilge sa Ghaeltacht*. The provisions under the Planning and Development Act, the National Planning Framework, Planning Guidelines, and Meath County Development Plan were noted relating to protecting and promoting Irish as a community language and the development of Gaeltacht communities. With regard to the proposed development, the findings of the applicant's Language Impact Study were queried, the negative impact of the proposed guesthouse on linguistic practices of the area, the proposed housing development increasing the population by 35% without evidence of demand and the pressure that would result for the native Irish speakers, and the necessity for up to 90% of occupiers of the new houses to be daily Irish speakers to meet with statutory requirements. Reference is made to the Comharchumann's planning permission to renovate its existing building and the lack of need for the proposed guesthouse. It is submitted that the proposal is contrary to Policies CER POL 2 and RD POL 2 of the County Development Plan. With regard to the attachment of a language condition, it is submitted that there would be a need for 90% of the proposed houses to be set aside for those with a satisfactory fluency in Irish and for the remaining 10% to go to those native to Rathcairn (a language condition attached with the Board's decision under ABP Ref. PL 24.215257 is referenced). The observation includes submissions from Éanna Ó Cróinín, Professor Conchúr Ó Giollagáin, Coláiste Pobail Ráth Chairn, Scoil Uí Ghramhnaigh, and Glór na nGael.

## 7.0 Assessment

### 7.1. Introduction

7.1.1 I consider that the principal planning issues requiring assessment relate to the impact on the Irish language, the form/character/scale of the proposed development, open space, impact on residential amenity, and surface water/foul drainage/flooding. I note that a traffic-related issue arose in relation to one of the proposed access provisions. This is a matter that could reasonably be addressed in accordance with the requirements of the planning authority's Transport Engineer's report.

### 7.2. The Irish Language Question

7.2.1 Rathcairn is a small Gaeltacht community in County Meath that has evolved since the first people arrived there from Connemara in 1935, formally recognised as a Gaeltacht in 1967. Notwithstanding its proximity to the M3 motorway and to the towns of Navan, Athboy and Trim, it has remained a small village with a small resident population. It has developed at a relatively slow pace over time, with a grouping of community facilities and small-scale residential development. It is reasonable to determine that Rathcairn comprises a tight-knit Irish language community which has managed to sustain a living language within the family home, within the local schools, within its various Gaeltacht-related agencies and businesses, and, thus, keeping it a true community language.

7.2.2 Rathcairn is probably never at a more sensitive or fragile state in relation to the protection of its Irish language tradition from its inception as a Gaeltacht community. Set within the wider context of Athboy, Trim, the county and the Greater Dublin Area and having regard to the influence of the English-speaking community, modern communications, etc., the pressure on the minority language is self-evident. In this context, there are serious threats to the viability and sustainability of this community language. Being part of the smallest Gaeltacht in the country (Baile Ghib to the east of Kells being the other part of the Gaeltacht area in the county), it cannot reasonably afford to undergo significant changes that would threaten the extent of the use of the Irish language as this community's language. A balance must be struck with all new development.

7.2.3 I submit to the Board that consideration of the development of this village cannot, and should not, be determined to be similar to that of development in other villages in County Meath at this time. Every residential and commercial development proposed for this village must be assessed for their impact on the Irish language community and every such proposed development can only be accepted or rejected based upon its impact on this community. Accepting the principle of any such development must be premised upon the contribution it can make to the sustainability of the Irish language community.

7.2.4 Rathcairn is a small village, with a church, a library, a bunscoil, a meánscoil, a naíonra, a community hall, an Údarás na Gaeltachta industrial estate, a football pitch, and a public playground. The community building incorporates a clubhouse, pub, café, shop and radio station. This facility is the base for Comharchumann Ráth Chairn, which is the lead organisation for language planning in the Meath Gaeltacht. The village is also home to the head office for Glór na nGael (sited a short distance to the north of the shop), an Irish language organisation which is tasked to promote Irish in the family, in community development and in business. Foras na Gaeilge, the body responsible for the promotion of the Irish language throughout the island of Ireland, has an office in the village also (sited behind the church). Coláiste na bhFiann, an Irish language summer college, is also well established within Rathcairn. It is evident from the facilities, agencies and their associated infrastructure that the current functioning of the village is wholly reliant on a sustainable Irish language community for its existence.

