



An
Bord
Pleanála

Inspector's Report

ABP-309896-21

Development	Retention for single storey demountable dwelling unit & construction of treatment system with sand polishing filter.
Location	Cushinstown, Rathfeigh, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	2153.
Applicant(s)	Kathleen McDonagh.
Type of Application	Retention Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant	Kathleen McDonagh.
Observer(s)	None.
Date of Site Inspection	15 th May 2021.
Inspector	Daire McDevitt.

1.0 Site Location and Description

- 1.1 The site, with a stated area of c. 0.57hectares is located in a rural area at Cushinstown, Rathfeigh, Co. Meath, approx. 9.5km north of Ashbourne on the eastern side of the N2. It is c. 2.2km north of Kilmoon Cross (junction of N2 and Drogheda Road). The immediate area is predominantly characterised by agricultural lands and single rural dwellings of varying scales and styles. The site is flat and is not clearly visible from the N2 due to existing screening.
- 1.2 The site itself and rectangular in shape and has a gated access directly off the N2, there are mature trees and hedgerow bounding the site. The N2 at this location is provided with reduced hard shoulder on each side.
- 1.3 I did not gain access to the site on the 15th May 2021. I noted however a number of structures from the roadside, including the structure which is the subject of this application. A stream flows east along the northern site boundary which joins a watercourse flowing northeast to the rear of the site.

2.0 Proposed Development

- 2.1. Permission is sought for retention of existing 3 bedroom, single storey demountable dwelling unit (circa 40m²) & planning permission for new Oakstown treatment system with sand polishing filter with associated site works

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the proposed development for three reasons as follows:

1. *The subject structure to be retained, comprising a demountable dwelling unit, is not acceptable to the Planning Authority in terms of design and does not conform to the policies of Meath County Development Plan namely Policy RD POL 9 of the Meath County Development Plan, 2012-2019 (as varied) which requires all applications for rural houses to comply with the 'Meath Rural House Design Guide'. It is considered that the demountable dwelling unit, if permitted would create an undesirable precedent for similar development proposals in this rural area. Therefore, the development, as presented, is not considered to be consistent with the proper planning and sustainable development of the area.*

2. *The application site is located in a rural area outside any designated settlement and within a rural area designated as “Rural Areas under Strong Urban Influence” where development which is not rurally generated is restricted in accordance with the policies set out in the Meath County Development Plan 2013-2019 (as varied). As per Section 10.3 and Policy RD POL 1, the Meath County Development Plan 2013-2019 (as varied) seeks ‘to ensure that individual house developments in rural areas satisfy the housing requirements of persons who area an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria’.*

It is policy of the Planning Authority to direct development into designated settlement and to restrict residential development in rural areas outside settlements to those applicants who can demonstrate an intrinsic link to the rural community or who have an occupation predominantly based in the rural community such as agriculture or in the equine industry.

The Planning Authority is not satisfied , based on the information submitted in connection with this application, that the applicant has established a site specific rural generated housing need for a residential unit at this location. The subject development would, therefore, materially conflict with the rural housing policies of the Meath County Development Plan 2013-2019 (as varied) be contrary to the proper planning and sustainable development of the area.

3. *The development subject to the application is to be accessed via an entrance directly off the N2 (National Primary Road). It is the policy of the Meath County Development Plan 2013-2019 (as varied) to develop and maximise the opportunities of the county’s national primary and secondary roads as key strategic infrastructure vital to the county’s continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development (RD POL 36) and to ensure that future development affecting national primary or secondary roads shall be assessed in accordance with the guidance given in the document ‘Spatial Planning and National Roads-Guidelines for Planning Authorities’ (RD POL 37).*

Section 1.5 of the ‘Spatial Planning and National Roads-Guidelines for Planning Authorities’(2012) states that ‘the creation of new accesses to and intensification of existing accesses to national roads gives rise to generation of additional turning movements that introduce additional safety risks to road users. Therefore, from a road safety perspective, planning authorities, the NRA, road authorities and the Road Safety Authority must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 kmph apply as part of the overall effort to reduce road fatalities and injuries’.

The Planning Authority is not satisfied that the subject development would not endanger public safety by reason of traffic hazard as the applicant has not demonstrated unobstructed sightlines can be provided at the subject entrance. It is further considered that increased traffic movements generated at the subject location onto the N2 where the speed limit of 100km/h applies would also interfere with the safety and traffic movements along this National Primary Route. Therefore, development at this location, as proposed, would materially contravene both local and national policies, would be contrary to the relevant section 28 Guidelines, set an undesirable precedent, and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Report

- The subject site is located in rural area under strong urban influence, where the development plan requires demonstration of a rural housing need.
- No information was provided with the application, to demonstrate a rural housing need.
- The demountable house proposed to be retained was considered non-compliant with the Rural House Design Guide.
- Regarding access, the report outlined that Transportation Infrastructure Ireland had advised that the development would be at variance with national policy in relation to control of frontage development on national roads.
- Unobstructed sightlines can not be achieved at the entrance off the N2.

