



An
Bord
Pleanála

Inspector's Report ABP-308408-20

Development

Construction of bungalow, separate wastewater treatment system, percolation area and connection to existing mains water.

This application is accompanied by an NIS.

Location

Mill Lane, Kilcarn, Navan, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

NA200013.

Applicant

John O'Brien.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellant

Goretti Donnelly.

Observer(s)

None.

Date of Site Inspection

27th day of November, 2020.

Inspector

Patricia-Marie Young

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1.0 Site Location and Description

- 1.1. The appeal site has a given 0.1457ha area and it consists of steadily sloping from east to west parcel of overgrown and unkempt land which appears to have no functional use. The site benefits from road frontage onto a modest in length cul-de-sac road (Note: Mill Lane/L-50552-0) at a point where it is of restricted width and the road surface is poor. This local road serves a number of dwellings alongside a municipal treatment plant.
- 1.2. Along the road frontage of the site (Note: the western boundary) there is a mature and unkempt boundary of native trees as well as hedgerow species. Located at lower ground levels on the opposite side of the L-50552-0 is the Kilcarn Sewerage Treatment plant.
- 1.3. This appeal site is located in the Townland of 'Kilcarn', c3km to the south east of Navan's historic town centre, in County Meath. It is bound as well as neighbored by one-off detached residential dwellings on garden plots on its northern, southern, and eastern boundaries. The residential properties bounding its eastern side open onto the heavily trafficked R147, Regional Road, with the L-50552-0 meeting this regional road at a staggered junction located c140m by road to the north of the site's roadside boundary. This junction is signalised.
- 1.4. The site is located in close proximity to the River Boyne. Its riverbank is located alongside the western boundary of the aforementioned municipal treatment plant.
- 1.5. Despite Mill Lane's location on un-zoned land outside of the settlement boundary of Navan, this cul-de-sac lane could be described as being predominantly residential and edge of settlement in terms of its character.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a three-bedroom single storey L-shaped detached dwelling house with a given 176m² gross floor space and a maximum ridge height of 5.3m; the installation of a wastewater treatment system and percolation area; connection to public mains water supply; the provision of an entrance onto the public roadway together with all associated site development works. According to the submitted drawings the proposed dwelling would have a lateral

separation distance of c5.97m with the nearest property to the north, 13.47m to the rear boundary and 7.32m with the nearest property to the south. This application is accompanied by the following documentation:

- A letter of consent of the landowner to make this application.
- A document titled '*Soil Characterisation & Site Suitability Assessment Report*'.

2.2. On the 1st day of September, 2020, the Planning Authority received **unsolicited further information** from the applicant. This responds to concerns raised in relation to the applicant's permission to extend a dwelling house at Clownstown under P.A. Ref. No. RA181038. This submission indicates that the applicant is willing to amend the design of the dwelling house should that be deemed necessary by the Planning Authority. It also provides comments relating to wastewater treatment; public road access; and it provides locations of septic tanks in the vicinity of the site through to reaffirming the site area.

2.3. On the 26th day of August, 2020, the applicant submitted **revised public notices** to the Planning Authority.

2.4. On the 12th day of August, 2020, the applicant submitted **revised public notices** to the Planning Authority. These indicate that the scope of development includes a separate domestic garage, yet this is not included in the initial application.

2.5. On the 17th day of July, 2020, the applicant submitted their **further information response** to the Planning Authority. This includes the following comments:

- Additional information supporting the applicant's links to this area.
- Map showing the location of his family home.
- Letter from the applicant's solicitor confirming his marital separation. This document also notes that prior to the applicant's separation that he had applied for permission to extend his family home in Dunsany, County Meath, but that this extension did not go ahead due to the marriage separation.
- It contends that the only lands in the applicant's family landholding are in Dunsany, but this is being sold due to his personal circumstance.
- It indicates that applicant wishes to purchase the site beside his former childhood home.

- 2.5.1. The applicant's further information response is accompanied by an Appropriate Assessment Screening; a Natura Impact Statement; and, a landscaping plan.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 16th day of September, 2020, the Planning Authority decided to grant subject to conditions the development sought under this application. I note to the Board the requirements of the following conditions:

Condition No. 2: Requires that the mitigation measures identified in the Natura Impact Statement and other particulars submitted with this planning application be implemented in full.

Condition No. 3(a): Restricts the occupation of the dwelling and requires the applicant to enter into a Section 47 agreement.

Condition No. 4 & 5: Sets out the wastewater requirements.

Condition No. 6: Requires external finishes to be agreed.

Condition No. 11: Deals with the matter of construction waste.

Condition No. 12: Deals with landscaping matters.

Condition No. 13, 14 & 15: Requires Section 48 Contribution payments.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report**, dated the 15th day of September, 2020, is the basis of the Planning Authority's decision. This report indicates that the Planning Officer was satisfied with the applicant's further information response and that they considered the proposed development to be in accordance with relevant planning provisions. It further considered that the proposed development would not negatively impact upon residential and/or visual amenities of the area. It concluded that the proposed development was in accordance with the proper planning and sustainable development of the area and therefore recommended permission to be granted.

The **initial Planning Officer's report**, dated the 25th day of February, 2020, concluded with a request for further information on the following matters:

- Item No. 1: Requests evidence of compliance with the Development Plan's Settlement Strategy for a dwelling at this location.
- Item No. 2: Clarification of land registry details sought for all land in the family ownership.
- Item No. 3: Appropriate Assessment Screening sought.
- Item No. 4: Landscaping improvements sought.
- Item No. 5: Advises the applicant that their response may require the provision of new public notices.

3.2.2. **Other Technical Reports:** None.

3.3. **Prescribed Bodies**

3.3.1. **DAHG – Parks and Wildlife/Natural Heritage:** A submission was received providing comment on the initial application which sought further information on the matter of whether the site had been screened for 'Appropriate Assessment'. In this regard, they raised concern that the proposed development may on its own or in combination with other projects have an impact on the River Boyne and River Blackwater SAC/SPA.

3.3.2. **Health & Safety Authority:** No observations to make.

3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application the appellant submitted three letters of observation. I consider that the main issues raised correlate with those raised by the 3rd Party Appellant in their appeal submission to the Board.