7.2.5 The legislative and policy context is key to understanding the approaches being pursued to sustain Irish language communities. Consistency in goals, aims and policies at national and local levels would demonstrate that there is a concerted effort to sustain such communities in the interest of protecting heritage, culture and the language, which are valued as national assets.

7.2.6 The following is noted:

- Section 10(2)(m) of the *Planning and Development Act 2000* requires development plans to include objectives for the protection of the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as a

community language where there is a Gaeltacht area in the area of the development plan.

- *Development Plans: Guidelines for Planning Authorities*, published under section 28 of the Planning and Development Act in 2007, provide guidance on the preparation of development plans. Appendix C sets out considerations for Gaeltacht areas with reference to important factors to help to ensure the protection of the linguistic and cultural heritage of the Gaeltacht, including the promotion of the Irish language. The demographic factors include:

*A population where in-migration of non-Irish speakers is limited to a scale that would not impinge on the integrity of the Irish-speaking population.*

The economic factors include:

*Economic activity of a nature and extent that would not compromise the integrity of the Gaeltacht area or population, and*

*Economic activity of a nature and extent that would not demand the introduction of languages and cultures that would not be supportive of the Irish language.*

- The *20 Year Strategy for the Irish Language 2010-2030*, i.e. Government policy on the Irish language, submits:

*It is an integral component of the Government's Irish language policy that close attention be given to its place in the Gaeltacht, particularly in light of research which indicates that the language's viability as a household and community language in the Gaeltacht is under threat. (p. 3)*

The aim of Government policy is stated to include:

- *provide linguistic support for the Gaeltacht as an Irish-speaking community and to recognise the issues which arise in areas where Irish is the household and community language. (p. 3)*

Specific objectives of the Strategy include:



- *Increase the number of speakers who speak Irish on a daily basis in the Gaeltacht by 25% in overall terms as its invigoration will be critical to the overall Strategy. (p. 9)*

Within the Gaeltacht areas, the Strategy recognises that the home, family and neighbourhood is crucial to the maintenance of Irish as a living language. (p. 22)

- *Acht na Gaeltachta 2012* followed on from the 20 Year Strategy. This designated Gaeltacht Language Planning Areas and established the requirement to prepare Irish language plans within these areas. Under section 7(6) *Údarás na Gaeltachta* selects an organisation most capable of preparing a plan for the purpose of providing for and encouraging the increased use of the Irish language in the family, educational, public, social, recreational and commercial life of the area concerned. The Board will note that the observer *Comharchumann Ráth Chairn* is the selected lead organisation for the Meath Gaeltacht.
- *Action Plan 2018-2022: 20 Year Strategy for the Irish Language 2010-2030* identifies specific strategic priorities for the 2018-2022 period in regard to promoting the Irish language and achieving the specific goals of the Strategy. The key objective for the Gaeltacht areas in the Plan is to continue to advance the implementation of the language planning process through the provision of funding and advice, in addition to technical and practical support.
- *Plean Teanga do Limistéar Pleanála Teanga Ghaeltacht na Mí*, the Irish Language Plan for Ráth Chairn and Baile Ghib, was approved by the Government in October 2018. The aim of the language plan is to increase the number of daily speakers of Irish within this Gaeltacht area by 10.0% during the seven years of the plan and to increase the number of households raising their children through Irish. The Plan has an extensive range of specific aims which include:
  - To increase the number of families who speak Irish in the home,