The report recommended that permission should be refused for 3 reasons, which are generally in accordance with the Planning Authority's decision to refuse permission.

3.2.2 Other Technical Reports

Environment Section (9th March 2021). Further information recommended relating to a) demonstrating that the sand polishing filter and its distribution pad were located outside flood zone A and b) site layout plan showing all wells in the vicinity.

Transportation (8th March 2021). Refusal recommended on the grounds of objectives of the Spatial Planning and National Roads Guidelines for Planning Authorities and traffic hazard due to lack of unobstructed sightlines.

Water Services (15th February 2021). No objection subject to conditions.

3.3 Prescribed Bodies

Irish Water (16th February 2021) No objection.

Transport Infrastructure Ireland (TII) (9th February 2021).

The development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):

- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would, in the Authority's opinion, be at variance with the foregoing national policy in relation to control of road frontage development on national roads.
- The proposed development, located on an unimproved section of a national road where the maximum speed limit applies, would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.

3.4 Third Party Observations

None.

4.0 Planning History

Appeal site:

Kathleen Mc Donagh:

PA ref. AA 1911493 (ABP 306580-19) permission refused in May 2020 for retention of a 2 bedroom single storey demountable dwelling unit (c.30sq.m) The reasons for refusal were as follows:

- 1. It is considered that the proposed development, by itself and by the precedent which it would set for other relevant development, would endanger public safety by reason of traffic hazard because the site is located alongside the heavily trafficked National Primary Road N2 at a point where a speed limit of 100 km/h applies and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. Furthermore, the sightlines at the entrance are deficient. The proposed development would therefore be contrary to the provisions of the ‘Spatial Planning and National Roads-Guidelines for Planning Authorities’ and would contravene the objectives of the planning authority to safeguard the capacity and safety of the National road network.*
- 2. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in Development Plan for the area and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and in an area where housing is restricted to persons demonstrating local need in accordance with the current Meath County Development Plan 2013-2019, it is considered that the applicant has not demonstrated compliance with the housing need criteria as set out in the Guidelines or the Development Plan for a dwelling at this location. The proposed development, in the absence of any identified locally based need for the dwelling, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

PA ref. NA/130302: Permission refused in 2013 to Mr. Patrick Gavin to retain a temporary dwelling on the site for a period of 3 years, planning permission to construct a wastewater treatment system and site entrance and outline permission for a permanent dwelling on the site. The reasons for refusal reflect AA1911493.

PA ref. NA/20366: Permission refused in 2002 for a dwelling on the site.

PA ref. 98/1186: Permission refused in 1998 for a dwelling on the site.

Adjoining lands to the North:

PA ref. AA/140838, PA ref. AA140837, PA ref. AA140836: Permission was refused in 2014 for these three separate planning applications each for retention of an existing dwelling unit and wastewater treatment system and a shared entrance from the N2.

PA ref. NA130163 (ABP ref. PL17.241996): Permission refused in 2013 for retention of shared entrance from the N2, retention of existing 3 no. demountable dwelling units and installation of 3 No. individual wastewater treatment units.

Four concurrent applications for four no. demountable dwellings were all refused permission on appeal in 2012 for reasons reflecting the current appeal case.

- **PA ref. NA/111093 (ABP ref. PL17.240253)**
- **PA ref. NA /111094 (ABP ref. PL17.240258)**
- **PA ref. NA/111095 (ABP ref. PL17.240259)**
- **PA ref. NA/111096 (ABP ref. PL17.240260)**

PA ref. NA/100542: Permission refused in 2010 for 4 no. demountable dwellings and 2 no. wastewater treatment systems.

5.0 Policy Context

5.1 National

Project Ireland 2040 - National Planning Framework

National Policy Objective 15: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 19: Ensure, in providing for the development of rural housing, 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:

- 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 housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, 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.

Spatial Planning and National Roads - Guidelines for Planning Authorities

Proper planning is central to ensuring road safety. The creation of new accesses, and intensification of existing accesses, to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users. Therefore, from a road safety perspective, planning authorities, the NRA, road authorities and the Road Safety Authority must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 kmh apply as part of the overall effort to reduce road fatalities and injuries

Section 2.6 identifies exceptional circumstances where a less restrictive approach may be applied.

