



An
Bord
Pleanála

Inspector's Report

ABP-308076-20

Development

Change of applicant only on previously approved site located at Rathnally, Trim, Co. Meath (An Bord Pleanala ref. PL 17.247149, Meath Co. Co. reg. ref. TA/151269) for construction of a two storey dwelling, single storey stable building containing garage/boiler, tack room, feed store and 4 no. stable boxes. A Natura Impact Statement will be submitted to the planning authority with the application.

Location

Rathnally, Trim , Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

TA200756

Applicant(s)

Darren Owens & Karen Kelly

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Darren Owens & Karen Kelly

Observer(s)

None

Date of Site Inspection

13th of November 2020

Inspector

Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site is located in the rural area in the townland of Rathnally, c.5kms to the north east of Trim Town Centre. It is located along the western side of a local tertiary road (L-80171) which runs southwards from the R161/Navan-Trim Road.
- 1.2. The site (stated area 2.29ha) is an irregularly shaped parcel of agricultural land within self-contained field boundaries. It is relatively flat and is currently under grass for pasture. It has significant road frontage of c. 265m along a narrow winding road which is c.3.5m in width. There is a line of mature trees which run along the road frontage boundary of the site, adjacent to the roadway. These trees are subject to a Tree Preservation Order (ref. TPO 1/78). A c.2m high stone wall runs along the northern boundary of the site.
- 1.3. The field area of the site is currently cordoned off by an electric fence from a surfaced access road to Rathnally House which can be seen through a side gate in the wall along the stone wall boundary. There is a field gate for access to the county road and visibility is poor particularly in a northern direction. There is also a separate access to this house further north. The remaining site boundaries comprise of hedgerow interspersed with mature trees. An open ditch runs along part of the southern boundary.
- 1.4. The site and its surroundings are located within the demesne of Rathnally House which is listed in the RPS (ref. MH37 -104). The River Boyne is to the east and the site is within the Boyne Valley LCA. The site is sylvan in nature and the general landscape area is designated as being of 'exceptional value and international importance' within the Meath County Development Plan 2013 – 2019.
- 1.5. The local road serves a number of dwellings located in the vicinity of the site including some late 18th century period buildings including Rathnally Mill House (RPS ref. MH137 -105) and Mill Buildings on the opposite side of the road. There are stables to the immediate northwest, which are well set back from the road and a dwelling further to the south. There is agricultural land adjacent to the western boundary.

2.0 Proposed Development

2.1. This proposal seeks a change of applicant only on previously approved site (Ref. PL17.247149 refers) for development comprising the following:

- The construction of a two storey detached dwelling house, proprietary waste water treatment system unit and percolation area;
- Single storey stable building containing garage/boiler, tack room, feed store and 4 no. stable boxes with roof mounted solar panels to the south;
- Dungstead and soiled water tank;
- New entrance gateway, setting back of fence line along with all associated services, service connections, landscape and site development works.

The description of development also includes that an NIS will be submitted to the planning authority.

Documentation submitted with the application include the following:

- Roads & Traffic Assessment – Traffic wise (September 2015)
- Natura Impact Statement Screening Report – Rowan Engineering Consultants Ltd. (February 2012)
- Architectural Heritage Impact Assessment – Architectural Recording and Research 2011
- Arboricultural Report – The Tree File Ltd (June 2016)
- Site Characterisation Form relative to waste water treatment system (2011)
- Letter of Consent from the landowner (October 2019).
- Detailed drawings.

3.0 Planning Authority Decision

3.1. Decision

On the 10th of August 2020 Meath County Council refused permission for the proposed development for in summary: The proposed development, would not be in

compliance with policy RD POL 6 of the CDP, would result in significant erosion of the landscape character of the area designated of 'exceptional value and international importance' (LC OBJ 1), heritage significance, trees (CH OBJ 22) and would therefore, contribute to the encroachment of random rural development in the vicinity, militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would be contrary to the *Sustainable Rural Housing Guidelines* and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy and the interdepartmental reports. It was noted that no submissions were made. Their Assessment included the following:

- They have regard to the previous planning history of the site (ABP Ref. PL17.247149 and Reg.Ref. TA/151269.) This was conditioned so that it was subject to a 7 year occupancy rule, which the applicants are seeking to transfer into their name.
- They have regard to the CDP and note the applicant's lack of demonstrated site specific local need. Also, that they have not met the policy threshold for a rural dwelling as per the Meath CDP and NPO 19 as set out in the NPF.
- They refer to the Council's Conservation Officers Report relative to erosion of the landscape character and the impact on Rathnally House and PS in the vicinity.
- They note the similarity of the proposed dwelling to that previously permitted by the Board and have regard to the proximity to the designated sites – The River Boyne and Blackwater SAC.
- They note that an Appropriate Assessment Screening Report was submitted with the application rather than a Natura Impact Statement. They conclude that a Stage 2 AA is not required in this instance.