4.0 **Planning History**

4.1. **Site and Setting**

4.1.1. None relevant.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan, 2013-2019, is the applicable statutory plan for the area. Though located in close proximity to the settlement boundary of Navan the site itself is located in a rural area outside of a designated settlement, is not subject to any land use zoning objective and is located within a rural area under urban influence.
- 5.1.2. Chapter 10 of the Development Plan deals with the matter of rural development.
- 5.1.3. Section 10.3 of the Development Plan sets out the policies for rural area types and it includes policies for Rural Areas under Strong Urban Influence.
- 5.1.4. Section 10.4 of the Development Plan sets out the criteria for which applicants can demonstrate a local housing need. It indicates that persons local to an area are considered to include:
- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside.
 - Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son in law, or daughter in law of a long-established member of the rural community being a person resident rurally for at least ten years.
 - Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
 - Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home or is suited to rural locations such as farm hands or tradespeople and who have a housing need.

Provision is also made for exceptional health circumstances which may require a person to live close by their family members for support.

5.1.5. Section 10.7 of the Development Plan includes design criteria for residential development in rural areas including ancillary structures.

5.1.6. The following development provisions are relevant:

RD POL 1: Requires applications in locations identified as being under urban influence to satisfy the requirements of persons who are an intrinsic part of the rural community subject to normal planning criteria.

RD POL 2: Facilitate the housing requirements of the rural community whilst directing urban generated housing to areas zoned for new housing in towns and villages within the development area.

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

RUR DEV SP 1: Seeks that applicants adopt a tailored approach to rural housing within the county as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types.

RUR DEV SP 2: Seeks to ensure that one off dwellings within rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria. It further indicates that an assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives contained within this Development Plan.

WS POL 25: To protect, maintain and improve the natural character of the watercourses and rivers in the county Meath.

NH OBJ 2: Seeks to ensure an Appropriate Assessment in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, and in accordance with the Department of Environment, Heritage and Local Government Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009 and relevant

EPA and European Commission guidance documents, is carried out in respect of any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect on a Natura 2000 site(s), either individually or in combination with other plans or projects, in view of the site's conservation objectives.

NH OBJ 3: Seeks to protect and conserve the conservation value of candidate Special Areas of Conservation, Special Protection Areas, National Heritage Areas and proposed Natural Heritage Areas.

NH POL 13: Seeks to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

5.2. National Planning Provisions

- Project Ireland 2040 - National Planning Frameworks, 2018.
- Sustainable Rural Housing Guidelines, 2005.
- The Planning System and Flood Risk Management, 2009.
- EPA Code of Practice: Wastewater Treatment for Single Houses, 2010.

5.3. European Context

- Article 6(3) of European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

5.4. Natural Heritage Designations

- 5.4.1. The site does not form part of nor does it immediately adjoin any designated European site. Notwithstanding, it is situated in close proximity to two such sites with Special Area of Conservation: River Boyne & River Blackwater SAC (Site Code: 002299)

located c25m to the west at its nearest point and Special Protection Areas: River Boyne & River Blackwater SPA (Site Code: 004232) located c54m to the west at its nearest point.

5.5. EIA Screening

- 5.5.1. Despite the modest nature, scale, and extent of the development sought under this planning application and the built up nature of land in its immediate vicinity; having regard to the nature of the receiving environment particularly having regard to the appeal sites close proximity to two designated European Sites as set out in Section 5.4.1 above the absence of any public mains drainage to deal with waste water the proposed development would generate together with the sloping topography of the site itself which is on higher grounds to the nearby European sites I consider that the need for environmental impact assessment cannot be excluded at preliminary examination and that a screening determination is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of the 3rd Party Appeal can be summarised as follows:
- This site is located in proximity to two European sites and there is no public sewer.
 - The site has a substantial gradient that will cause surface water to move towards the proposed elongated percolation area with the risk of flushing effluent from the proposed sand polishing filter.
 - The ground water at this location is described as 'high' by the Geological Survey; yet this is not reflected in the site characterisation report provided.
 - There is a substantial density of one-off dwellings on individual wastewater treatment systems with 11 such properties located within a 1.5ha radius of the site. Despite this no assessment of cumulative impact has been provided by the applicant. The County Development Plan permits 1 dwelling per 2024m² minimum; yet an additional dwelling would result in 1 dwelling per 1250m² within 15,000m² of land.

- Concern is raised that the site was previously used as filter beds for the municipal water treatment system and extensive trial holes have not been undertaken on this site.
- It is questioned how compliance with the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses can be achieved.
- Reference is made to a grant of permission P.A. Ref. No. NA181049.
- This planning application fails to address the boundaries for the dwelling to which Eircode C15 T0A2 relates and the residual area that would remain for this property which is outlined in blue and would have an overall area of 976m² if the proposed development in the form proposed were to be permitted.
- There is no certainty that the proposed development, if permitted, would not compromise the two nearby European sites.
- The cumulative impact of the several existing septic tanks has not been considered and no desk study investigation on wastewater treatment systems has been carried out.
- The applicant is disposing of a house in Clownstown, Dunsany, County Meath and claiming housing need. Reference is made to a substantial extension permitted to this dwelling under P.A. Ref. No. RA181038.
- It is not accepted that the applicant has a genuine housing need for a dwelling at this location which is under strong urban influence.
- Alternative sites should be considered by the applicant.
- The adequacy of the NIS is questioned.
- This site has not been managed for many years and given its proximity to an SPA and SAC it is likely to be a habitat for birds.
- There is an extensive degradation of water quality throughout the Boyne.
- There is no assurance that wastewater treatment in the Kilcarn area has been screened out.
- There is no indication of the size of watermain on Kilcarn Lane.

- This proposal makes no provision for any widening of the road to accommodate future development.
- This type of development will drive the need for streetlighting in vicinity of an SPA and SAC.
- There is no evidence of existing surface water drainage on the lane.
- Concerns are raised in relation to the houses design which is considered to not comply with the County's Rural Design Guide.
- The entrance proposed does not include the setting back of the hedgerow along the roadway in order to provide adequate sight lines.
- The appellant is concerned that the area around her home is becoming overdeveloped.
- The appellants property (Blauvelt House) was purchased in the 1980s and their house dates to the 1970s. It is contended that it suffers from ongoing sewage problems such as ponding with sewage effluent. It is alleged that Mai Lyons permitted the location of percolation beds to serve their home on lands which are now subject to this application. The area of the appellants property is given as 1,268m².
- The Board is requested to refuse permission for the development sought under this application.