Sustainable Rural Housing Guidelines for Planning Authorities

The Guidelines distinguish between:

- Housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas (rural generated housing), and
- Housing in rural locations sought by persons living and working in urban areas, including second homes (urban generated housing). With regard to urban generated housing in the open countryside, the NSS identified four broad categories of rural area types with differing development circumstances that required tailored settlement policies in the development plan process.

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

These areas will exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.2 Regional

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031. (RSES)

Set the strategic plan and investment framework for the region.

5.3 Local

Meath County Development Plan 2013-2019

Strategic Policies

RUR DEV SP 1 To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of individual rural area types.

RUR DEV SP 2 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria....

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

RD POL 1 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL 2 To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

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

Transport Policies

TRAN POL 28 To safeguard the capacity and safety of the National road network by applying the provisions of the Department of Environment Community and Local Government's – 'Spatial Planning and National Roads-Guidelines for Planning Authorities

TRAN POL 40 To avoid the creation of any additional access point from new development / intensification of traffic from existing entrances onto national roads outside the 60kph speed limit, except as indicated on Maps No 6.4.1 - 6.4.7

Rural Development Policies

RD POL 36 To develop and maximise the opportunities of the county's national primary and secondary roads as key strategic infrastructure vital to the county's continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development.

RD POL 37 To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document 'Spatial Planning and National Roads - Guidelines for Planning Authorities'.

5.6.3 Groups with Specific Design/Planning Needs

There are several groups considered to have specific planning and design needs. These includetravellers and members of ethnic minority groups. It is a policy of the council to recognise the need for people with special needs to enjoy an appropriate living environment and to support the provision of facilities for people with special needs.

HS OBJ 3 To provide appropriate accommodation for Travellers through the implementation of the “Traveller Accommodation Programme 2009 - 2013” and any subsequent Programme adopted during the life of this Development Plan.

Other:

Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009

Sets out guidance on the design, operation and maintenance of on site wastewater treatment systems for single houses.

5.4 Natural Heritage Designations

- The site is not designated for any nature conservation purposes.
- The nearest designated site is the River Boyne and River Blackwater SPA 004232 located approx. 10km north and 12km west of the site.
- Drains adjoining the site eventually discharge to the River Nanny, which reaches the sea at Laytown, River Nanny Estuary and Shore SPA (004158).

5.5 EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity and the absence of any direct connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

The applicant in the ground of appeal seeks to address the Planning Authority's 3 no. reason for refusal of retention permission.

6.1. Grounds of Appeal

- The site is situated within a rural residential cluster, characterised by one-off housing development. There is no link to a rural community in the cluster.
- Neighbouring properties have accesses onto the N2 and there is no evidence that another access would cause intensification of traffic.
- A precedent for accesses onto the N2 in this area has been established.
- The applicant is a member of the travelling community and the style of the dwelling is part of the traveller culture. Travellers are recognised as an ethnic minority.
- There is allowance within the development plan for traveller culture / style. All housing should not be pigeon-holed into a certain style.

The response to reason no. 2 includes an unsourced extract from a document refer to the economic status of Traveller women and table from the census.

6.2. Planning Authority Response

PA Response received 4th May 2021. This includes a reiteration of the Planning Authority's 3 no. reasons for refusal and request that the Board confirm the refusal of permission for retention and permission as the applicant has not remonstrated a local housing need at this location, the design of the demountable unit is at variance with the Meath Rural House Design Guide and the Development is accessed directly off the N2 which is at variance with both national and Development Plan policy on road and traffic safety.

6.3. Observations

None.

7.0 Assessment

The first party appeal seeks to address the Planning Authority's 3 no. reason for refusal. I propose to consider these in turn under the following headings:

- Design.
- Rural Housing Policy.
- Traffic
- Other Matters

- Appropriate Assessment

This assessment deals with the development described in the statutory public notices. Issues pertaining to unauthorised development/works are a matter for the Planning Authority and do not form part of this report.

7.1 Design

7.1.1 The Planning Authority's first reason for refusal relates to non-compliance with RD POL9 of the current County Development Plan which requires that all applications for rural houses comply with the Meath Rural House Design Guide.

7.1.2 Permission is sought to retain a demountable dwelling unit with a stated gross floor area of c.40sqm. Details of the external finish of the house are not outlined on the application drawings or the development description. I did not gain access to the site at the time of my inspection but, from the limited views that were available, it appeared to be metal clad.