- They note that the proposed stables were not conditioned under PL17.247149.
- They conclude that the proposed development is inconsistent with the policy context and development management principles and would not be in accordance with the proper planning and sustainable development of the area and recommend refusal.

3.3. Other Technical Reports

Transportation Department

They do not object as there are no proposed changes to the previously approved (TA151269) access point.

Water Services Section

They do not object and recommend conditions relative to surface water treatment and disposal.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to recommended conditions.

3.5. Third Party Observations

None noted

4.0 Planning History

As noted in the Planner's Report and in the Inspector's Report relevant to the previous application on this site Ref. PL17.247149, there has been a substantial planning history on this site, including a history of appeals to An Bord Pleánala, many of which have been previously refused. However, as all these are historical, in this case I refer to the most recent aforementioned extant, permission granted (2016) by the Board:

- Reg.Ref. TA151269 – Permission granted by the Council, and subsequently subject to conditions by the Board to Deborah Gilbert for the Construction of two-storey detached dwelling house, proprietary waste water treatment unit and percolation area, single storey stable building containing garage/boiler, tack room, feed store and four no. stable boxes with roof mounted solar panels to the south. Dungstead and soiled water tank, new entrance gateway, setting back of fence line along with the provision of two number passing areas to the public road, new driveway/access road, along with all associated services, service connections, landscape and site development works.

In deciding not to accept the Inspector’s recommendation for refusal the Board Direction included: *The Board considered that the revised proposals submitted with the application sufficiently overcome the Board’s previous concerns with regard to traffic hazard. Furthermore, the Board did not accept that the proposal would erode the landscape character of the area having regard to the submitted Arborists report and the selective removal of a limited number of trees.*

A copy of the Board Decision is included in the History Appendix to this Report.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2020

Section 5.3 refers to the growth and development of rural areas and the role of the rural town as a catalyst for this. It is recognised that the Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities.

Objective 18 refers to the policy to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

Objective 19 outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable

economic or social need to live in the rural area. It further states that in rural areas elsewhere, it is an objective to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. **Meath County Development Plan 2013-2019**

Local Need

Section 10.2 relates to rural settlement strategy. The overall goal is to ensure that rural generated housing needs are accommodated in areas where they arise subject to satisfying good practice in relation to site location, access drainage and design requirements and that urban generated rural housing needs should be accommodated within built up areas or land identified through the development plan process.

Map 10.1 Rural Area Types of the County Development Plan (Vol. 3) categorises the appeal site and surrounding area as being an area under low development pressure.

Section 10.4 sets out criteria in relation to persons who are considered to form an intrinsic part of the rural community.

Section 10.5 sets out Development assessment criteria

Section 10.5.3 refers to Occupancy Conditions.

Policy RD POL 7 – to Section 47 of the Planning and Development Act 2000 (as amended) restricting occupancy to a period of 7 years from the first date of occupation.

Design

Section 10.7 refers to Rural Residential Development: Design and Siting Considerations.

Policy RD POL 9 seeks: To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

Landscape and Conservation

Chapter 9 relates to cultural and natural assets: CHPOL10 seeks to conserve and protect the architectural heritage of Meath.

LC OBJ 1 seeks to ensure the preservation of the uniqueness of all landscape character types and to maintain the visual integrity of areas of exceptional value and high sensitivity.

CH POL 10 – To preserve and protect the architectural heritage of Meath.

CH OBJ 22 To discourage development that would lead to a loss of, or cause damage to, the character, the principal components of, or the setting of historic parks, gardens and demesnes of heritage significance.

CH OBJ 23 To require that proposals for development in designed landscapes and demesnes include an appraisal of the landscape, designed views and vistas, and an assessment of significant trees or groups of trees, as appropriate.

Other issues

Policy NH POL 13 seeks to encourage retention of Woodlands, Hedgerows and Trees.