6.2. Applicant Response

6.2.1. The applicant's response, received on the 1st day of December, 2020, on foot of the Boards request for new public notices, can be summarised as follows:

- The applicant submitted the revised public notices referring to the submission of an NIS with this planning application.
- No further comments made.

6.2.2. The applicant's response received on the 13th day of November, 2020, can be summarised as follows:

- It is acknowledged that the site of the proposed development is in proximity to the Boyne SPA and SAC in an area where there is no public sewer and that there are substantial gradients across the site. However, the site has good percolation characteristics, and it is proposed to provide a treatment system with sand polishing filter to treat effluent generated by the proposed dwelling with this overseen by a qualified and accredited person. These works will be carried out to required best practice.
- The appellants contend that there are 11 wastewater treatment systems located within a 1.5ha radius of the site. It is contended that this is not the case as three of these dwellings are connected to public mains sewer and one of the dwellings included is a domestic garage. As such it is argued that there are 7 wastewater treatment systems within a 1.5km radius of the site.
- It is not the case that the site has been used at any time for filter beds associated with the municipal water treatment system plant.
- The site to the south was granted permission for a similar wastewater treatment to that now proposed to serve the proposed dwelling sought under this application.
- The applicant is fully aware of the mitigation measures that are included in the NIS and the requirements of Condition No. 2 of the Planning Authority's grant of permission.
- Only surface water from the site will discharge to the local surface water network and this will have no effect on the River Boyne SPA and SAC.
- The issue of cumulative impacts has been dealt with adequately within the NIS provided. This document concludes that the proposed development would not result in any cumulative impacts when considered in combination with other developments within its zone of influence.
- Letter of support from a Margaret Lyons, the purported owner of the site, dated the 29th day of October, 2020, includes the following comments:
 - There are no percolation beds serving Blauvelt House on the site. Blauvelt House has a septic tank and its associated infrastructure located in the back garden of the appellants property only. Further there was no permission ever

given by the applicant's father to locate percolation beds on this site and she has no legal interest in the lands associated with this site.

- In 1997 it is alleged that the appellant diverted sewage overflow from her septic tank onto the lands associate with this site. She was requested to stop doing so and this diversion stopped.
- The applicant has strong family connections to this location.
- A number of other letters of support for this application are provided.
- It is contended that the appellant has made factually incorrect statements, provided misleading information, and has raised matters that have no planning relevance.
- The applicant indicates their willingness to adhere to all mitigation measures contained within the NIS as well as the requirements of Condition No. 2 and No. 5 of the Planning Authority's notification to grant planning permission.
- This response is accompanied by a number of annotated photographs.
- The applicant wishes to build a home for himself and his sons on a site that is available to him and in a location where he has family support.
- There are no further sites available on this lane.
- The proposed dwelling would be located on a cul-de-sac lane where required sightlines can be achieved.
- The site as it is now is of no landscape value or merit.
- Condition No. 12(a) of the Planning Authority's notification to grant permission requires all hedgerows, trees, and shrubs on site to be preserved except where the entrance is to be accommodated.
- There are limited views of the site from the appellants property.
- The Board is requested to uphold the decision of the Planning Authority.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The issues raised by the appellant in their submission to the Board have been addressed in the Planners Report dated the 25th day of February, 2020, and the 15th day of September, 2020, respectively.
- The Planning Authority is satisfied that the proposed development generally complies with relevant planning provisions.
- The Board is requested to uphold its decision.

7.0 Assessment

7.1. Introduction

- 7.1.1. For clarity, my assessment below is based on the proposed development as revised by the applicant's further information response due to this response providing additional clarity on whether or not the applicant complied with the applicable Development Plans rural settlement strategy for one-off dwelling houses at this location. It also provides the required Appropriate Assessment Screening as well as a Natura Impact Statement which I consider are essential documents for the determination of this application given that the appeal site is situated in very close proximity to two European sites and having regard to the type of development sought. Moreover, it also provides additional clarity on landscaping to accompany the proposed development.
- 7.1.2. Prior to my commencement of my assessment, I note that there are various concerns raised by the appellant in relation to the landownership of the subject site.
- 7.1.3. In particular it is contended by the appellant in this case, who I am cognisant occupies a property adjoining the eastern boundary of the appeal site, that she was granted an oral easement for the provision of a percolation area on the lands now subject to this application. She further contends that this agreement was reached on foot of experiencing on-going sewage related issues on what she describes as their restricted in site area property.
- 7.1.4. During my inspection of the site, I did not observe the presence of any percolation area or indeed any evidence of other wastewater infrastructure related to the appellants property within the bounds of the redline area of the site. Notwithstanding, I did observe that the site itself was extremely overgrown, unkempt and was heavy

underfoot so traversing it was difficult. I therefore cannot say with any certainty that there is an ancillary percolation area, any overflow pipe or any other type of ancillary wastewater treatment system present on the site serving the appellants property.

7.1.5. I also note that the appellant's submission does not provide any robust substantive evidence to support such contentions. Particularly there is no proof that the appellant has any rights in law or otherwise relating to the redline site area.

7.1.6. I am cognisant that the Board has no statutory power to adjudicate upon matters relating to title, ownership, easements, rights of way and the like. These matters constitute 'civil matters' that can only be resolved by agreement between the parties or in the civil courts. In addition, I note that the Development Management Guidelines make this clear fact clear with Section 5.13 stating that: "*the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the courts*".

7.1.7. Moreover, the documentation as submitted does not indicate the presence of any wastewater infrastructure relating to the appellants property.

7.1.8. As such the Boards remit in this appeal case is to make a *de novo* assessment of the development sought under this application.

7.1.9. I propose to consider this appeal case under the following broad headings:

- Principle of the Proposed Development
- Residential Amenity Impact
- Visual Amenity Impact
- Roads and Access

7.1.10. The matter of Appropriate Assessment is also a substantive matter for consideration in this appeal case. I therefore propose to deal with separately under Section 8.0 of this report below.

