



An
Bord
Pleanála

Inspector's Report ABP-307811-20

Development	To construct a fully serviced dwelling house & garage with associated site works.
Location	Boolabaun, Davidstown, Enniscorthy, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200438
Applicant(s)	Angela Mernagh & Timothy McCann
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Maurice O'Carroll
Observer(s)	John Carroll & Elizabeth Cullen
Date of Site Inspection	8 th October, 2020
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Boolabaun, Co. Wexford, approximately 6.7km southwest of Enniscorthy town centre and 4.9km northeast of the village of Clonroche, along a minor local roadway known as Boolabaun Lane which extends south / south-westwards from a link road which provides access onto the N30 National Route. The surrounding landscape is generally characterised by undulating rural countryside interspersed with instances of one-off housing and agricultural outbuildings, although there is a former quarry c. 400m north of the site and a number of notable concentrations of one-off residential development along several of the roadways in the wider area (with a series of 3 No. dormer-style dwelling houses having recently been developed directly opposite the application site). The small rural village of Davidstown is situated approximately 1.5km east of the site where local services & facilities include a community hall, church, national school, and a public house.
- 1.2. The site itself has a stated site area of 0.375 hectares, is broadly rectilinear in shape, and comprises the southernmost corner of a larger agricultural field. The site occupies a relatively elevated hillside position with views over the lower-lying lands to the northeast and the national road beyond. It is bounded by mature hedgerow and tree planting to the southwest and southeast (along the roadside) whilst the remaining site boundaries are not physically defined at present. Access is obtained via an existing field gate.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a conventionally designed, single-storey, bungalow-style dwelling house based on an asymmetrical plan and incorporating two projecting front gable features. It has a stated floor area of 238.5m² and a ridge height of 6.7m. External finishes will include selected roof slates, smooth / knapp plaster, and natural stone. The proposal also includes for the construction of a single-storey garage to the side of the dwelling house.
- 2.2. Access to the site will be obtained via a new entrance arrangement onto the adjacent roadway (Boolabaun Lane) to the immediate southeast and in this respect it is

proposed to improve the available sight distance by setting back the existing roadside boundary ditch.

- 2.3. It is also proposed to install a packaged wastewater treatment plant with treated effluent to be disposed to ground by way of a pumped partially raised soil polishing filter. A water supply will be obtained from a new bored well on site.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. On 8th July, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 15 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, drainage, effluent disposal, and development contributions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports:**

Details the site context, planning history, and the applicable policy considerations before stating that the proposal satisfies the requirements of the rural housing policy (Policy Objective RH03) of the Development Plan. The report subsequently concludes that the proposed development is acceptable in terms of siting, design, traffic impact, and environmental considerations, before recommending a grant of permission, subject to conditions.

3.2.2. **Other Technical Reports:**

Enniscorthy Municipal District: Recommends a grant of permission, subject to conditions.

Environment: Recommends a grant of permission, subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

3.4.1. A total of 5 No. submissions were received from interested third parties objecting to the proposed development and the principle areas of concern raised therein can be summarised as follows:

- The site notice was not properly displayed.
- There are no public water supply or sewerage services in the area.
- Concerns as regards the suitability of the site for the disposal of treated effluent to ground.
- The potential for damage to / the contamination of nearby private wells / water supplies.
- Wider water pollution concerns.
- Previous instances on non-compliance.
- Inadequate surface water drainage arrangements / the exacerbation of localised flooding.
- The excessive level of development along Boolabaun Lane.
- Increased traffic volumes along a minor county road
- Traffic safety concerns
- The previous sterilisation of lands
- The lack of a demonstrable local housing need.

3.4.2. A further single submission was received Cllr. B. Murphy in support of the proposed development.

4.0 Planning History

4.1. *On Site:*

None.

4.2. *On Adjacent Sites:*

None.

4.3. *On Sites in the Immediate Vicinity:*

PA Ref. No 20020764. Was refused on 24th May, 2002 refusing Patrick Kavanagh permission for the erection of a dwelling house at Boolabaun, The Leap, Co. Wexford.

PA Ref. No. 20040336. Was granted on 22nd March, 2004 permitting Maurice O'Carroll permission for the erection of a dwelling house at Boolabaun, The Leap, Co. Wexford.

PA Ref. No. 20063294. Was refused on 25th October, 2006 refusing John Kearney permission for the erection of 4 No. fully serviced dwelling houses at Boolabaun, The Leap, Co. Wexford.

PA Ref. No. 20070248. Was granted on 15th June, 2007 permitting John Kearney permission for the erection of 2 No. fully serviced dwelling houses at Boolabaun, The Leap, Co. Wexford.

PA Ref. No. 20091605. Was granted on 9th April, 2009 permitting John Kearney permission to change the location of the vehicular entrance permitted under PA Ref. No. 20070438 at Boolabaun, The Leap, Co. Wexford.

4.4. *Other Relevant Files:*

PA Ref. No. 20072351. Was granted on 14th September, 2007 permitting Paul Mernagh permission for the erection of a dwelling house and domestic garage store at Rathnure, The Leap, Co. Wexford.

PA Ref. No. 20170811. Was granted on 23rd October, 2017 permitting Paul Mernagh permission for the establishment of a waste facility for the deposition of surplus natural materials of clay, silt, sand, gravel and stone not exceeding 100,000 tonnes in total, for the purposes of the improvement of land and subsequent restoration to agricultural use at Boolabaun, The Leap, Co. Wexford.

PA Ref. No. 20181493. Was granted on 21st March, 2019 permitting Gillian Mernagh permission for the erection of a fully serviced dwelling house and all associated site works at Coolamurry, The Leap, Co. Wexford.