RD OBJ 5 seeks to review and update the current list of TPO's.

Policy RD POL 43 refers to One Off Houses: Sight Distances and Stopping Sight Distances.

Section 10.19.2 refers to Groundwater Protection and the Planning System.

Policies RD POL 44 and 45 refer.

Section 10.19.3 refers to Wastewater Disposal. Policy RD POL 46 refers.

Chapter 11 provides the Development Management Standards & Guidelines.

Appendix 15 refers to the Rural Housing Design Guide.

5.3. The Sustainable Rural Housing Guidelines 2005

This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working full-time or part-time in rural areas.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.4 is concerned with Access and restriction of such on National Primary and Secondary Roads. Regard is also had to Roadside Boundaries. Section 4.5 is concerned with Protecting Water Quality and Site Suitability issues.

5.4. Code of Practice Wastewater Treatment Disposal Systems serving Single Houses

This document (2009) by the EPA relevant to single houses (p.e <10). The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on-site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

5.5. The Planning System and Flood Risk Management Guidelines 2009

These have been adopted and are the DOEHLG Guidelines for Planning Authorities (November 2009). The key principles are:

- Avoid the risk, where possible –precautionary approach;
- Substitute less vulnerable uses, where avoidance is not possible;

- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

5.6. **EU Water Framework Directive**

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.

5.7. **Natural Heritage Designations**

The site is located within the Landscape Character Area of the Boyne Valley an area considered to be of exceptional value and international importance.

The River Boyne and River Blackwater SAC site code: 002299 is located approx. 10 m from the application site. A minimum buffer zone of approx. 100m is afforded from the appeal site boundary to the River itself.

A screening report for Appropriate Assessment (AA) prepared by Rowan Engineering Consultants Ltd. (dated 10th of February 2012) has been submitted with the planning application.

5.8. **EIA Screening**

- 5.8.1. Having regard to the nature and scale of the proposed development (a single dwelling and associated stables), the capacity of the soils on site to accommodate wastewater and the distance of the site from nearby sensitive receptors, 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

A First Party Appeal on behalf of the Applicants has been submitted by Brendan English, Architectural Services. This includes the following:

- The proposed development has the benefit of a previously approved existing planning permission, approved under ABP ref. PL17.247149 (reg.ref. TA/151269).
- This application is for a change of applicant only. Every other detail of the application is as per that previously approved.
- The applicants are an intrinsic part of the rural community and have demonstrated a genuine need for a dwelling at the location of the subject site.
- They include supporting documentation relative to the applicants local need.
- There were no objections to the proposed development from any third party or from the prescribed bodies including An Taisce, DCHG (DAU), Irish Water and no objections from the Council's internal Departments including Conservation, Environment, Heritage, Road and Water Department.
- No objection was raised by the Planning Authority in relation to local need, during a pre planning meeting held prior to formal submission of the application.
- The Planner's decision to refuse was based on inadequate information. This information is now included in the Appeal submission.
- The applicant will accept an occupancy condition pursuant to Section 47 of the Planning and Development Act 2000-2012, restricting the use of the dwelling to the applicant, as a place of permanent residence for a period of 7 years from the date of first occupation.

6.2. Planning Authority Response

The Council has regard to the grounds of appeal. They provide details of the planning history relevant to the site. They acknowledge the *de novo* scope of the

appeal by virtue of section 37(1)(b) of the PDA 2000 as outlined in the correspondence from An Bord Pleanála.

They are satisfied that the issues raised in the grounds of appeal have been substantially addressed in their Planning Report. They note that the applicant's family home in Ardsallagh Td is 7.2km from the subject site and outside what would be considered local, or render them a person who is intrinsic to this rural community as per section 10.4 of the Meath CDP 2013-2019 (as varied). The second named applicant is from the Ratoath area of Co. Meath and without any obvious connections to the subject site as per section 10.4 of the CDP.

The site is located in a highly sensitive landscape and historic setting and should only accommodate demand for permanent residential for persons who are considered an intrinsic part of this rural community as per policy RD POL 6 and speculative sites should be discouraged. The principle of the proposal is therefore unacceptable.

The issue therefore is the proximity of the first named applicant's family home to the subject site. While they acknowledge the supporting documentation submitted, they consider that the proposal should be refused. They request the Board to uphold their decision to refuse. However, if mindful to grant they request that the contingency conditions as set out in Appendix B, or other similar conditions, are applied in the interests of proper planning and sustainable development.