- To increase the number of people in the Language Planning Area who can speak Irish and who speak Irish daily,
  - To increase the use of Irish in the public domain,
  - To provide local employment through Irish to the community of the Local Planning Area, and
  - To ensure and strengthen the language condition for planning permission in the Local Planning Area.
- *Meath County Development Plan 2013-2019* includes a 'Rathcairn Village Statement'. The Goal for the village is:

*To promote the development of the village in a manner that protects and enhances its linguistic and cultural distinctiveness, while also providing for development which will allow Rathcairn to develop in a sustainable manner, as an attractive place to live, work, recreate and visit, reflecting its Gaeltacht distinctiveness.*

The 'Broad Objectives' for Rathcairn include:

- *To ensure the continued survival and promotion of the Irish Language as the spoken language of the Gaeltacht community.*
- *To facilitate the protection and promotion of all aspects of the Gaeltacht cultural identity.*
- *To promote development that protects and enhances the linguistic and cultural heritage of Rathcairn.*
- *To ensure adequate provision of appropriate housing, commercial, community and educational facilities to serve existing and future residents and in a way that are both language and culture friendly.*
- *To provide a robust urban design framework that reflects the village's Gaeltacht distinctiveness.*

The Statement has a wide range of policies and objectives which directly relate to the promotion of the Irish language and the protection and enhancement of this Gaeltacht community. Policies include:

*RD POL 1: To ensure that the resident population is of a sustainable number to protect and promote the linguistic and cultural distinction of the area.*

*RD POL 2: To recognise that new residential developments could damage the use, visibility and status of the Irish language and to reduce / prevent their impact.*

*CER POL 1: To encourage employment and enterprise development in the village that is language and culture friendly.*

*CER POL 2: To recognise that new commercial developments could damage the use, visibility and status of the Irish language and to reduce / prevent their impact.*

- *Project Ireland 2040 - National Planning Framework*, published by the Government in 2018, refers to the Irish language and the Gaeltacht in Section 6.3, recognising it as the first official language and noting the provisions of the Gaeltacht Act 2012 and the 20 Year Strategy for the Irish Language. The Framework states that it is vitally important for the maintenance of the Irish language as the vernacular of the Gaeltacht and for the promotion of the language outside the Gaeltacht that ongoing supports be provided for the language planning process and that the support for Údarás na Gaeltachta, as the Gaeltacht development authority, be strengthened. National Policy Objective 29 states:

*Support the implementation of language plans in Gaeltacht Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks.*

7.2.7 Having regard to the above legislative, guidance and policy documentation, which sets out the current approach to the development of the Irish language and the Irish language community and of the Gaeltacht areas, it is reasonable to ascertain that there is a clear consistency in the aims, goals, policies and objectives to protect, maintain, promote and enhance the Irish language as a community language within the Gaeltacht community of Rathcairn and, furthermore, to take necessary measures

to curtail, minimise and alleviate impacts on this Gaeltacht community which could alienate and/or damage the viability of the language and the language community in Rathcairn.

- 7.2.8 I have submitted to the Board earlier that the development of the village of Rathcairn cannot, and should not, be determined to be similar to that of other villages in County Meath at this time. The protection and enhancement of the village's Gaeltacht status and the sustainability of its linguistic heritage must be paramount in the consideration of the proposed development now before the Board. The conclusion of any assessment of the proposed development, if it is determined to be acceptable, must reasonably find that the proposed development would not damage the use, visibility and status of the Irish language in this Gaeltacht area, would not undermine the linguistic and cultural distinction of the village, and would otherwise enhance the promotion and further development of the Irish language community.
- 7.2.9 Seeking to manage the development of new housing in Gaeltacht areas to protect the language community is frequently addressed by the attachment of a condition with a planning permission which seeks to impose a requirement for a percentage of those occupying houses to have a proficiency in the language. Such a requirement does not generally extend to commercial buildings and their occupants. However, the primary issue that needs to be determined before seeking to decide on the percentage of occupants of any houses that would be acceptable in the instance of the proposed development is whether the nature and scale of the proposed development itself is acceptable due to its likely impact on the Irish language community.
- 7.2.10 Clearly the development and expansion of the Irish language community and the provision of additional services in the village to serve local needs would culminate in a positive contribution to Rathcairn. It is evident that the nature of the uses forming the proposed development, i.e. residential development and a guesthouse and ancillary services, would be in keeping with this reasonable aspiration. However, it is the scale of the proposed residential development and the need for the scale and array of services of the commercial development that are in question.
- 7.2.11 It is my submission to the Board that the adverse impact of a new significant additional resident population poses a serious threat to the continued viability and