5.0 Policy and Context

5.1. National and Regional Policy:

- 5.1.1. The ‘*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*’ promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in a ‘*Stronger Rural Area*’ as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Wexford County Development Plan, 2013 includes a detailed identification of the various rural area types specific to the county at a local scale and ‘*Map No. 6: Rural Area Types*’ of the Plan details that the site is located within a ‘*Stronger Rural Area*’.

5.2. Development Plan

5.2.1. **Wexford County Development Plan, 2013-2019 (as extended):**

Chapter 3: Core Strategy:

Section 3.4: Settlement Strategy:

Section 3.4.11: Open Countryside:

Objective SS34: To permit one-off rural housing in accordance with the Sustainable Rural Housing Strategy in Chapter 4 and subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Chapter 4: Housing:

Section 4.3: Sustainable Rural Housing:

Section 4.3.3: Sustainable Rural Housing Strategy:

Section 4.3.3.2: Rural Area Types in County Wexford:

Rural Areas under Strong Urban Influence:

Objective RH01: To facilitate the development of individual houses in the open countryside in ‘Areas under Strong Urban Influence’ in

accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

Stronger Rural Areas:

Objective RH03: To facilitate the development of individual houses in the open countryside in ‘Stronger Rural Areas’ in accordance with the criteria laid down in Table No. 12 and subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

Table No. 12: *Criteria for Individual Rural Housing:*

Rural Area under Strong Urban Influence	
Permitted:	Definitions:
<p>Housing for ‘local rural people’ building permanent residences for their own use who have a definable ‘housing need’ building in their ‘local rural area’.</p>	<p>‘Local rural people’ are defined as people who were born or have lived for a minimum period of five years in that ‘local rural area’. This includes people who have lived there in the past/returning emigrants. It also includes persons who were born or reared in such a ‘local rural area’ but that area is now within a settlement boundary/zoned land. A local rural person also includes a person who has links by virtue of being a long term rural landowner or the son or daughter or successor of such a person.</p> <p>‘Local rural area’ is defined as within a 7km radius of where the applicant has lived or was living. Where the site is of a greater distance but the applicant can</p>

	<p>demonstrate significant ties with the area for example immediate family or landownership then these applications will be considered on their merits. The 'local rural area' includes the countryside, Strong Villages, Smaller Villages and Rural settlements but excludes District towns, Larger Town, and The Hub.</p>
<p>Housing for people working in rural areas building permanent residences for their own use who have a definable 'housing need'.</p>	<p>Such persons shall be defined as persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work. Such circumstances will normally include persons involved in full-time farming, horticulture, forestry or marine related activities as well as others who can demonstrate a genuine need because of their occupation to live in the rural area. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation.</p> <p>OR</p> <p>Bone fide applicants who are not considered eligible under the preceding categories may be considered as qualifying to build a permanent home in the rural areas, subject to being able to satisfy the Planning Authority of their commitment to operate a full time business from their proposed home in a</p>

	<p>rural area, as part of their planning application, in order for example, to discourage commuting to towns or cities. Applicants must be able to submit evidence that:</p> <ul style="list-style-type: none"> • their business will contribute to and enhance the rural community in which they seek to live and • that they can satisfy the Planning Authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage those that are not location specific (e.g. telesales or telemarketing) i.e. that they are serving a need in their local rural area.
<p>Housing for people with exceptional health and/or family circumstances building permanent residences for their own use.</p>	<p>Special consideration shall be given in cases of exceptional health circumstances – supported by relevant documentation from a medical practitioner proving that a person needs to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person. In cases where an applicant needs to reside near elderly parents so as to provide security, support and care, or where elderly parent(s) need to reside near an immediate family member favourable</p>

	consideration will also be given. Similar consideration will be given to a relative of an elderly person who has no children.
Stronger Rural Area:	
Permitted:	Definitions:
As above with the alterations to the definitions of 'local rural area'.	As above for 'Areas under strong urban pressure' except 'local rural area' is defined as within a 15km radius of where the applicant has lived or was living. Where the site is of a greater distance but the applicant can demonstrate significant ties with the area for example immediate family or long term landownership then these applications will be considered on their merits. The 'local rural area' includes the countryside, Strong Villages, Smaller Villages and Rural settlements but excludes District towns, Larger Town, Towns and The Hub.

N.B. People who have a 'housing need' are considered to be people who have never owned a rural house (except where it can be demonstrated that the dwelling is no longer suitable to the applicant's needs).

Chapter 14: Heritage:

Section 14.4 Landscape:

Landscape Character Units: Lowlands:

The Lowland area generally comprises gently undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it

with a higher capacity to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture. It is punctuated by many of the county's hills and ridges, the more sensitive of which have been defined as Landscapes of Greater Sensitivity.

Objective L01: To have regard to the Landscape Character Assessment and associated map contained in Volume 3, the Landscape and Landscape Assessment-Guidelines for Planning Authorities (2000) Draft and any updated versions of these guidelines published during the lifetime of the Plan, when assessing planning applications for development.

Objective L03: To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.

Objective L04: To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

Objective L09: To require developments to be sited, designed and landscaped in a manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.

Chapter 18: Development Management Standards:

Section 18.12: Rural Housing

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 2.7km southwest of the site.
- The Killoughrum Forest Proposed Natural Heritage Area (Site Code: 000765), approximately 4.5km north-northwest of the site.
- The Slaney River Valley Proposed Natural Heritage Area (Site Code: 000781), approximately 5.0km east of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 6.3km east of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest 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

- The proposed development constitutes urban-generated rural housing.
- National policy (as expressed in the *'Sustainable Rural Housing, Guidelines for Planning Authorities'* and the National Planning Framework) draws a clear distinction between urban-generated housing and development required to satisfy a rural housing need that supports sustainable communities, particularly in areas under strong urban influence. Given the site location on the periphery of Enniscorthy, its proximity to a national primary route (in

addition to the recently completed Enniscorthy Bypass), and as the surrounding area has experienced increased development pressure since the adoption of the current Development Plan, it is considered that the subject site is located in an area which accords with the definition of an '*Area under Strong Urban Influence*' and thus the proposed development should be assessed accordingly pursuant to the '*Sustainable Rural Housing, Guidelines for Planning Authorities*'.