7.0 Assessment

7.1. Rural Settlement Strategy – Local Needs

- 7.1.1. This application differs in name from that previously granted subject to conditions by the Board in Ref. PL17.247149. The former related to a similar development on the subject site and permission was granted to Deborah Gilbert in December 2016. This included condition no.10 relative to section 47 of the Planning and Development Act and restriction to a 7 year occupancy of the proposed dwelling. The extensive planning history of the site has been noted in the Planning History Section above. The Inspector's Report in Ref. PL17.247149 agreed with the Inspector's assessment in respect of a previous application on this site Ref. PL17.244312 that the applicant

then had demonstrated a genuine housing need in accordance with the criteria set out in the Meath County Development Plan 2013-2019.

- 7.1.2. It is noted that the development then proposed was never constructed and the site remains greenfield. The subject site is located in an unzoned area of rural County Meath. The current application seeks permission for a similar type development to that previously permitted, with a change of applicant only. Therefore, regard has to be had afresh to compliance with the local needs policies in the Meath County Development Plan 2013-2019 (as varied) and to National Policy and Guidelines on the issue of local need. In view of this substantive issue it is considered appropriate to assess this application *de novo*.
- 7.1.3. As stated in the Inspector's Report for Ref. PL17.247149 the site is located in a Rural area of Low Development Pressure. It is noted that the site is sylvan in character but is relatively close to the settlement boundaries of Trim. As shown on Map 10.1 of Volume 3 of the Meath CDP it is proximate to a Rural Area under Strong Urban Influence. Rural Development Policies RD POL 1 - 3 seek to restrict urban generated development in such locations. Section 10.4 has regard to the criteria relative to *Persons who are an Intrinsic Part of the Rural Community* and has been noted in the Policy Section above. Policy RD POL 6 refers to Low Development Pressure Areas and seeks: *To accommodate demand for permanent residential development as it arises subject to good practice in matters of design, location and the protection of important landscape and any environmentally sensitive areas.* Concern regarding non-compliance with this policy is referred to in the Council's reason for refusal.
- 7.1.4. As noted in the Policy Section above National Policy Objective 19 of Project Ireland 2040 - National Planning Framework relates to demonstratable economic or social need to live in a rural area and siting and design criteria for rural housing relative to the provision of single housing in rural areas. Regard is also had to the Sustainable Rural Housing Guidelines 2005 where the strategy indicates that there should be a presumption against urban-generated one-off housing in rural areas adjacent to towns. It is put forward that the applicant has a proven local need and there should not be a blanket ban on genuine applicants in the area. Details of the Applicant's local need have been submitted with the grounds of appeal.

- 7.1.5. In response to the Council's reasons for refusal supporting documentation has been submitted to provide evidence of the applicant's local links to the area and this includes to support they are an intrinsic part of the rural community and to demonstrate a genuine need for a dwelling at the location of the subject site. It is provided that the first named applicant Darren Owens has resided with his parents at Ardsallagh Townland, Co. Meath in a rural community since his birth. Ardsallagh Td is located approx. 3.5km from the Td of Rathnally. The subject site itself is approx. 7.2km from the applicant's place of residence. A map has been submitted to show the location of Darren's homeplace in the rural area relative to the site.
- 7.1.6. It is stated that Darren is living with his partner and his parents in a family dwelling which is not designed for multiple families to cohabit. They consider that as shown in the documentation submitted that he complies with the local needs criteria as has been demonstrated by his residential, educational and volunteer history. As per the local needs form the applicant place of employment is in Dublin 8. Therefore, his employment is urban rather than rural based.
- 7.1.7. It is provided that the second named applicant Karen Kelly has resided in Meath all her life. She was raised and educated in Ratoath, Co. Meath where she resided until accommodation situation at her parent's house required her to vacate the property. She now resides with Darren as a family unit in Ardsallagh, Co. Meath. Details submitted note Karen's involvement with equine activities and that she owns 3no. horses which will be kept on the site (stables element) if permission is granted. It is also provided, that Karen is currently working in on-line wholesale in order to develop a financial means to establish her equine therapy business. Details are attached to show that Karen holds a flock/herd number, and that she intends to raise a small number of Clun Forest sheep to establish demand for cheese from sheep milk in the Boyne Valley. It is noted that the area of the site as per the application form is 2.29ha, which is considered limited to support such operations.
- 7.1.8. It is noted that Meath County Council's response to the appeal, provides that a distance of 7.2km from the first named Applicant's family home is significantly outside what might be considered local, or render him a person who is an intrinsic part of this rural community. They provide that the site is located within a highly sensitive landscape and historic setting and should only accommodate demand for permanent residential for persons who are considered an intrinsic part of this rural

community as per policy RD POL 6 and speculative sales should be discouraged and that the principle of the proposal is therefore unacceptable.