sustainability of Rathcairn as a Gaeltacht community. The scale of housing development proposed in this application at this location is unprecedented. I seriously question that the delivery of one large suburban housing estate to this village core could be managed to ensure that the linguistic distinction of this village would be protected. I question why such a large scale of development must be pursued at this time. If ever there was a necessity to seek to integrate more dense residential development in a phased, reduced scale then this is the time due to the significant challenges that the local community are facing to sustain the language as a family-based and community language. The delivery of such large scale housing, relative to any development that has occurred heretofore, with the likelihood of the in-migration of non-Irish speakers at a relatively significant scale that would impinge on the integrity of the Irish-speaking population is self-evident in my opinion. Imposing a language condition on the scale of development proposed, relative to the scale of development that exists in the village, cannot be managed in my view. The development will have serious detrimental effects on the language as a community language because of the impact of non-Irish speakers on the everyday use of the language in this community. This cannot be under-estimated. This is the most significant planning issue arising from the proposed development. The development of the scale proposed, with a consequential substantial increase in population of non-Irish speaking residents, cannot be underplayed. Why development requires to be pursued in one large housing scheme on a single site in this village, without the realisation of its effects, merits revisiting. There must be an obligation to undertake a tentative approach to housing estate development in this village. This demands development that is small in scale. An understanding of the impact of incremental development will allow for a managed progression of the development of this village. The imposition of a single large-scale residential scheme simply will not permit this. This village is required to develop incrementally, to be allowed to subsume the impact of increased population in a balanced, sustainable manner. Superimposing what is a large-scale housing estate into this village will radically alter not alone the physical form and character of the village but will distort socio-economic characteristics of the community, which will ultimately distort the linguistic and cultural distinctiveness of this Gaeltacht community.

7.2.12 Regarding the proposed guesthouse and its associated services, I again note what exists in the village in the form of what is provided in the community building opposite the site and the various Irish language agencies that are based in the village. The need for a development of the scale proposed and the nature of the uses intended to be provided must be subject to scrutiny when considering the ongoing development of the Irish language community. I submit to the Board that due regard must be given to the public and agency submissions both to the planning authority and to the Board who have expressed serious concerns about the impact of this component of the proposed development on the Irish language. I do not underestimate the validity of the local community concerns. I further note that there can be no reasonable mechanism to employ which would effectively manage how the operations of the commercial development would ensure that it would not compromise the integrity of the Gaeltacht area or population or would not demand the introduction of languages and cultures that would not be supportive of the Irish language. Furthermore, it is apparent that there is some replication of facilities that are available in the village and there is no understanding in the proposed development of a need for the range of uses proposed in the commercial development. The commercial development presents itself in many ways as a small hotel with a range of ancillary uses rather than a guesthouse. I note that the nearby towns of Athboy and Navan would provide such accommodation. While accepting there is no role in determining commercial competition in this assessment, the proper planning and sustainability of this small Gaeltacht village is paramount. I would be seriously concerned about the viability of such a relatively large-scale development in this village and the impact it would likely have for the Irish language community. I am of the opinion that the functioning of this commercial operation has significant potential to undermine the linguistic distinctiveness of Rathcairn due to its effects that would not be supportive of the Irish language. Once again, it is the scale of this development, not necessarily the principle, that is at the core of my concerns.