- Only one of the co-applicants (Ms. Angela Mernagh) has provided details of her current employment and / or offered any justification in terms of compliance with the local needs policy. In this regard, Ms. Mernagh has indicated that she works as a paediatric nurse in the Children's Hospital, Temple Street, Dublin, which is 131km from the application site (a journey time of c. 1 hour and 45 minutes in each direction). She has also stated that she is '*actively pursuing job opportunities in the southeast*' with a view to gaining employment within 20-40km of the proposed dwelling, although due to the current COVID-19 pandemic she is continuing in her current role. In effect, the applicant has indicated that it is her intention to commute from the subject site to Dublin for work purposes until such time as she can find employment locally (i.e. within 40km).

With respect to the foregoing, it is considered that the proposal to commute from the subject site to Dublin for work purposes is not consistent with the principles of sustainable development and thus the proposal should be refused accordingly. Similarly, if the applicant were to gain employment in an urban centre within a 40km commuting distance, the proposed development would also constitute urban-generated housing and should be refused permission.

- The National Planning Framework states that '*It will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e. the commuter catchment of cities and large towns and centres of employment*'. The only social requirement offered by the applicant is that the site is located on family lands. No functional requirement has been given.

- The Wexford County Development Plan defines housing need as *'people who have never owned a rural house (except where it can be demonstrated that the dwelling is no longer suitable to the applicants needs)'*, however, in the context of the Sustainable Rural Housing Guidelines, this definition is overly simplistic and does not constitute *'broad categories of circumstances that would lead the planning authority to conclude that a particular proposal for development is intended to meet a rural generated housing need'*. The Guidelines further state that it is preferable to *'differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in the environs of the gateways, hubs and other large towns which would be more appropriately located in cities, towns and villages or in well planned extensions to these urban areas'*.

The applicants have failed to demonstrate a need to live at the subject location and have instead indicated their place of work as being 131km distant. Furthermore, home ownership and whether an applicant qualifies as a first-time buyer are not suitable criteria by which to establish a housing need.

- The proposed development should be refused on the basis that the applicants have not demonstrated a justifiable need to live at this location.
- The Boolabaun road is a narrow country roadway with a carriageway width which is limited to a single lane in places. It provides access to 27 No. dwelling houses over a distance of 1.8km south of the application site. Therefore, the proposed development would result in a multiplicity of vehicular entrances along a narrow county road which is incapable of accommodating additional development.
- It is clear that the Planning Authority only assessed that section of the road immediately associated with the proposed development and did not consider the implications of the proposal in the context of the entirety of the roadway. Indeed, the report of the case planner would appear to suggest that the remainder of the roadway has been overdeveloped whereas that section of the road in the vicinity of the site has not.
- The proposed development involves overdevelopment of a suburban nature in a rural area and along a roadway which is incapable of accommodating same.

- The Davidstown Courtnacuddy GAA grounds are accessed from Boolabaun road less than one kilometre from the site with the majority of its traffic travelling past the application site from the N30 National Road.
- The proposed development will exacerbate the already unacceptable levels of traffic using this minor roadway.
- By way of precedent, the Board is referred to its determination of PA Ref. No. 20170303 / ABP Ref. No. PL26.248596 wherein it refused permission for a dwelling house in a 'Stronger Rural Area' on the basis that it represented urban-generated housing despite the applicants satisfying the eligibility requirements of Table 12 of the Development Plan. The circumstances of the subject proposal are similar to that application as the applicant is originally from the area and building a dwelling for her own permanent use as a first-time buyer but commuting to an urban centre. Permission was refused under ABP Ref. No. PL26.248596 for the following reason:

'Having regard to the provisions of the "Sustainable Rural Housing Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in April 2005, which seek to distinguish between urban-generated housing need and rural-generated housing need, and having regard to the lack of demonstrable social connections of the applicants to this particular rural location in which it is proposed to build, and having regard to the lack of functional need on the part of the applicants, by reason of the nature and location of their employment, to live in the rural countryside, it is considered that the proposed development would represent urban-generated housing in the open countryside, 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. The proposed development would, therefore, be contrary to the Guidelines and contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposed development would not align with the principles set out in the Ministerial Guidelines, which advise, inter alia, that

rural generated housing needs should be accommodated where they arise but that urban-generated housing should be more appropriately accommodated in existing settlements (including villages and towns), and in areas identified for new urban development. The Board did not agree with the Inspector, based on the documentation submitted, that the applicants in this instance had demonstrated a rural-generated housing need to live at this location, and concurred with the views put forward by the appellants in this regard that the development would be urban generated’.

6.2. Applicant Response

- The appeal is vexatious, frivolous and without substance, and has been made with the sole intention of delaying the proposed development.
- There are a number of discrepancies in the grounds of appeal as regards the specifics of the site location relative to the N30 National Road and Enniscorthy town centre.
- The 27 No. houses to the south of the site are located along a 2.8km length of Boolabaun Lane and not 1.8km as stated in the grounds of appeal.
- There are only 3 No. inhabited houses within 1.1km of the application site. Whilst there is a further derelict house, this is unoccupied despite purportedly being the residence of the brother of an objector.
- The report of the case planner has concluded that the condition of the roadway, including its surfacing and alignment, is good. That report also considered the entirety of the roadway.
- For the purposes of clarity, the GAA grounds are located 1.5km from the site and their presence establishes that this is a community-based area.
- The GAA grounds are primarily accessed from the south of Boolabaun Lane which serves the more central part of the parish.
- The proposed development site is located in a ‘Stronger Rural Area’ and is actually 8.3km from Enniscorthy town centre.