7.2. Principle of the Proposed Development

7.2.1. The appeal site is located in an area that lies outside of a designated settlement and in an area defined as being under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005, and by the County Development Plan. I consider that this is due to a number of locational factors

including but not limited to its proximity to the edge of Navan's defined settlement boundary through to a number of strong urban structures present within easy commuting distance of the site including Ashbourne, where the applicant would appear to work, Swords, Malahide, Balbriggan, Drogheda, and Dublin. Together with the site's proximity to a number of principal national transportation corridors including the M3, M2, M1 and M50 with the site also being within easy reach of public and private transport links such as rail and bus. In addition, the site is in easy reach of Dublin Airport and Dublin Port.

- 7.2.2. The National Planning Framework states 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, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities"*.
- 7.2.3. It also recognises that there is a continuing need for housing provision for people to live and work in the countryside and it indicates that careful planning is required to manage the demand in our most accessible countryside around cities and towns. In this regard it advocates focusing on the elements required to support the sustainable growth of rural economies and rural communities.
- 7.2.4. It goes on to state 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"* with this being subject to site and design considerations.
- 7.2.5. In keeping with this National Policy Objective 19 on the matter of the development of rural housing indicates that there is a need to ensure that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere. It states: *"in rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural areas and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements"*.
- 7.2.6. In addition, National Policy Objective 3a sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.

- 7.2.7. In relation to the local planning policy provisions Chapter 10 of the Meath County Development Plan, 2013 to 2019, sets out the planning policy approach for rural development with it setting out its key strategic objectives as including RUR DEV SO 6 which seeks: *“to protect and enhance the visual qualities of rural areas through sensitive design”*. It also includes strategic policies such as RUR DEV SP 1 under which the Planning Authority advocates a tailored approach to rural housing in order to distinguish between rural generated and urban generated housing alongside recognising the individual rural area types.
- 7.2.8. In relation to rural area types, the site is located in Area 1, an area that the Development Plan recognises as being under Strong Urban Influence.
- 7.2.9. The relevant policies for this area include policies RD POL 1 which seeks to ensure that individual house developments satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to normal planning considerations; RD POL 2 which essentially seeks to direct urban generated housing to towns and villages in the area of the Development Plan; and, RD POL 3 which seeks: *“to protect areas falling within the environs of urban centres in this Area Type from urban generated”* alongside *“maintaining the identity of these urban centres”*.
- 7.2.10. In a manner consistent with national planning policy provisions, I consider that there is a general presumption against the principle of such developments on un-serviced land outside of defined settlement land.
- 7.2.11. Whilst I note that the site may be able to link to public mains water supply, inadequate information relating to the ability to make this connection has been provided with this application and there is no assurance that there is sufficient capacity within the existing public mains water and drainage infrastructure to serve the additional demands of the proposed development.
- 7.2.12. Moreover, I can find no agreement from Irish Water or indeed any comment from the Planning Authority’s department that deals with water and drainage matters. Further and crucially this site is located in very close proximity to two European sites.
- 7.2.13. As set out under Section 5.4.1 of this report the site above, the appeal site at its nearest point is within c25m of the River Boyne & River Blackwater SAC (Site Code:

002299) and within c54m of the River Boyne & River Blackwater SPA (Site Code: 004232) which is also located to the west.

- 7.2.14. Based on the documentation on file it would appear that the appellant had an intrinsic link to the locality of Kilcarn prior to 2003 and a more recent link to the locality since his recent marriage separation (c2years). The applicant seeks the proposed dwelling at this location so that he can be supported by his family who live on Mill Lane since this marital separation. The documentation on file suggests that he has resided with his sister on Mill Lane since his recent marriage separation. Alongside this it is the applicant's contention that due to difficulties with one of his sons his family's support is especially required. The applicant gives his place of work as Ashbourne.
- 7.2.15. Based on the information submitted I am not satisfied that the applicant's housing needs could not be satisfactorily met within the boundaries of the established settlement of Navan which lies in close proximity to the north or within the settlement where the applicant works.
- 7.2.16. Given that there is no robust socio through to economic requirement that would support a genuine rural housing need for a dwelling on un-zoned land within an area of identified as being under strong urban influence. It is my view that the proposed development would essentially consist of an urban generated rural house and that the applicant does not demonstrate an economic or social need to live in this rural area as opposed to a strong desire or want for a dwelling at this location. With this being the case, I consider that the proposed development would be contrary to local through to national planning provisions, in particular National Policy Objective 19 of the National Planning Framework.
- 7.2.17. In addition, having regard to other local and national planning policy provisions in general they essentially seek to regulate rural housing alongside consolidate such developments within serviced urban/suburban land. Moreover, there is no exceptional medical circumstances substantiated that would require a dwelling that would add to the further proliferation of dwelling houses in rural land in close proximity of the settlement boundaries of Navan cumulatively adding to the blurring of the distinction between the characteristics of that typically define such landscapes.
- 7.2.18. In my view it also should be highlighted at this juncture that the site is located in a poorly serviced rural location. Particularly in terms of wastewater and surface water

drainage. This taken with the sites proximity to European sites adds to the vulnerability of the site's landscape setting to absorb developments like that proposed under this application.

- 7.2.19. Whilst I acknowledge the poor state of presentation of the site together with no robust evidence that would support it has any existing or recent functional use, based on the above considerations the principle of the proposed development could not be considered to be consistent with the proper planning and sustainable development of the area as the proposed development.

7.3. Residential Amenity Impact

- 7.3.1. Having regard to the following factors: the modest single storey built form of the dwelling house sought; the ability to achieve good lateral separation distance between it and there rear elevation of properties located to the east; the ability of the single storey to achieve adequate screening by the provision of appropriate solid or natural boundaries along its shared boundaries with residential properties to the south, east and north; the harmony with the staggered front building line of the proposed dwelling with existing dwellings to the north and south of it; the fall in ground levels at this location in a westerly direction; I therefore concur with the Planning Authority in this instance that the proposed development, if permitted, would not give rise to any serious injury to established residential amenities of properties in its vicinity.

7.4. Visual Amenity Impact

- 7.4.1. I consider that the proposed dwelling, subject to the maintenance of existing hedgerow and trees except where a new entrance onto Mill Lane is proposed, together with implementation of its proposed landscaping plan as put forward as part of the applicant's further information response would not be highly visible in its context with only limited localised views of it available from the cul-de-sac lane serving it. Improvements to the visual expression of the proposed dwelling could be achieved by way of condition requiring all materials, treatments and finishes to be agreed in writing with the Planning Authority prior to the commencement of the development. Such a condition in my view should ensure an improved aesthetics of the dwelling house proposed subject to a qualitative palette of materials, finishes and treatments being agreed.