7.2.13 In conclusion, the Board will note that my considerations on the impact of the proposed development on the Irish language and the Irish language community in Rathcairn are consistently founded upon the matters raised in the various legislative, guidance, and policy provisions which have been referenced earlier. I consider that the proposed development poses a serious threat to the sustainability and promotion

of the Irish language and to the linguistic distinction and status of the Irish language community in this village. It is my determination that the scale and consequential impact of the proposed development does not sit comfortably with the aims, policies, and objectives of current guidance and public policy on the protection, promotion, and enhancement of the Irish language and Gaeltacht communities. In my opinion, it is a development that would:

- result in in-migration of non-Irish speakers to a scale that would impinge on the integrity of the Irish-speaking population;
- introduce an economic activity of a nature and extent that would demand the introduction of languages and cultures that would not be supportive of the Irish language;
- threaten the language's viability as a household and community language in Rathcairn;
- would undermine the objective to increase the number of speakers who speak Irish on a daily basis in Rathcairn by 25% in overall terms;
- would seriously undermine the aims and objectives of *Plean Teanga do Limistéar Pleanála Teanga Ghaeltacht na Mí*; and
- would be contrary to the provisions of Meath County Development Plan which seek to promote the development of the village in a manner that protects and enhances its linguistic and cultural distinctiveness.

7.2.14 The proposed development would adversely affect the linguistic and cultural heritage of the Meath Gaeltacht and could not, therefore, be viewed as being in accordance with the proper planning and sustainable development of the area.

### 7.3 The Form, Character and Scale of the Proposed Development

7.3.1 It is worth repeating again that Rathcairn is a small rural village. There is one small grouping of houses behind the church and beside the GAA pitch. Other than this grouping, housing sited in this village is similar to many of the traditional villages in the country, i.e. they follow a linear pattern along the local roads. The village has a centre where there are community and commercial facilities that are small in scale to

meet local needs. Single-storey development presents as common in this village, with some dormer-type development prevailing. The shop/public house is a two-storey building. I clearly understand that the in-depth development of housing and the development of commercial facilities within the centre of a village bring with them a sustainable approach to evolving a village and provide for a sustainable economic approach to the provision of services. Once again, it is the scale of the development proposed that is in question in this instance.

- 7.3.2 I note that Meath County Development Plan's Core Strategy proposes that up to 40 houses could be developed in the village over the seven-year period of the Plan. It is evident that only small-scale residential development has taken place during the Plan period. This Plan remains in place while a new Plan is being drafted. The proposed development of 30 houses in one housing estate would represent 75% of the housing allocation for this village in one single scheme, a scheme of a scale that is unprecedented in this village.
- 7.3.3 The proposed housing development presents itself as a suburban housing estate in form, character and layout. This is the type of development prevalent throughout many suburbs of midland towns and many other larger urban settlements. This type of development has also become commonplace in many villages, frequently appearing significantly over-scaled for the 'urban core' within which they are set in these villages. The proposed houses in the scheme before the Board are of a form, scale and character that would be found in many towns in the vicinity of this village. It is my submission that the proposed houses clearly present as large, two-storey, detached houses that have no distinctive characteristics from other such housing found in towns elsewhere. Despite variations in the scale of individual units, there is a very notable similarity in design appearance, form and finishes for the house types. Further to this, I note the proposed introduction of semi-detached houses to meet the needs of the local authority under Part V. They are very much similar in design to semi-detached housing one would find in many towns in the wider area. The houses in the scheme are laid out in what is a common approach to residential layouts in any suburban area throughout the country, i.e. a large open space is placed in the centre of the site, roads skirt the periphery of this space and houses front onto these road, looking out onto the open space. This amenity space is complimented by each house more or less having a regimented front and back garden. This is suburbia but



not in a suburban area. In my opinion, this is not 'village scale' development and it unquestionably is not 'village character' development.