- The co-applicant (Ms. Mernagh) was raised on the family farm where the site is located and attended the local school in Davidstown. Whilst she is a qualified nurse, she also has vast experience as a farmer having worked with horses all her life.
- It is not the intention of Ms. Mernagh to commute to Dublin from the proposed development.
- The applicant's parents have asked her to return to the farm in order to continue their horse-breeding enterprise and she expects to inherit some land, stables and horses.
- It is the intention to actively engage in assisting Ms. Mernagh's elderly parents on the farm as they both have serious health issues and require essential care.
- The applicant (Ms. Mernagh) intends to resign her position in Temple Street Hospital and to seek alternative part-time employment in the health service locally in order to allow her to run the family stud farm.
- Ms. Mernagh's father operates a stud farm with over 70 No. horses (including 20 No. mares with follow-on foals), however, due to his ill health he is unable to carry out the necessary physical activities associated with a busy stud farm and requires assistance when handling animals. Ms. Mernagh has considerable experience working with horses and has returned virtually every weekend from Dublin to assist on the farm. By living near the family farm, she will be on hand to provide assistance at any time.
- The proposed development is not 'urban-generated' and the applicant has demonstrated a social and functional need to reside on the family farm.
- The applicant (Ms. Mernagh) is amenable to signing a Section 47 agreement requiring her to reside in the proposed dwelling for a period of 5 No. years as may be deemed necessary by the Board.

6.3. Planning Authority Response

- The proposed development site is located in a '*Stronger Rural Area*' and not an '*Area under Strong Urban Influence*' irrespective of the proximity of the

(designation) boundary c. 2.5km to the east. Section 4.3.3.2: '*Rural Area Types: Stronger Rural Area*' includes Policy Objective RH03 which aims to '*facilitate the development of individual houses in the open countryside in 'Rural Areas under Strong Urban Influence' in accordance with the criteria laid down in Table 12 and subject to compliance with normal planning and environmental criteria and the development management standards*'.

On the basis of the information provided, the applicant (Ms. Mernagh) is considered to be a 'local rural person' whilst the application site is within the 'local rural area' of her family home. The applicants have also confirmed that they do not own their home and qualify as first-time buyers and have not previously been granted permission for a one-off house. Accordingly, they are considered to have a 'housing need'.

The applicants satisfy the requirements of Policy Objective RH03, Table 12 and Section 4.3 of the County Development Plan in that they have demonstrated adequate links to the area and strong social reasons to live close to the first applicant's homeplace and family members, including her parents.

- In response to the points raised in the grounds of appeal as regards the lack of economic need as per the National Planning Framework (National Policy Objectives 15 & 19), the subject site is not in an '*Area under Strong Urban Influence*' (irrespective of the distances to Enniscorthy, the M11 Bypass, and the upgraded N30 National Route). Notwithstanding, Objective 19 stipulates the provision of a '*demonstrable economic or social need*' and it is considered that the applicant has clearly established a 'social need'.
- The provision of an additional dwelling at the location proposed for a 'local person' with a 'local need' (social), which does not contribute to linear / ribbon development, is considered to be acceptable in that it does not put excessive pressure on the micro-environment or local services and thus does not constitute overdevelopment of the surrounding area / host laneway.
- Access and traffic issues, including the capacity of the local road network and the traffic volumes associated with the Davidstown Courtnacuddy GAA

grounds, have been addressed in the reports of the case planner and the Local Authority Roads Section.

- The co-applicant (Ms. Mernagh) has indicated that while she is presently commuting to work in Dublin, she is actively seeking employment closer to home in the southeast. It should also be noted that she is employed in a frontline profession (as a paediatric nurse) as an essential worker and thus is not in a position to relinquish her role until such time as a similar employment opportunity arises in the southeast.
- With respect to the assertion that should the applicant obtain employment in the southeast the development will nevertheless represent 'urban-generated' housing, the subject site is located on Ms. Mernagh's family lands close to her homeplace (and her parents) and, therefore, the proposal would form part of the social fabric / community whilst the applicant has demonstrated a social need.
- The Planning Authority is precluded from commenting on the Board's determination of ABP Ref. No. PL26.248596, however, all planning applications are assessed on their merits in respect of 'linkage' and 'need' amongst other factors. Nevertheless, in that instance the applicants were seeking to building a dwelling house on third party lands c. 7.5km from the first applicant's family home.
- The Davidstown / Courtnacuddy GAA facility is accessible via the wider road network and its presence is not a reason to refuse permission on traffic / transport grounds.
- The Local Authority Area Engineer assessed the subject application and did not raise any concerns as regards the GAA grounds.
- For the purposes of clarity, the Board is advised that the case planner inspected the full length of the host road with a view to assessing its overall condition and the existing levels of development.
- The provision of 1 No. additional dwelling house will not significantly increase traffic volumes along the local road. Furthermore, the width, alignment and

surface treatment of the roadway is sufficient to accommodate the proposed development.

6.4. Observations

6.4.1. *John Carroll & Elizabeth Cullen:*

- This is the fifth planning application for an individual dwelling house on the Mernagh family farm, which comprises a substantial landholding with considerable road frontage onto Boolabaun Lane and elsewhere in Davidstown.
- There are no public water supply or sewerage services in the area and there are no plans to provide same.
- Due to the natural fall of the prevailing topography and the poor infiltration characteristics of the underlying ground conditions, the Boolabaun / Davidstown area experiences severe flooding during periods of heavy rainfall. Moreover, surface water runoff drains from the wider lands towards those properties located on the opposite side of the roadway and thus poses a risk of contamination to the private water supplies / wells which serve same and nearby rivers as evidenced by the discolouration of the wells / water during extreme rainfall events.
- Given the poor percolation qualities of the ground conditions on site, irrespective of the wastewater treatment system proposed, the elevated position of the percolation area poses an unnecessary risk to the water supplies of those residences located on the opposite side of the roadway.
- It has previously been established that irrespective of the wastewater treatment system, during periods of excessive rainfall such systems do not adequately eliminate the risk of contamination to local wells / water supplies from coliforms and other harmful bacteria for the following reasons:
 - The natural fall / gradient of the land from the percolation area towards the existing wells / water supplies.
 - The distance from the proposed percolation area to the nearest (downgradient) private well is c. 64m.