7.5. Roads and Access

- 7.5.1. While I consider that the proposed development would not give rise to significant additional traffic on Mill Lane due to the limited volume of traffic it would give rise to, I do raise a concern that it is proposed to provide an entrance onto the lane where not only is the lane restricted in its width and is poorly surfaced, but the required sightlines have also not been demonstrated on the documentation submitted. Nor has any measures been proposed to provide any safety measures to improve visibility for vehicles that would be egressing the site.
- 7.5.2. As such I consider that the proposed development despite the low volume of traffic it would generate, if permitted, and despite the proximity of the site to the end of the cul-de-sac has the potential to give rise to a traffic hazard by way of additional movements on this cul-de-sac lane at a point where sightlines are restricted.
- 7.5.3. Further should the Board be minded to grant permission for the proposed development I note to them that there are no interceptors indicated in the driveway or elsewhere to serve the proposed development sought at what is a highly sensitive setting. Given this sensitivity it would be reasonable to require pollutants and/or other contaminants that would arise from vehicles and the like using the driveway to be captured and dealt with appropriately on site. This matter could be dealt with by way of an appropriate condition.

8.0 Appropriate Assessment

8.1. Stage 1

- 8.1.1. On foot of the Planning Authority's additional information request the applicant submitted an AA Screening Report and a Natura Impact Statement prepared by Whitehall Environmental. Details are provided within this documentation of a desk study that was carried out on the site and the surrounding site context to collate available information on Natura 2000 sites within the potential zone of influence of the proposed works. It indicates an examination of a number of sources was had including National Parks & Wildlife Service, the EPA, the National Biodiversity Data Centre, available information on the planning history of the area alongside an examination of the proposed development for which planning permission is now sought.

- 8.1.2. It therefore sets out an overview of the development proposed and indicates that the site is located within a locally important aquifer with moderate vulnerability with an R₁ groundwater protection response.
- 8.1.3. It notes that the proposed wastewater treatment system at such a location is deemed to be acceptable subject to normal good practice having had regard to the details contained within the Site Characterisation Report provided by Traynor Environmental Ltd. and it raises no issue in terms of clean water arising from the site being directed to existing surface water gullies that are located at the front of the site.
- 8.1.4. It generally describes the topography and location that groundwater flows in this locality, with both being indicated as being in a westerly direction. That is in the direction of the nearby River Boyne and that the site is located within the Boyne Hydrometric Area, Catchment, Sub-Catchment and Sub-Basin with no drains or streams within or adjacent to the site.
- 8.1.5. It refers to the ecological status of the River Boyne at a point close to the site where in 2018 the EPA recorded a biological Q rating of 4 (Note: Kilcarn Old Bridge) and that under the requirements of the EU Water Framework Directive this is satisfactory as well as recognises that this must be maintained.
- 8.1.6. At Section 4.1, it identifies the River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA (Site Code: 004232). In relation to these European sites, it sets out their qualifying interests through to the potential impacts and effects (Note: Table 2). It also indicates that the zone of impact was determined by an assessment of connectivity, atmospheric emissions, flight paths, ecological corridors, and the like. An overview of Table 2 is provided below:

Figure 1: Natura Sites within the Zone of Influence of the Proposed Site.

Site Name & Code	Distance	Qualifying Interests	Potential Impacts/Effects
The River Boyne & River Blackwater SAC Site Code: 002299	26m	<ul style="list-style-type: none"> River lamprey (Lampetra fluviatilis) Salmon (Salmo salar) 	Potential impacts and subsequent effects are possible due to the proximity of the site to the SAC.

		<ul style="list-style-type: none"> • Otter (<i>Lutra Lutra</i>) • Alkaline fens • Alluvial forests with alder <i>Alnus glutinosa</i> and ash <i>Fraxinus excelsior</i>. 	
The River Boyne & River Blackwater SPA Site Code: 004232	68m	<ul style="list-style-type: none"> • Common Kingfisher (<i>Alcedo atthis</i>) 	Potential impacts and subsequent effects are possible due to the proximity of the site to the SPA.

8.1.7. At Section 4.2, it identifies the potential impacts of the proposed development upon the nearby European sites of the River Boyne and River Blackwater SAC and SPA cannot be ruled out. The following potential impacts were identified:

- 1) Deterioration of water quality in designated areas arising from pollution from surface water run-off during site preparation and the construction phases.
- 2) Deterioration of water quality in designated areas arising from pollution during the operation of the proposed development.
- 3) Habitat fragmentation or loss in the SAC/SPA due to the disposal of soil or construction waste.
- 4) Risk to Annex I and/or Annex II species associated with the site.
- 5) Cumulative impacts with other proposed and/or existing developments.

8.1.8. The screening concluded that the site itself is not directly connected with or necessary to the nature of conservation management of the designated site and having given consideration of the location of the site relative to the River Boyne and River Blackwater SAC and SPA that it is likely for potential impacts to occur from the proposed development in the absence of mitigation measures. As such it recommends that the project must proceed to the next stage of 'Appropriate Assessment'.

8.1.9. I concur with the conclusion reached and would further consider having regard to the sites proximity also to lands recognised to be at risk of fluvial flooding in close proximity

to the west of the site this further adds to the potential for hydrological pathway during extreme weather events to both of the identified European sites from the site itself.

8.2. Stage 2 – Natura Impact Statement (NIS)

8.2.1. I propose to consider the requirements of Article 6(3) with regards to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning & Development Act, 2000, as amended, in this section of my report. In particular the following matters:

- Compliance with Article 6(3) of the EU Habitats Directive;
- Screening the need for appropriate assessment;
- The Natura Impact Statement; and,
- An Appropriate Assessment of the implications of the proposed development on the integrity of each Natura site set out under Section 8.1 above.

8.2.2. In relation to compliance with Article 6(3) of the EU Habitats Directive I note that the proposed development does not form part of nor does it adjoin any Natura site. Further, on the basis of information provided and publicly available for consideration there is no evidence that supports it is directly connected to or necessary to the management of any Natura site. It is therefore subject to the provisions of Article 6(3).