7.3.4 The concern, which has been expressed earlier, is the scale of this development. I repeat that small scale, incremental development, reflective of how this village has been developing up to this time, is what is required. The build-out of this land can, and should, reasonably occur in a piecemeal but planned, integrated manner, not by a single large (in relative terms) suburban housing estate. In recognising this, I acknowledge that the Rathcairn Written Statement references an indicative Master Plan to provide design guidance with respect to the built form and layout of the village. This requires future residential development to be low density and to be cognisant of the traditional building form. Dwellings in the village core are required to be designed in the form of clusters, with varied building alignments, comprising gable and parallel configurations of simple building form. It is very clear that the proposed housing estate, in scale, layout and uniformity of building character, is far away from such provisions of the Master Plan.

7.3.5 Turning to the proposed guesthouse accommodation, it appears that this proposed commercial development is a small hotel to all intents and purposes. Within the village core there is nothing comparative in terms of building height, scale and bulk. Being the sole three-storey structure, this would be a very prominent building in the village core. The indicative Master Plan contained within the Rathcairn Written Statement illustrates commercial buildings in the corner of the site in which the proposed guesthouse is intended to be sited. Thus, the siting of a development incorporating a commercial use appears generally compatible. However, the concern remains about this building's scale, bulk and character in this rural village setting. It appears somewhat misplaced. The modernity of the proposed building, with its complex roof structure, varied fenestration and array of finishes, does not perpetuate simplicity in building form one would reasonably anticipate that would be espoused in a small rural village. It does not reflect the character of this village. I further note from the Rathcairn Local Area Plan 2009-2015, from which the Master Plan originates (and which remains a component of the Rathcairn Written Statement), that a two-storey terrace building, providing for a mix of uses, that would respect the scale and massing of existing buildings within the village was promoted at this location. It is reasonable to determine that the proposal is not in keeping with such aims.

7.3.6 Overall, it is my submission, which is consistent with the Rathcairn Written Statement, that new buildings in the village centre and in the village's proposed residential areas require to be of a form and scale that reflect the vernacular of Rathcairn. This is what is planned for in this village. This is not what is being delivered in the proposed development for the reasons set out above.

7.3.7 Finally, I ask the Board to carefully examine the simple physical structure of the existing village of Rathcairn. It is my submission that it becomes self-evident that the proposed development is greatly over-scaled and that the physical structure and character of this village will be significantly distorted if the proposed development proceeds.

#### 7.4 The First Party Appeal

7.4.1 The reason for refusal by the planning authority relates solely to the provision of public open space intended to be provided for within the residential estate. Meath County Development Plan includes 'Development Management Guidelines and Standards'. The Residential Design Criteria within this states that public open space shall be provided for in residential development at a minimum rate of 15% of total site area. The appellant has provided a revised layout to the Board which meets with this requirement. The planning authority has responded by submitting that this area of public open space is in compliance with County Development Plan standards. It is reasonable, therefore, to determine that the applicant has met with the public open space requirements and has overcome the reason for refusal issued by the planning authority.

#### 7.5 Impact on Residential Amenity

7.5.1 I note that the observer Anita Ní Cathain, who resides in a house immediately adjoining the westernmost part of the site, has raised concerns about the location and impact of a number of the proposed houses and their effects on the residential amenity of her property. These would relate to two proposed semi-detached houses and a couple of the proposed detached houses. These houses would be to the north-east of the observer's property and their rear elevations would face the side

boundary of the neighbouring property. The proposed houses would be set back between approximately 8 metres and 13 metres from the existing boundary separating the proposed houses from the observer's property. I note that the gable of observer's house, which presents as a dormer-style building, is set back several metres from the property's north-eastern boundary. Furthermore, there is an existing detached garage to the rear of the house. Having regard to the layout of the existing and proposed developments, proposed separation distances, retention of boundaries, and village centre context, I do not consider that the proposed development would introduce any significant adverse impacts by way of overlooking or overbearance on the observer's property. In my opinion, this component of the development could not reasonably be omitted based on the likely limited impact it would have on residential amenity.