7.1.3 The grounds of appeal have referred to the culture and style of Traveller accommodation and that the use of demountable dwelling units is a part of this culture and that the Meath Development Plan does not make allowance for this.

7.1.4 The application site is set behind high gates, with additional screening attached to them, and retains most of the mature hedgerow and trees along the N2 and its southern boundary. All of which assist in screening the site from the N2, with limited visibility of the site from the northern and southern approaches. I note that 306850-19 was for the retention of a 2 bed demountable unit at the same location as the current 3 bed unit to be retained, the set back from the western boundary with the N2 and the northern boundary is as per the siting of the demountable unit in 306850-20.

7.1.5 The demountable unit is not prominent when viewed from the N2 or general approaches. As stated previously there are limited views to the interior of the site from the N2 and the overall development has a limited visual impact. Notwithstanding, the design and external finishes of the demountable dwelling unit are inappropriate for a rural setting. I note that under ABP 306580-20, relating to a different demountable unit on the site, the Board did not include design in the reasons for refusal.

7.1.6 While I do not consider the design and finishes of the demountable dwelling unit to be retained acceptable for this location. I do not recommend that permission is refused on these grounds given the nature of the unit and the recent reasons for refusal issued under ABP 306580-20. If the Board considers granting permission for retention, alternative external finishes should be required by condition.

7.2 Rural Housing Policy

7.2.1 Clear policy is set out at both a national and local level regarding rural housing need. With regard to the Sustainable Rural Housing Development Guidelines, the subject site is located in an area designated as 'Area Under Strong Urban Influence'. This is an area where urban generated development is to be directed to areas zoned for new housing in towns and villages. National Policy Objective 19 of the National Planning Framework refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence.

7.2.2 Refusal reason No. 2 of the Planning Authority's decision relates to a failure to demonstrate a genuine rural housing need in this location. The applicant was refused permission under ABP 306580-20 in May 2020, for the retention of a demountable unit on the site for 2 no. reasons, one of which referred to non-compliance with rural housing policy.

7.2.3 There is no supporting documentation on file pertaining to the applicant's compliance with the Council's Rural Housing policy as set out in the current Meath County Development Plan. No Local Needs Form has been submitted with the application or the grounds of appeal. The grounds of appeal include what appears to be an extract from a document/article (source is not referenced) which refers to the economic status of Traveller women. An extract from the Census is also included.

7.2.4 The site is located within an area identified as being under strong urban influence. Development plan policies seek to facilitate the housing requirements of the rural community in such areas and identifies specific criteria by which applicants can demonstrate a local housing need. This is consistent with national policy on rural housing. The applicant in this instance has not demonstrated any local rural housing need or connection to this location. The development of a demountable structure on the site in the absence of such need would be contrary to local and national policy guidance. Traveller ethnicity has been raised in the first party appeal. I note that this matter was also raised under ABP 306580-20 when it was determined that this alone is not a basis on which to override such local and national rural housing policies.

7.2.5 I consider, based on the information on file, the applicant has not demonstrated compliance with the requirements set out under policy RD POL1 of the current County Development Plan for a house in the countryside. The applicant, therefore, does not have a defined social or economic need to live in this area of strong urban influence and thus the development would be contrary to Objective 19 of the National Planning Framework, would be contrary to the guidance set out in the Sustainable Rural Housing Guidelines and contrary to RD POL1 of the current Meath County Development Plan.

7.2.6 I, therefore, do not consider that the grounds of appeal on these grounds should be upheld and permission should be refused.

7.3 Traffic

7.3.1 Substantive issues arise in relation to traffic and include both technical and policy issues relating to the access to the site off the N2.

7.3.2 In relation to the technical issues which arise. The site is located along the N2, National Primary Route, with an existing vehicular entrance at the southwestern corner of the site.

7.3.3 I acknowledge that under ABP 306580-20 the Inspector noted that *“the N2 is provided with a narrow hard shoulder at this location and is generally straight and level on the approaches to the site. The 100kph limit applies at this location and traffic was observed to travel at or close to this limit. Sightlines at the entrance are deficient, significantly failing to meet requirements set out in NRA TD 41-42/11 of 215m. No details are provided with the application as to how these might be achieved on the site and any works in this regard would appear to encroach upon adjoining lands to the south”*.

7.3.4 I would highlight to the Board that the retention of the entrance is not included in the description of development as set out in the Statutory Notices and therefore does not form part of the assessment before the Board and I do not propose to make a recommendation on the technical elements associated with the ‘entrance’.