- Due to its siting, there are concerns that boring of the proposed well could potentially endanger or contaminate the existing wells / water supplies serving nearby housing.
- The existing and proposed wells avail of the same shared groundwater resource and, therefore, any instances of pollution etc. will result in the contamination of all the supplies.
- The separation distance of only 54m between the proposed percolation area and the new well poses a risk of water contamination.
- The proposed wastewater treatment system and its associated percolation area will be only 64m from neighbouring wells / water supplies.
- Any outfall from the proposed percolation area to the nearby river could give rise to severe water pollution and the loss of protected species during periods of heavy rainfall.
- The applicant's (Ms. Mernagh) family was granted permission for 2 No. dwellings directly opposite the subject site, however, during the construction of those houses an open drain alongside the boundary of the lands was infilled and not replaced by adequate pipework to accommodate the natural drainage which was essential for removing surface water runoff from the public road and floodwaters from the site of the new development during heavy rainfall. Those actions have impeded the natural flow of surface water runoff from the roadway and adjacent elevated lands which has resulted in continuous flash flooding of those properties opposite the subject site. Whilst the Local Authority has attempted to deepen the drains along either side of the roadway in an effort to improve the flow towards the river, the water table must rise to a very high level before its drains adequately thus increasing the risk of the contamination of private wells in the vicinity.
- The overdevelopment of housing along this narrow rural roadway (Boolabaun Lane) has given rise to multiple traffic hazards.
- The recent expansion of the Davidstown / Courtnacuddy GAA grounds will result in increased traffic volumes and the risk of accidents.

- The positioning of the site access opposite existing entrances to neighbouring development and in close proximity to a series of dangerous bends will result in confusion and uncertainty for motorists and will endanger the safety of local residents and pedestrians etc. by reason of traffic hazard.
- In the absence of a 30mph / special speed limit along this minor rural laneway, the provision of a further entrance will endanger the safety of existing residents and other road users.
- The proposed development will exacerbate the surface water drainage problems in the area and potentially result in the 'aquaplaning' of passing vehicles.
- The removal of the roadside ditch to facilitate the site entrance and the necessary sightlines will contribute to incidences of flash flooding in the area arising from surface water running off the more elevated lands and the development site.
- The adequacy of the sightlines is questionable as they will necessitate the carrying out of works on lands outside of the applicants' control.
- It is the observers' understanding that in granting permission for the 2 No. dwelling houses opposite the application site, the Mernagh family was required to sterilise the remainder of their land and the area was then listed as a 'Red Zone of Conservation' by the Local Authority.
- This is the fifth application granted planning permission despite the landowner only having three children. Furthermore, no details have been provided of the employment of the co-applicant (Mr. Timothy McCann). Therefore, it is not accepted that the subject application has established a clear local housing need as per the requirements of the rural housing policy.
- The following precedents have been set by Wexford County Council through its refusal of PA Ref. No. 20200199:
 - In that application both the applicants worked and resided locally thereby satisfying the 'local needs' requirement in a 'structurally weak area'. The subject application does not comply with these points.

- The concerns raised by Irish Water with regard to PA Ref. No. 20200199 were similar to those raised in respect of the subject proposal. In that instance, the percolation area was to be located on more elevated lands 150m distant from boreholes used for the extraction of water for public consumption whereas the subject proposal involves the siting of a new percolation area only 64m from private wells.

In its refusal of PA Ref. No. 20200199, the Planning Authority stated that *'there are concerns that this proposal would have the potential to impact on the supply of water for the boreholes'* and that the *'proposed development would be prejudicial to public health as it may impact on the quality and supply to the public water supply'*.

- The Council granted permission for the subject application despite serious concerns having been raised with regard to traffic safety, surface water drainage, and the potential for contamination from sewage.
- The achievement of sightlines will necessitate works on lands outside of the applicants' control.
- There are multiple inconsistencies and unanswered questions in the application documentation such as the failure to address previous issues of non-compliance.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The nature of the grounds of appeal
- The principle of the proposed development / rural housing policy

- Overall design / visual impact
- Traffic implications
- Wastewater treatment and disposal
- Surface water drainage
- Appropriate assessment

These are assessed as follows:

7.2. The Nature of the Grounds of Appeal:

- 7.2.1. With regard to the suggestion that the Board may wish to dismiss the subject appeal pursuant to the provisions of Section 138(1) of the Planning and Development Act, 2000, as amended, on the basis that said appeal is '*vexatious, frivolous or without substance or foundation*', having considered the grounds of appeal, I am satisfied that they raise legitimate material planning considerations and thus I propose to assess same accordingly.

7.3. The Principle of the Proposed Development / Rural Housing Policy:

- 7.3.1. In terms of assessing the principle of the proposed development, having regard to the applicable rural housing policy it is of relevance in the first instance to note that the proposed development site is located in a '*Stronger Rural Area*' as indicatively identified by the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' whilst the detailed identification of the various rural area types shown on '*Map No. 6: Rural Area Types*' of the Wexford County Development Plan, 2013 similarly identifies the application site as being situated within a '*Stronger Rural Area*'. However, it has been suggested in the grounds of appeal that the wider area is more characteristic of an '*Area under Strong Urban Influence*' by reference to its proximity to the urban centre of Enniscorthy, the N30 (New Ross-Enniscorthy) National Route, and the recently completed Enniscorthy Bypass, and also in light of the increased pressure for development in the area evident since the adoption of the current Development Plan in 2013.
- 7.3.2. In distinguishing between the differing rural area types, the Guidelines state that within '*Stronger Rural Areas*' population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This

stability is supported by a traditionally strong agricultural economic base whilst the levels of individual housing development activity in these areas tends to be relatively low and confined to certain areas. Within '*Areas under Strong Urban Influence*' it is stated that these areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns, a rapidly rising population, evidence of considerable pressure for the development of housing due to their proximity to urban centres or the major transport corridors accessing same, and pressures on infrastructure such as the local road network.