#### 7.6 Surface Water, Foul Water Drainage and Flooding

7.6.1 I note that a number of submissions to the planning authority and the observation from Anita Ní Cathain have raised surface water drainage concerns arising from the proposed development, with particular reference to a stream along the south-western boundary, a deficient culvert and potential flooding of the public road occurring as a result. It is my submission to the Board that the applicant proposes to provide a comprehensive surface water drainage system, inclusive of attenuation storage provisions, retention and maintenance of drainage ditches, etc. The engineering provisions should adequately address the surface water concerns without causing potential drainage concerns for the site, the public road or neighbouring properties.

7.6.2 I also note that concerns had been raised with regard to the foul sewerage network. These concerns were addressed during the consideration of the application by the planning authority. The applicant's proposals are to the satisfaction of Irish Water. Having regard to this, I do not have any particular concerns about the capacity of the system to accommodate development of nature proposed.

## 8.0 Recommendation

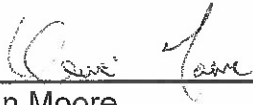
- 8.1. Having regard to my concerns about the scale of the proposed development and the impact this development would have on the sustainability of the Irish language and the Irish language community in Rathcairn, I recommend that permission for the proposed development be refused.

## 9.0 Reasons and Considerations

1. Maidir le scála, leagan amach, dearadh, dlús, agus foirm mí-oiriúnach na forbartha beartaithe, chomh maith le hinimirce na gcainteoirí iasachtaí a bhainfeadh leis an bhforbairt, meastar go gcuirfeadh an fhorbairt bheartaithe isteach ar charachtar an tsráidbhaile Ráth Chairn agus go mbeadh sí dochar d'oidhreacht teanga agus chultúir na Gaeltachta i gContae na Mí. Dá bhrí sin, bheadh an fhorbairt bheartaithe ar neamhréir na pleanáil chuí agus fhorbairt inchothaithe an limistéir.
  2. Tá láithreán na forbartha beartaithe suite sa Ghaeltacht. Is polasaí den Phlean Forbartha Contae na Mí Gaeilge a chothú agus a chaomhnú agus cosc a chur ar fhorbairt le tionchar diúltach suntasach ar Ghaeilge agus ar an nGaeltacht. Ag cur san áireamh scála na scéime tithíochta beartaithe, inti féin nó mar gheall ar an bhfasach a bhunófaí d'fhorbairtí móra tithíochta eile dá ndeonoífaí cead lena haghaidh, meastar go dtarlódh soláthar iomarcach tithíochta chun riachtanais áitiúla a sholáthar i dtreo a sháródh cosaint oidhreacht teanga agus chultúrtha na Gaeltachta. Dá bhrí sin, bheadh an fhorbairt bheartaithe ar neamhréir na pleanáil chuí agus fhorbairt inchothaithe an limistéir.
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1. Having regard to the scale, layout, design, density and incongruous form of the proposed development, together with the in-migration of non-Irish speakers associated with the development, it is considered that the proposed development would be out of character with the village of Rathcairn and would adversely affect the linguistic and cultural heritage of the Gaeltacht in County Meath. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



2. The site of the proposed development is located within a Gaeltacht area, where it is the policy of the current Meath County Development Plan to preserve and promote the Irish language and to prohibit development that would have a significant negative impact on the Irish language and the Gaeltacht. Having regard to the scale of the proposed development, by itself or by the precedent which the grant of permission for it would set for other large scale housing development, it is considered that the proposed housing scheme would constitute an excessive provision of housing to meet local needs in a manner contrary to the protection of the linguistic and cultural heritage of the Gaeltacht. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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Kevin Moore  
Senior Planning Inspector

13<sup>th</sup> May 2020

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