8.2.3. On the matter of screening the need for ‘Appropriate Assessment’, this I have set out under Section 8.1 above and I have determined that in this case ‘Appropriate Assessment’ is required as it cannot be excluded on the basis of the information available to the Board that the proposed development individually or in-combination with other plans or projects in its vicinity would have a significant effect on the following Natura sites:

- The River Boyne & River Blackwater SAC (Site Code: 002299)
- The River Boyne & River Blackwater SPA (Site Code: 004232)

Which I have previously set out are located in very close proximity to this appeal site and with the topography in between the sloping downwards to where it meets both Natura sites to the west. As such I have concluded in the previous section that there is the possibility of significant effect to occur, if permitted.

- 8.2.4. On the matter of Natura Impact Statement (NIS), as previously noted in this report, this application on foot of the applicant's further information response has been accompanied by an NIS, prepared by the same authors of the AA Screening Report discussed in Section 8.1 above.
- 8.2.5. This statement indicates that it has been undertaken in accordance with Article 6(3) of the Habitats Directive as it was not possible to rule out significant adverse impacts on the River Boyne & Blackwater SAC and the River Boyne & Blackwater SPA.
- 8.2.6. It indicates that sufficient information has been provided in the NIS to undertake an Appropriate Assessment of the proposed development with Section 5 of the document setting out that the main objective of this NIS is to determine whether or not the proposed development at Kilcarn alone or in combination with other plans, programmes and projects will result in significant adverse impacts to the integrity of the River Boyne and River Blackwater SAC and SPA with respect to these sites structures, species, function and/or conservation objectives.
- 8.2.7. It also indicates that an outline of mitigation measures that should be taken in order to avoid any negative impacts arising from the proposed development should it be granted given that the proposed development has the potential to affect the features of interest of both identified European sites. With the potential impacts identified in Section 4.2 of this report reiterated (See: above for an outline of these impacts).
- 8.2.8. During construction phase, which I note it defines as site preparation, the construction of the dwelling house through to associated site development works, this document indicates that this will likely involve the excavation of soil, the pouring of concrete for foundations as well as other hard surfaces. In relation to these types of works the proximity to the aforementioned SAC and SPA are noted as a concern and it is indicated that in the absence of appropriate mitigation measures during construction through to the operation of the proposed development that there is a possibility that water quality in the River Boyne may be negatively impacted upon. With a particular concern expressed for periods of wet weather when the possibility of potential adverse impacts to water quality would be higher.
- 8.2.9. Further concern is indicated in relation to the possible direct impacts including pollution of the waters during the construction phase by silts, oils, cements, hydraulic fluid and the like. In such circumstances it is acknowledged that this would directly affect the

habitat of protected species by reducing the water quality by way of the toxic effect it would have on the ecology of the water. This in turn would affect certain species and their food supplies.

- 8.2.10. It also discusses should siltation levels arise as a result of the construction works this could smother fish eggs. Thus, increasing mortality rate of fish species, as well as additional siltation would be an impediment to fish movements and the availability of food.
- 8.2.11. The author concludes that the site preparation and construction phases of the proposed development has therefore the potential for direct and indirect impacts to arise. As such they state that: *“appropriate mitigation measures will be required to maintain the conservation status of both of the aforementioned European sites”*.
- 8.2.12. The author also provides comment that as the site is in close proximity to the aforementioned European sites that there is some potential risk also for habitat loss, fragmentation and disturbance to arise due to the disposal of construction waste.
- 8.2.13. During the operational phase it indicates that the most likely source of pollution would be from surface water run off or polluted run off. For example from in-adequate management of the treatment plant and percolation area associated with the proposed development. In such circumstances it is acknowledged that this may have a negative impact upon local groundwater resources and that the groundwater quality can impact upon surface water quality as these two resources mix at the hyporheic zone. Therefore, the author recommends mitigation measures to prevent surface water run-off from giving rise to contamination of local water courses.
- 8.2.14. In relation to the qualifying interests of the River Boyne & Blackwater SAC and SPA this report indicates that all of the identified interests are all sensitive to changes and deteriorations in water quality.
- 8.2.15. In relation to cumulative impacts, the author conducted an examination of other planning applications granted within the Kilcarn area over the past 5 years and notes over this time a number of grants of permission have been made. The author further characterised the area as having a moderate housing density for a rural area with the majority of houses in the area serviced by way of private septic tanks or wastewater treatment systems. In relation to the latter it is noted that there is a requirement on

the owners of these systems to properly operate and maintain them under the Water Services Act, as amended.

8.2.16. The author considers that there will be no cumulative impacts arising from the operation of the proposed development along with the operation of properly maintained septic tanks and treatment plants in the vicinity. Alongside the provisions contained within the Water Services Act, as amended, which seek to identify inadequate septic tanks and treatment plants which reduces the impact of such infrastructure on local ground and surface water quality.

8.2.17. Section 6 of the report sets out in detail the mitigation measures to avoid any reduction in water quality in the area surrounding the proposed development occurring. With these measures also seeking to protect certain designated sites and species. The author states: *“a number of mitigation measures must be implemented and followed. Measures have also been suggested that will help to protect the local biodiversity of the surrounding area and to ensure the protection of local wildlife. Although these are standard mitigation measures, their implementation will ensure the protection of Natura 2000 habitats and species, and the local non-designated ecological receptors. The primary parties responsible for the implementation of these measures include the applicants, the project manager and the construction contractors”*.

8.2.18. The description of proposed mitigation measures given for the proposed development include:

- Confining all works to the site area during construction through to operation.
- Restricting the area associated with the works to a minimum.
- Making relevant persons working on the site aware of the ecological sensitivity of the site. Including the signing of a statement that they acknowledge the mitigation measures with these presented to the Planning Authority as part of the commencement notice.
- The interception of all run-off during construction.
- The adoption of pollution control measures including works not taking place during periods of heavy precipitation: securely storing of all fuels, lubricants and hydraulic fluids in a secure bunded area remote from any watercourse; restricting only clean water into a drain or soakaway; appropriate disposal of

waste; installation of treatment plan and percolation area under supervision of a suitably qualified engineer alongside maintenance of the same accordance with its design specifications; retention of mature trees and hedgerow species present; avoidance of use of herbicides and the like.