7.3.3. Whilst I would acknowledge that the Development Plan has identified the various rural area types pursuant to the requirements of the '*Sustainable Rural Housing, Guidelines for Planning Authorities*', having conducted a site inspection, and considering the significant proliferation of one-off rural housing development in the wider area and the evidence of considerable pressure for the development of such housing due to the proximity of Enniscorthy and the N30 National Road (with subsequent access onto the recently completed Enniscorthy Bypass and the extension of the M11 Motorway), I would have difficulty in reconciling the designation of the subject location as a '*Stronger Rural Area*' when both the immediate site context and the prevailing characteristics of the wider area are, in my opinion, more indicative of an '*Area under Strong Urban Influence*'. In this respect I would refer the Board to Section 3.2.1 of the Guidelines which advises Planning Authorities in the identification of specific rural areas within their respective counties that '*every effort should be made to avoid an overly-detailed and prescriptive map that involves abrupt and frequent change of area types*' and this is acknowledged in Section 4.3.3.1 of the Development Plan wherein it is noted that '*Map No. 6: Rural Area Types*' provides for a broad indication of the locations of the different area types and that planning applications at the boundaries of these areas are to be assessed on their merits. Therefore, I am inclined to conclude in this instance that whilst the subject site could be described as being located at the interface of two rural area types, having conducted a site inspection, it is my opinion that the site context is more comparable to an '*Area under Strong Urban Influence*'.

7.3.4. Within '*areas under urban influence*', the National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for applicants to demonstrate '*a functional economic or social requirement for housing need*' (with

National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements). The Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

- 7.3.5. Accordingly, at this point I would refer the Board to Objective RH01 of the Development Plan which aims to facilitate the development of individual houses in the open countryside in '*Areas under Strong Urban Influence*' in accordance with the criteria laid down in Table No. 12, subject to compliance with normal planning and environmental criteria and applicable development management standards. More specifically, I would draw the Board's attention to the various categories of qualifying persons set out in Table 12 of the Plan, including the provision whereby housing for '*local rural people*' building permanent residences for their own use in their '*local rural area*' and who have a definable '*housing need*' building will be permitted within '*Rural Areas under Strong Urban Influence*'.
- 7.3.6. Having reviewed the available information, including the grounds of appeal, it is clear that the rationale for the selection of the subject site derives from Ms. Mernagh's connections to the wider area with no overt reliance being placed on the circumstances of the co-applicant i.e. Mr. Timothy McCann. Accordingly, it is necessary to consider whether she satisfies any of the qualifying criteria set out in the Development Plan whilst also taking cognisance of the requirements of the National Planning Framework and the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*'.
- 7.3.7. In the initial application documentation, Ms. Mernagh indicated that she was acquiring the subject site from her father (Mr. James Mernagh of Coolamurray Stud, Davidstown, Enniscorthy, Co. Wexford) and that she has lived all her life in the family home at Coolamurray, Davidstown, approximately 1.1km northeast of the site, as supported by accompanying correspondence confirming her attendance at the local national school (Scoil Mhuire). It was also confirmed that she did not own her home and that she qualified as a first-time buyer having never previously owned a dwelling house. In addition, Ms. Mernagh stated that whilst she was presently employed as a

paediatric nurse in Temple Street Children's Hospital Dublin (and would continue in that role given the on-going COVID-19 pandemic) she was actively pursuing job opportunities in the southeast with a view to gaining alternative employment within 20-40km of the proposed dwelling house so as to allow her to move back to the area where her immediate family live.

7.3.8. In response to the grounds of appeal, the applicant has sought to further elaborate on the circumstances in support of her application by asserting that she will not be commuting to Dublin as she intends to resign her position in Temple Street Hospital and to seek part-time employment in the health sector locally. Moreover, it has been emphasised that it is her intention to continue the family horse-breeding enterprise and to assist her parents in the operation of the stud farm (Coolamurray Stud). In this regard, reference is made to her previous work on the farm and her experience in handling and working with horses. It is also envisaged that she will ultimately inherit some of the lands, stables and horses. Ms. Mernagh has also sought to emphasise the need to provide care / assistance for her elderly parents given their underlying health conditions and the physical demands of operating a stud farm.

7.3.9. At this point, I would suggest that it is appropriate to note the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'* which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas or persons who are an 'intrinsic part of the rural community' which are defined as follows:

'Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first homes near their family place of residence.'

7.3.10. With regard to Ms. Mernagh's connections to this rural area, from a review of the available information, it can be confirmed that her family home is located approximately 1.1km northeast of the application site on the approach to the nearby

village of Davidstown and that she would seem to have resided at this address during her childhood having attended the local school. Accordingly, the applicant has sought to emphasise that she is originally from this rural part of Co. Wexford in close proximity to the application site and that she satisfies the qualifying criteria set out in Table 12 of the Development Plan pursuant to Objectives RH01 & RH03 (as applicable in respect of both '*Areas under Strong Urban Influence*' & '*Stronger Rural Areas*') in that she is a '*local rural person*' building a permanent residence for her own use in her '*local rural area*' who has a definable '*housing need*'.