- 7.1.9. Having regard to all the documentation submitted, and to the planning policy I would consider that a site specific local need for the applicants to reside on the subject site in this sensitive historic rural area of high landscape character and proximate to a Protected Structure has not been established.

7.2. Design and Layout and impact on the Character of the Area

- 7.2.1. The proposed development is within the Demesne of Rathnally House which is a Protected structure (MH037-105). It is noted that an Architectural Heritage Impact Assessment (dated 2011) has been submitted which was compiled relevant to previous applications for a dwelling in a similar location on this site. This provided that a dwelling in a similar location would be sited away from views of Rathnally House.
- 7.2.2. There is an attractive stone wall to the walled garden of the house along the northern boundary of the site. While on site I noted that the site is currently fenced off from an access road which serves a gated entrance to the south of Rathnally House. Also, that the house could be seen through an arched side gate in the stone wall. While I noted another access with better visibility at the main entrance to the house to the north, I would have some concerns that this gated entrance and access road should be retained having regard to the integrity of the house and stone wall. However, the red line boundary as shown on the plans submitted adjoins this boundary wall and while the Site Layout Plan provides that the existing stone wall to the boundary remains unchanged, this private access road is not shown.
- 7.2.3. On the opposite side of the road, Rathnally Mill House (P.S MH037-104) and the ruins of the mill on the Boyne River edge form an attractive group of demesne related structures in this sensitive landscape setting. The site is located within the Landscape Character Area of 'the Boyne Valley' an area considered to be of exceptional value and international importance. The Meath CDP states that this is a highly sensitive heritage landscape.
- 7.2.4. The following policies and objectives are relevant to the consideration of the application CH POL10, CH OBJ 22, CH OBJ 23 and are noted in the Policy Section

above. These concern the sensitivity of the area and the need to conserve and protect the architectural heritage of Meath, to discourage development which would cause loss or damage to including demesnes of heritage significance, and to ensure an appraisal of the development consistent with the historic landscape and its protection.

- 7.2.5. The proposed layout shows the buildings grouped in a courtyard setting sited in the south western part of the site with the house sited further forward of the single storey stables (85.4sq.m) and garage (39.5sq.m) at the rear. This proposal is for a sizable two storey detached four bedroom dwelling house, 311sq.m in area and c.9m to ridge height. It is noted that the design and layout has not been changed from that previously permitted by the Board in Ref. PL17.247149 and while it will not significantly add to it was not considered that it would detract from the character of the area. Therefore, I would not consider that in view of the planning history of the site that this a substantive issue in this case.

7.3. Trees and Landscaping

- 7.3.1. The roadside boundary trees and trees along the southern site boundary are an attractive feature and give the site its sylvan character and form part of a tree lined avenue that adds to the landscape character of this rural area. It is noted that the main impact on the roadside trees which are the subject of a Tree Preservation Order (TPO 1/78), is to facilitate the proposed vehicular access from the local road.
- 7.3.2. The Site Layout Plan shows that a small number of trees will need to be removed to facilitate the vehicular entrance. There is an Arboricultural Report on file, dated 2016 and accompanying drawings, similar to that submitted with the previous permission Ref. P17.247149 refers. Regard is had in the Report to the TPO's on site and to the impact of construction works and preservation measures to be applied in accordance with relevant standards and to ongoing maintenance and replanting measures.
- 7.3.3. It is noted that the Board's permission relative to Ref. PL17.247149 included Condition nos. 6 and 7 relative to compliance with the recommendations of the Arboricultural Report and landscaping. If the Board decides to permit it is recommended that such conditions be included.