- 8.2.19. These measures post construction, during construction and through to operation of the proposed development in the authors view would ensure that there is no deterioration of water quality in the River Boyne & River Blackwater SAC/SPA or any impacts upon any designated habitat or species dependent on these European sites. As such their integrity will not be adversely impacted from the proposed development.
- 8.2.20. In conclusion, having regard to the submitted NIS, the issues raised, and proposed mitigation measures set out, it is considered that the proposed development, individually or in combination with other plans or projects would not be likely to affect the integrity of the River Boyne & River Blackwater SAC/SPA, or any other European site, in view of their conservation objectives.
- 8.2.21. Having reviewed this document together with all information on file I am satisfied that the information submitted allows for a complete assessment of any adverse effects of the development on the conservation objectives of the River Boyne & River Blackwater SAC/SPA alone, or in combination with other relevant plans and projects.
- 8.2.22. A description of the River Boyne & River Blackwater SAC/SPA; their conservation and qualifying interests/special conservation interests have been set out in the NIS provided with this application and for clarity purposes I have summarised these in Figure 1 of Section 8.1.6 of this report above as part of my assessment.
- 8.2.23. In addition, I have had regard to the information available in the public forum including that relating to topography, flooding and importantly the information available at the NPWS website (Note: www.npws.ie) in relation to the River Boyne & River Blackwater SAC/SPA.
- 8.2.24. On the matter of 'Appropriate Assessment' of implications of the proposed development on the integrity of the River Boyne & River Blackwater SAC/SPA I consider that the following components of the development sought under this application that could adversely affect their conservation objectives include:

- Deterioration of ground and surface water quality during construction and operational phases that may impact upon the qualifying interests of the River Boyne & River Blackwater SAC/SPA.
- During the construction phase of the project I consider that there is potential for increased noise, vibration and dust levels that may impact upon the qualifying interests/listed bird species of the River Boyne & River Blackwater SPA.

8.2.25. I consider that the proposed development would have no direct impacts are predicted on any Natura 2000 site, in particular the River Boyne & River Blackwater SAC/SPA given the fact that the site is not directly located within or immediately adjoining a Natura 2000 site.

8.2.26. I consider that water quality is a key environmental factor underpinning the conservation condition of a significant number of the qualifying interests of both the River Boyne & River Blackwater SAC/SPA. As set out above the main risk to water quality, both ground and surface water, will be during the construction and operational phases of the project proposed under this application.

8.2.27. In the event of a release of pollutants and contaminants of ground water and surface water, which I consider this is the main concern from the proposed development, this in turn could have an adverse effect downstream of the nearby stretch of the River Boyne & River Blackwater SAC. Should such a circumstance arise the aquatic habitat and species could be indirectly damaged by changes in water quality and water turbidity thereby potentially adversely impacting on the integrity of the site.

8.2.28. I consider in terms of key sensitive receptors for the River Boyne & River Blackwater SAC are:

- River lamprey
- (Lampetra fluviatilis)
- Salmon (Salmo salar)
- Otter (Lutra Lutra)
- Alkaline fens
- Alluvial forests with alder *Alnus glutinosa* and ash *Fraxinus excelsior*.

8.2.29. I consider in terms of key sensitive receptors of the River Boyne & River Blackwater SPA are:

- Common Kingfisher (*Alcedo atthis*)

8.2.30. Mitigation Measures are set out under Section 6 of the NIS under the following headings:

- Pre-Construction and Construction
- Pollution Control
- Site Operation and Landscaping.

In addition, a number of mitigation measures are set out under each of these headings and they can be summarised as follows:

- Confining works to the development site.
- Keeping work areas to the minimum.
- Ensuring that the site engineer and contractors be made aware of the ecological sensitivity of the site and its surrounding habitats. It is suggested that a signed statement acknowledging the mitigation measures should be signed and presented to the Planning Authority prior to commencement of development.
- Interception of all run-off from site towards the River Boyne.
- Implementation of strict controls to deal with matters of erosion, sediment generation and other pollutants including attenuation measures.
- Works not taking place during periods of heavy precipitation.
- Measures for cement.
- Measures for handling all fuels, lubricants, and hydraulic fluids.
- Spill kits and spillage measures should there be any accidental on-site spillage.
- Management measures for plant and machinery.
- Limiting run-off to clean surface water only to drains and soakaway.
- Waste disposal measures.

- Installation of wastewater infrastructure under expert supervision and maintained in accordance with required design specifications.
- Maintenance of mature trees on site.
- Settling bare soil as soon as possible with grass seed.

8.2.31. Many of the proposed mitigation measures as set out in the NIS accompanying this application are general in nature. It has been concluded in the NIS submitted that subject to the implementation of mitigation measures it proposes including construction management and operational measures that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the River Boyne & River Blackwater SAC/SPA.

8.2.32. While I am cognisant that an appropriately worded Construction Environmental Management Plan condition could be imposed requiring that all mitigation measures indicated in the NIS be agreed between the Planning Authority and the applicant prior to the commencement of any development. In addition, while I am also cognisant the proposed development in itself is minor in nature, scale, and extent notwithstanding I still have concerns in regard to the proposed developments potential effects in combination with other plans or projects.

8.2.33. Particularly, in terms of water quality issues arising from the significant number of wastewater treatment systems within the immediate setting of the site during the operational phase of the proposed development with the concern further added to by the sites location in an area at risk of flooding and the topography of landscape between the proposed dwelling and the developments served by existing waste water treatment systems at higher ground levels to the River Boyne & River Blackwater SAC/SPA which lies to the west.

8.2.34. While I accept that there is a certain degree of impracticality in terms of examining the actual performance of individual septic tanks within the immediate vicinity of the site itself and whether or not these operating to required standards with no pollution and/or contamination arising outside of the confines of their site area. Notwithstanding, when regard is had to the functional context of the blue line area of the site which includes an existing habitable dwelling, I raise concerns that no evidence has been provided to support that this dwelling house is not dependent upon a proprietary treatment system. That is to say that it may benefit from a connection to public mains drainage; and, it is

of sufficient size to meet all its other drainage requirements within the confines of its revised site area. If not, the documentation submitted does not provide any assurance that the considerably reduced area remaining for this detached dwelling and any wastewater treatment system that is in situ is sufficient to accommodate all its required drainage needs, including wastewater, within the confines of the site in a manner that accords with best practice.