- 7.3.11. In further support of the proposal, the co-applicant has asserted that she has a functional need to reside at this rural location by reference to her intention to become increasingly involved in the normal operation of her father's stud farm whilst she has also referenced her desire to live in close proximity to her elderly parents in order to provide continued support to them given their age and ill health.
- 7.3.12. Having considered the available information, it is my opinion that Ms. Mernagh has clear social / familial links to the locality and thus would appear to satisfy the definition of a '*local rural person*' building a dwelling house for her own occupation in her '*local rural area*' as per the requirements of Table 12 of the County Development Plan. However, I would question the veracity of some of the details provided in the application in that whilst she has claimed to have lived in Davidstown all her life, there are repeated references throughout the submitted documentation to her intention to '*return*' to the area which would imply that she is presently resident elsewhere (and in this regard I note that the covering letter provided with the application references an address in Kilpedder, Co. Wicklow). Therefore, I would suggest that it would be desirable if some further clarity were to be provided as regards the precise nature of the applicants' current housing circumstances, including whether Mr. McCann has previously owned a dwelling house.
- 7.3.13. With respect to the applicant's functional need to reside at the location proposed, I note that she is presently employed as a nurse in Dublin City at a considerable remove from the application site (in excess of 100km '*as the crow flies*') and that it was initially indicated as part of the subject application that she intended to maintain her current employment during the COVID-19 pandemic although she was actively pursuing job opportunities closer to the proposed development site. Such a scenario would necessitate the applicant to undertake a significant daily commute of in excess

of 100km to the centre of Dublin which would not be conducive to the principles of sustainability. However, in response to the grounds of appeal, the applicant has expressly stated that she has no intention of commuting to Dublin which would seem to conflict with her apparent current residence in Davidstown. Given this somewhat contradictory information, I would reiterate my position that the applicants should be required to further clarify their current place of residence and housing circumstances.

7.3.14. Notwithstanding the foregoing, Ms. Mernagh's plans as regards her future involvement in the operation of her parents' stud farm would lend credence to her need to reside locally (although it is notable that these details were only introduced at appeal stage and did not form part of the initial application), however, it is regrettable that no details have been provided of the wider family landholding. In this respect, I would advise the Board that Coolamurray Stud is located to the immediate west of the village of Davidstown with the principle entrance to the farm (and the applicant's family home) located within the 50kph speed limit and opposite the local national school. In this regard, it is unclear whether the subject site represents the most appropriate location on the landholding given that there may be more locationally preferable sites available closer to the village and local services. In my opinion, a more detailed examination and rationale for the selection of the subject site would not be unreasonable in light of the applicant's stated intentions with regard to the operation of the stud farm and her desire to reside close to her elderly parents. Indeed, there may be potential alternative sites available closer to the stud farm itself which would allow for the use of a shared access arrangement and the clustering of buildings. In support of such a proposition, I would advise the Board that construction has commenced on the dwelling house granted to applicant's sister (a local GP) under PA Ref. No. 20181493 which is located on the approach to Davidstown village and shares an access to the stud / farm complex.

7.3.15. On balance, whilst it would appear that the applicants may have a housing need and that Ms. Mernagh has social / familial links to the area in question and thus satisfies the requirements of Objective RH01 & Table 12 of the Development Plan, it is apparent that certain discrepancies / questions arise as regards the applicants current place of residence and housing circumstances. Furthermore, the functional need to reside at the subject site derives solely from Ms. Mernagh's future intentions to work on the stud farm in a part-time capacity and her desire to live close by her

family and I would have reservations that her current full-time employment does not expressly necessitate her to reside in the rural area in question. Moreover, in the event that the Board is of the view that the applicant satisfies the relevant eligibility criteria, I would suggest that further details are required in order to establish that there are no other more suitable sites elsewhere on the landholding, particularly as it may be more appropriate for any dwelling to be sited closer to the main stud farm and / or Davidstown village.

7.3.16. Therefore, on the basis of the foregoing, it is my opinion that the need for an additional dwelling at this specific location within an area under strong urban influence has not been adequately justified and thus the development would be contrary to Objective 19 of the NPF and the guidance set out in the Sustainable Rural Housing Guidelines.

7.4. Overall Design / Visual Impact:

7.4.1. In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the subject site is located within the '*Lowlands*' landscape character unit as per the landscape character mapping set out in the County Development Plan, 2013. In this regard, I note that such 'lowland' areas are described as generally comprising gently undulating lands with a higher capacity to absorb development without causing significant visual intrusion. In addition, it should be noted that the site is not located within any identified '*Landscape of Greater Sensitivity*'.

7.4.2. In a local context, the application site is situated along a minor local roadway where it occupies a somewhat elevated position on a hillside overlooking the lower-lying lands to the northeast and the N30 National Road beyond. It is bounded by mature hedgerow and planting to the south and east which, when combined with the rising topography, serve to provide a backdrop to the site, however, the remaining site boundaries are not physically defined at present whilst the existing roadside (eastern) boundary is to be removed and set back as part of the proposed development.

7.4.3. With regard to the specifics of the actual design of the proposed dwelling house, at the outset I would advise the Board that the prevailing pattern of development in the immediate site surrounds is characterised by dormer dwelling houses and in this

regard the proposed single-storey construction is acceptable. The overall design of the proposed dwelling house is conventional and is based on an asymmetrical plan with two projecting front gable features.

- 7.4.4. On balance, whilst I would acknowledge that the proposed development will be visible to some extent within the wider landscape, with intermittent views potentially available from along the N30 National Road, having regard to the site context, including the site location outside of any visual amenity / high value landscape designation identified in the Development Plan, I am inclined to conclude that the visual impact of the proposal is within tolerable limits and could be mitigated further through an appropriate scheme of landscaping / planting. However, I would have some reservations as regards the increasing proliferation of individual rural housing in the wider area.