7.4. Access issues

- 7.4.1. The proposed development site access is located mid-way along the site frontage, on the western side of the local tertiary road L-80171 approximately 750m from the R161 Rathnally T-junction. The local road is narrow with poor vertical and horizontal alignment. Visibility at the existing access to the north of the site, is very restricted in a northerly direction. However, it is noted that road speeds are low in view of the winding and narrow (c. 3.5m) nature of the accommodation road. A Roads & Traffic Assessment (dated September 2015) by Trafficwise has been included with the current application.
- 7.4.2. The Council's Transportation Section notes that the current application includes the access point that was previously approved in Reg.Ref. TA151269/ Ref. PL17.247149. Therefore, as the access, has been previously permitted, I would recommend that if the Board decides to permit that Condition nos. 4 and 5 of Ref. PL17.247149 relative to the access and provision of two passing bays be included.

7.5. Drainage issues

- 7.5.1. Regard is had to the suitability of the site to accommodate the disposal of effluent and to proposed proprietary waste water treatment unit and also the dungstead associated with the stables. The Site Layout Plan shows the proposed location of these relative to the proposed dwelling and stables. A Site Characterisation Form which includes percolation test results has been submitted. It is proposed to install a packaged wastewater system (O'Reilly Oakstown B.A.F) and soil polishing filter. The suitability of the site has been previously assessed and is deemed acceptable to accommodate a waste water treatment unit.
- 7.5.2. It is noted that the Council's Water Services Section or Irish Water does not object. As the proposal is similar to that previously permitted by the Board, I would recommend that if they decide to permit that condition no.8 of Re. PL17.247149 be included.
- 7.5.3. However, the Planner's Report notes that the dungstead associated with the proposed stables was not conditioned in the previous Board decision. In their response to the First Party Grounds of Appeal they recommend conditions in Appendix B. Nos. 7 to 10 relate to the stable building and dungstead and it is

recommended that if the Board decides to permit that conditions relative to this issue be included.

7.6. Screening for Appropriate Assessment

- 7.6.1. The site (southern part) is located within 10m of the River Boyne and Blackwater SAC. The River Boyne terminates in Drogheda where the Boyne Estuary is classified as both an SAC and SPA.
- 7.6.2. A Report referred to as *A Natura Impact Statement* (dated February 2012) has been submitted with the application. As with the previous application the report submitted is not an NIS but rather an AA Screening Report. Table 3.3 provides a description of the Natura 2000 site having regard to its conservation objectives and qualifying interests.
- 7.6.3. The Qualifying interests for the River Boyne and River Blackwater SAC (002299) are the Annex I habitats: *Alkaline fens, alluvial forests* and Annex II species: *river lamprey, salmon, otter*. For the SPA (004232) of Special Conservation interest, is the *kingfisher*. The standard conservation objective for all SAC's and SPA's is: *to maintain or restore the favourable conservation condition of the qualifying interest for which the SAC/SPA has been selected*.
- 7.6.4. Table 3.4 provides An Assessment of Likely Effects relative to the SAC. This includes that a minimum buffer zone of c.100m is afforded from the planning boundary to the river and 10m from the boundary with the SAC. It provides that both the construction and operational phases of the proposed development will not give rise to significant adverse impacts on the integrity of the SAC or of any Natura 2000 sites. Table 3.6 provides a Finding of no significant effects report. This concludes that the screening report finds that the proposed development is not likely to have significant effects on any Natura 2000 sites and as a result a Stage 2 – Appropriate Assessment Natura Impact Assessment is not required.
- 7.6.5. The Inspector's Report in Ref. PL17.247149, noted that the issue of screening for AA has been dealt with in two previous Inspector's Reports relating to the site (PL17.244312 & PL17.240590). Based on the documentation submitted they did not consider that a Stage 2 NIS was applicable in this case. It is noted that the Board did not refuse on this basis.

- 7.6.6. 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 or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the location of the site less than 4kms from the development boundaries of Trim and to an area under strong urban influence as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and having regard to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, which states that it is policy 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", it is considered that the applicants have not demonstrated that they come within the scope of the housing need criteria as set out in the Guidelines and have not demonstrated an economic or social need to live in this rural area in accordance with national policy, notwithstanding the provisions of the Meath County Development Plan 2013-2019. Furthermore, the Board is not satisfied that the applicants housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable based need for a house in this rural area, would contribute to the encroachment of random rural

development in this sensitive Boyne Valley landscape character 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, materially contravene the Ministerial Guidelines and would be contrary to national policy and to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

18th of November 2020