7.3.5 However, in terms of policy, I propose to address the entrance as it pertains to its use associated with the ‘demountable dwelling unit’ on site. Policy RD POL 36 and 37 of the Meath County Development Plan 2013-2019 seek to prevent the creation of additional individual entrances and intensification of movements at existing entrances which open directly onto national routes at locations outside the 60 km/h zone, to facilitate the efficiency and effectiveness of the national strategic road network.

- 7.3.6 The Spatial Planning and National Roads Guidelines for Planning Authorities require planning authorities to guard against the proliferation of roadside developments accessing national roads. Section 2.5 outlines that it shall be the policy of planning authorities to *'avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply.'* Transport Infrastructure Ireland's submission on the application outlined that the development is contrary to the Spatial Planning and National Roads Guidelines and would endanger public safety.
- 7.3.7 The grounds of appeal refer to other existing accesses onto the N2 in the vicinity of the site and argue that there is no evidence that another entrance would cause intensification of traffic.
- 7.3.8 The volume or extent of additional traffic generated by the development is unclear, however; it is clear from the Guidelines that any additional access point or the generation of increased traffic from existing accesses onto a national road with a speed limit above 60km/h is unacceptable. The development contravenes these Guidelines and would set an undesirable precedent for developments which interfere with the safety and free flow of traffic on a national road.
- 7.3.9 I, therefore, do not consider that the grounds of appeal should be upheld and permission should be refused on the grounds of policy pertaining to national primary routes.

7.4 Other matters.

7.4.1 The applicant also applied to Meath County Council for permission for a new Oakstown treatment system and sand polishing filter. The grounds of appeal only refer to the grounds of refusal included in the Planning Authority's Notification of Decision.

7.4.2 With regard to the application for permission for the new treatment system and sand polishing unit I note that while not addressed in the grounds of appeal I draw the Boards attention to it. MCC water services raised no concern. MCC Environment Section recommended further information pertaining to: the need to clearly demonstrate that the sand polishing filter and its distribution ad would be well outside the extent of the area designated as flood zone A (which covers a significant portion of the site). And the layouts should clearly show locations of all wells in the vicinity. I do not consider that these are matters that could be addressed by condition if the Board considered granting permission.

7.5 Appropriate Assessment Screening

- 7.5.1 The applicant has not submitted an AA Screening report. I acknowledge the screening carried out under ABP 306580-20.

7.5.2 The site is not within or adjacent to any European sites. The River Boyne and River Blackwater Special Protection Area (Site Code 004232) and Special Area of Conservation (Site Code 002299) are located c.10.5km to the north. There are no known hydrological links to this designated site and I do not consider there is any source-pathway-receptor means by which potential pollutants could be transferred from the site to it.

7.5.3 The surface water flow in this location is to the northeast generally, draining to the River Nanny. This discharges to the River Nanny Estuary and Shore SPA (004158) approx. 20km downstream of the appeal site.

7.5.4 Having regard to the location, scale and nature of the proposed development and the distance from the River Nanny Estuary and Shore SPA, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on River Nanny Estuary and Shore SPA (004158), 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

I recommend that permission for retention be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The subject site is located in a rural area which is identified by the Meath County Development Plan 2013-2019 as being under strong urban influence. In such areas, National Policy Objective 19 of the *National Planning Framework* (2018) outlines that in such areas, single housing proposals shall be facilitated 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, and Policy RD POL 1 of the Meath County Development Plan 2013-2019 also requires that individual house developments shall satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed. The applicant has not demonstrated an economic or social need to live in a rural area and has not demonstrated that they are an intrinsic part of the rural community in which the development is located. The proposed development, therefore, does not accord with National Policy Objective 19 of the *National Planning Framework* and materially contravenes the rural housing policies of the Meath County Development 2013-2019 and is contrary to the proper planning and sustainable development of the area.

2. The location of the entrance to the proposed development is directly onto the N2, a national strategic route, at a location where the speed limit of 100 km/h applies. It is the policy of *Spatial Planning and National Roads: Guidelines for Planning Authorities* (2012) (DOECLG) as reflected in Policy RD POL 36 and 37 of the Meath County Development Plan 2013-2019 to prevent the creation of additional individual entrances and intensification of movements at existing entrances which open directly onto national routes at locations outside the 60 km/h zone, to facilitate the efficiency and effectiveness of the national strategic road network. The entrance and the additional turning movements created by the development interfere with the unobstructed, safe and free flow of traffic on the route and therefore materially contravene Policy RD POL 36 of the Meath County Development Plan 2013-2019 and is contrary to the proper planning and development of the area.

Dáire McDevitt
Planning Inspector

17th May 2021