7.5. Traffic Implications:

- 7.5.1. The proposed development will be accessed via a new entrance arrangement onto the adjacent local road to the immediate east of the application site and in this respect I am generally satisfied that, given the alignment of the public roadway and the proposal to set back the roadside boundary, adequate sightlines and stopping sight distances are available at this location.
- 7.5.2. With respect to the wider traffic impact of the proposal on the surrounding road network, having conducted a site inspection, whilst I would acknowledge the increasingly proliferation of development along this minor county road and the associated multiplicity of individual site entrances, I am inclined to suggest that in light of the nature and scale of the development proposed, the site location towards the northern end of Boolabaun Lane where there is a lesser frequency / concentration of development, and as it would appear that the carriageway along this section of roadway has been recently resurfaced, it has adequate capacity to accommodate the additional traffic movements consequent on the proposed development.

7.6. Wastewater Treatment and Disposal:

- 7.6.1. It is proposed to install a packaged wastewater treatment system which will discharge to a soil polishing filter and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the

disposal of treated effluent to ground. In this respect I would refer the Board in the first instance to the submitted Site Characterisation Form (as appended to the 'Percolation Test Report') which details that the trial hole encountered 450mm of CLAY LOAM friable, free-draining topsoil overlying 650mm of well drained CLAY TILL with occasional stone intermixed with fines followed by 1.0m of more compact SILT / CLAY with the remainder of the excavation to a depth of 2.5m below ground level comprising weathered SILTSTONE. No rock or water ingress were recorded. With regard to the percolation characteristics of the underlying soil a 'T'-value of 34min / 25mm and a 'P'-value of 29.89 mins / 25mm were recorded which would constitute a pass in accordance with EPA guidance.

- 7.6.2. On the basis of the foregoing results, and the accompanying supplementary information, it would appear that the subject site is suitable for the installation of the wastewater system proposed subject to conditions, however, I would have some reservations as regards the increasing concentration / proliferation of individual wastewater treatment systems in the wider area.
- 7.6.3. With regard to the specific concerns raised in the grounds of appeal as regards the proximity of the proposed wastewater treatment system to the private wells serving those properties to the east and the associated risk of contamination, I would refer the Board to the site layout plan which details that there is a separation distance of c. 68m between the proposed polishing filter and the nearest downgradient well and c. 65m between the wastewater treatment unit and the closest cross-gradient well.
- 7.6.4. From a review of Table B.3: *'Recommended Minimum Distance between a Receptor and a Percolation Area or Polishing Filter'* of the EPA Code of Practice, a minimum separation distance of 40m is recommended between a polishing filter and a downgradient well in instances where the 'T' / 'P'-value is in excess of 30 min / 25mm and there is a depth of 1.2m of soil / subsoil above bedrock. In cases of a 'T' / 'P'-value of 10-30 min / 25mm being recorded, the equivalent minimum recommended separation distance is 45m. In a broader context, the recommended minimum separation distances gradually reduce to 30m as the depth to bedrock increases with the distances for intermediate depths approximated by interpolation.
- 7.6.5. Given that the Site Characterisation Form states that the percolation tests undertaken on site yielded a 'T'-value of 34min / 25mm and a 'P'-value of 29.89 mins

/ 25mm whilst the trial hole recorded a depth of at least 2.1m of unsaturated subsoil, it is apparent that the separation distances of 65m and 68m between the proposed wastewater treatment system and the nearest private wells exceed the minimum requirements of the EPA Code of Practice.

(At this point I would advise the Board that the Code of Practice sets out minimum separation distances and specifically states that in certain circumstances, such as instances when the bedrock is at a shallow depth (i.e. less than 2m below the invert of the trench), greater distances may be required where there is evidence of preferential flow paths (e.g. cracks, roots) in the subsoil. In effect, the depths and distances provided in Table B.3 are based on the concepts of 'risk assessment' and 'risk management' and take account, as far as practicable, of the uncertainties associated with hydrogeological conditions in Ireland, and the use of same does not guarantee that pollution will not be caused, but rather reduces the risk of significant pollution occurring).

- 7.6.6. Therefore, on balance, whilst I would acknowledge the legitimacy of the appellant's concerns, having regard to the site context, the proposal to install a packaged wastewater treatment system discharging to a raised polishing filter, the groundwater protection response, the assessment by the Environment Section of the Local Authority, and the provisions of the EPA's '*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses*', it is my opinion that the separation distances between the proposed wastewater treatment system and nearby receptors (including the appellant's private water supply / well) exceeds the minimum requirement and can be considered adequate in the circumstances to prevent any significant contamination of same, subject to conditions, including a requirement that the proposed wastewater treatment system is designed, installed and maintained in accordance with the EPA Code of Practice.

7.7. **Surface Water Drainage:**

- 7.7.1. Concerns have been raised that the proposed development will result in surface water being discharged onto the public road with the potential to exacerbate localised instances of flooding. More specifically, it has been alleged by a third party that during the construction of two of the existing dwelling houses located opposite

the site, a roadside drain was infilled which resulted in surface water runoff from the public road and adjacent lands flowing into neighbouring residential properties.

7.7.2. With regard to the drainage and disposal of surface water runoff from the proposed development, including the avoidance of any discharge onto the public road and the proposal to install an interceptor drain offset from the end of the polishing filter with an outfall to a drainage ditch (so as to prevent saturation of the polishing filter during periods of excessive heavy rainfall), I would suggest that such matters can be satisfactorily addressed by way of condition in the event of a grant of permission.

7.7.3. In reference to the alleged failure to provide for historical roadside drainage during the construction of nearby housing, I would advise the Board that there is an obligation to comply with the terms and conditions of a grant of permission and that Condition No. 6 of PA Ref. No. 20070248 refers to surface water drainage and expressly requires the accessway as approved to be *'piped with suitably sized pipes or ducts to provide for adequate roadside drainage'*.

7.8. **Appropriate Assessment:**

7.8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my 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. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 **Reasons and Considerations**

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 and in a rural area that is under urban

influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February, 2018) 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 applicants have established a demonstrable economic or social need to live at this specific site in this rural area and that their housing needs could not be satisfactorily met in an established smaller town or other settlement proximate to the site. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

19th October, 2020