- 8.2.35. Of concern it would appear from the appellants submission that there are difficulties in the immediate area of the site in terms of wastewater treatment including in terms of the appellants own property.
- 8.2.36. Of further concern the Site Characterisation Report provided incorrectly identifies the groundwater vulnerability of this locality, indicating that it is less vulnerable than available information would suggest that it is. This I consider is a cause of concern as this is one of the documents upon which the NIS considerations, recommendations and conclusions are based upon.
- 8.2.37. Moreover, I consider that there is insufficient consideration given within the NIS to the steadily sloping topography of the site in a westerly direction to the banks of the Boyne River as well as the ground condition characteristics.
- 8.2.38. In addition, I also consider that there is a lack of adequate consideration given to the extremely close proximity of the site to an area identified at risk of fluvial flooding on OPW Flood Maps to the immediate west of the site and what impacts this would have on drainage provisions within the site during an adverse weather event.
- 8.2.39. I also note a final concern to the Board, it was not evident during my inspection of the site that there was a functioning drain present to connect to along the road frontage of the site and/or evidence of one in the immediate area. Yet the presence of the same is referred to in the documentation submitted with this application. If one does exist, the documentation provides limited information on it through to the works proposed to connect to it or otherwise. Therefore, should the Board be minded to grant permission for the proposed development sought under this application they may wish to seek clarification on this matter.
- 8.2.40. Based on the above considerations when regard is had to the effects of the proposed development in-combination with other plans or projects in the vicinity of the site I am not satisfied that the proposed development when taken together with the prevalence

of wastewater treatment systems in the immediate vicinity and when considered against the topography of the site as well as the site's location alongside land at risk of potential flooding, even if the proposed development was carried out during construction and operational phases in a manner that accorded with required best practice for the wastewater treatment system proposed would not in combination with other plans and projects would not give rise to any adverse affect on the integrity of the River Boyne & River Blackwater SAC/SP, in view of their conservation objectives.

8.3. Appropriate Assessment Conclusions

- 8.3.1. I have considered the proposed development in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.
- 8.3.2. Having regard to the works proposed, I consider it is reasonable conclude on the basis of the information on file, which I also consider adequate to carry out a Stage 2 Appropriate Assessment, that it cannot be concluded with reasonable certainty that the proposed development, either individually or in combination with other plans and projects would not give rise to any adverse effect on the integrity of the River Boyne & River Blackwater SAC (Site Code: 002299) and the River Boyne & River Blackwater SPA (Site Code: 004232), in view of their conservation objectives.
- 8.3.3. My conclusion is based on an assessment of the proposed development alone and also in-combination with other plans and projects, including construction and operational related groundwater and surface water pollution and contamination as well as noise, vibration, and dust disturbance matters.
- 8.3.4. Whilst I note the mitigation measures incorporated within the NIS submitted with these mitigation measures designed to prevent adverse effects arising to the identified Natura 2000 sites above as well as any other such site in the wider area and that such mitigation measures are in general standard in nature for the type of development sought. Notwithstanding, based on the information submitted I cannot conclude with sufficient certainty that no adverse effects from the proposed development could arise. Particularly in adverse weather events, such as those characterised by heavy persistent rain on saturated ground. In such circumstance, I consider that the proposed development in combination with other plans and projects, in particular residential developments in its vicinity dependent on individual wastewater treatment systems which may not be operating and maintained in a manner consistent with

required best practice, has the potential to give rise to adverse effects on the conservation objectives of the River Boyne & River Blackwater SAC (Site Code: 002299) and the River Boyne & River Blackwater SPA (Site Code: 004232), Natura 2000 sites when taken in combination with one another, the topography of the site, the ground conditions of the site and the sites proximity to land identified at risk of flooding.

- 8.3.5. With this being the case I note to the Board that policy RD POL 53 of the Development Plan seeks to promote good practice with regards to the siting and design of septic tanks alongside the maintenance of existing septic tanks. This policy also requires a high level of scrutiny on an application for such infrastructure within 2km of the Boyne Catchment, which this site is. So as to ensure that such proposals within this catchment do not impact upon the local water quality and in turn the qualifying interest of its associated the SAC and SPA. I consider that this is not demonstrated with sufficient robust assurance.

9.0 Recommendation

- 9.1. I recommend that permission be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. On the basis of the information provided with the application and having regard to the Stage 1 Appropriate Assessment Screening and the NIS report submitted, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects, notwithstanding the modest nature of the proposed development and the mitigation measures set out to address the impacts of that the proposed development, would not adversely affect the integrity of the Special Conservation Area: The River Boyne & River Blackwater SAC (Site Code: 002299) and the Special Protection Areas: The River Boyne & River Blackwater SPA (Site Code: 004232 or any other European site, in view of their Conservation Objectives, by way of adding to water quality issues in an area where there are dwelling houses in the immediate vicinity served by individual wastewater treatment systems and where no assurance has been provided that these systems meet current best practice requirements. This concern is added to by the topography of the site's

landscape setting, the inadequate drainage details provided to serve the overall development sought under this application and the sites proximity to land at risk of flooding. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would for this reason be contrary to Policy RD POL 53 of the Meath County Development Plan, 2013 to 2019, which seeks that proposal for septic tanks within a 2km of a watercourse within the Boyne River Catchment shall not have an adverse impact on local water quality that in turn could affect the qualifying interest of the identified SAC and SPA. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located in a 'Rural Area Under Strong Urban Influence' as set out in Section 2.7 and Map 10.1 of the Meath County Development Plan, 2013 to 2019, and in accordance with Section 3.2 of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005), wherein it is policy to distinguish between urban-generated and rural-generated housing need. For such areas, Policy RD POL 2 of the Meath County Development Plan requires that urban generated housing be directed to areas zoned for new housing development in towns and villages in the area of the Development Plan.

Furthermore, National Policy Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, Planning Authorities should facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

Having regard to the documentation submitted with the application and appeal, including the further documentation received, notwithstanding the justifications put forward by the applicant as to the social need to reside close by members of his family that live on Mill Lane, it is considered that the applicant's need for a house is urban generated, in light of the location of the applicant's employment within an urban area and that the applicant's housing needs could be satisfactorily met in an established urban settlement area in relatively close proximity to his family members.

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

3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where the width of the road is restricted and where sightlines are restricted in both directions.

Patricia-Marie Young
Planning Inspector

24th day of February, 2021.