



An
Bord
Pleanála

Inspector's Report ABP-310370-21

| | |
|-------------------------------------|-----------------------------------|
| Development | Construction of 2 storey dwelling |
| Location | Butlerstown, Dunboyne, Co Meath |
| Planning Authority | Meath County Council |
| Planning Authority Reg. Ref. | 21468 |
| Applicant(s) | Kate Dwyer. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Noel Reynolds. |
| Observer(s) | N/A. |
| Date of Site Inspection | 1 st of October 2021. |
| Inspector | Stephanie Farrington |

1.0 Site Location and Description

- 1.1. The site is located in the townland of Butlerstown, c.4km to the north-west of Dunboyne. The site has a stated area of 1.07ha and is currently in agricultural use. Existing site boundaries include a hedgerow to the north and southwest and the remaining site boundaries are undefined. Access to the site is provided via the L6220-38.
- 1.2. The application site forms part of a larger landholding within the ownership of the applicant's family as indicated by the blue line boundary detailed in the Site Layout Plan.

2.0 Proposed Development

- 2.1. The proposal comprises construction of a part 2 part single storey house with a maximum ridge height of 8.16m and a floor area of 264.4sq.m. The development includes a detached double garage and creation of a new access from the L6220-38. Water supply is via connection to the public mains. An effluent treatment system is proposed for effluent disposal.
- 2.2. The application site extends to include a relocated paddocks for the existing livery business with an area of 0.5517ha (as illustrated on the Site Layout Plan). Access to the paddocks is provided via the existing livery business to the south-east of the site. The paddocks are enclosed by fencing.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a notification of decision to grant permission for the development subject to 17 no. conditions. The following conditions are of note:

- Condition 2(a) – Occupancy clause- the dwelling shall be first occupied as a place of permanent residence for the applicant and shall remain so occupied for a period of 7 years.

- Condition 6(a) existing hedgerows, trees and shrubs on site shall be preserved except where required to be removed to accommodate the site entrance.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report reflects the decision of the planning authority. The following provides a summary of the issues raised.

- Owing to the applicant's clear involvement in the equine business and intrinsic links to the area it is considered that the applicant has demonstrated both a social and economic need to live in the area.
- On the basis of the information submitted it is considered that the applicant successfully complies with the local need criteria as outlined in the Meath County Development Plan 2013-2019 as varied.
- The siting of the dwelling and the dwelling proposed under PA Ref 21/467 allows for a clustered type family development. It is considered that when taken in conjunction with the existing and proposed development in the vicinity of the site, the siting of the proposed dwelling is acceptable.
- The visual impact of the proposal on the landscape would be minimal owing to the set back of the proposed dwelling from the public road, the proposed additional planting to site boundaries, and the proposed dwelling design which accords with the Meath Rural Design Guide.
- Concerns raised relating to siting in previous refusal PA Ref RA 201628 have been addressed in current proposal.
- The location of the proposed entrance is considered acceptable.
- The Planning Authority concludes that the proposed development would not be likely to have a significant effect on European Sites. In light of this, it is considered that a Stage 2 Appropriate Assessment is not required in this instance.

3.2.2. Other Technical Reports

Water Services: No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No objection subject to condition.

3.4. Third Party Observations

One no. submission was received within the statutory consultation period from an adjoining landowner. The following provides a summary of the issues raised:

- Concerns relating to the proposed layout and impact on the visual amenities of the area.
- Impact on residential amenity.
- Concerns relating to traffic impact and over proliferation of access points.
- Sterilisation of lands.

A representation in support of the application was received by Councillor Damien O' Reilly.

4.0 Planning History

Appeal Site

PA Ref RA201628 permission refused in December 2020 for construction of a 2 storey dwelling on site. The reasons for refusal related to impact on the visual amenity of the area and non-compliance with the Meath Rural Design Guide as detailed below:

“The proposed development, by virtue of its siting in the middle of a large exposed, agricultural field, without the benefit of dense mature boundaries, would constitute an unduly obtrusive feature on the landscape and would detract from the visual amenities of this landscape area of very high landscape character as outlined in the landscape character assessment for Meath in the Meath County Development Plan 2013-2019, as varied. Additionally, the family landholding maps indicate that there

are other sites within the landholding which would be more suitable for this type of development.

As a result of the foregoing, the proposed development does not accord with the principles of the Meath Rural Design Guide and Section 10.7 of the Meath County Development Plan 2013-2019, as varied, and would therefore, be contrary to Policy RD POL 9 of the Meath County Development Plan 2013-2019, as varied, and would be contrary to the proper planning and sustainable development of the area”.

Site to the west

PA Ref RA201627: permission refused by Meath County Council in December 2020 for a 2 storey dwelling. The reason for refusal related to impact on the visual amenity of the area, consistent with that cited under PA Ref RA201628 above.

Site to the east

PA Ref 21467: application for 2 storey dwelling granted in May 2021.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019. The Meath County Development Plan 2021-2027 was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021. I have assessed the proposal under the provisions of the operative Development Plan, namely the Meath County Development Plan 2021-2027.
- 5.1.2. Chapter 9 of the Development Plan sets out the rural settlement strategy. This outlines that the planning authority recognises the long tradition of people living in rural areas and promotes sustainable rural settlement as a key component of delivering more balanced regional development. Rural development should be consolidated within existing villages and settlements that can build sustainable rural communities as set out in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (RSES). The Development Plan seeks to accommodate rural generated housing needs where

they arise, subject to local housing need criteria and development management standards. The following strategic policies are of relevance:

- 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 the 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. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan, and in particular Chapter 8 Section 8.6.1 UNESCO World Heritage Site of Brú na Bóinne.

5.1.3. The site is located within an area identified within a Rural Area Under Strong Urban Influence as indicated on Map 9.1 of the Development Plan. The Development Plan sets out the following guidance in respect of the area:

Area 1 - Rural Areas under Strong Urban Influence

“Key Challenge: To facilitate the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the development plan.

This area exhibits the characteristics of proximity to the immediate environs or close commuting catchment of Dublin, with a rapidly rising population and evidence of considerable pressure for development of housing due to proximity to such urban areas. This area includes the commuter- belt and peri-urban areas of the county and are the areas that are experiencing the most development pressure for one-off rural housing. These areas act as attractive residential locations for the inflow of migrants into the county”.

5.1.4. The following policies are of relevance:

- RD POL1 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 POL2 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.

5.1.5. Section 9.4 of the County Development Plan relates to “*Persons who are an Intrinsic Part of the Rural Community*”. This outlines that the Planning Authority recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. Of relevance to this appeal, persons local to an area are considered to include:

- *Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.*
- *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;*

5.1.6. Section 9.5.1 – Development Assessment Criteria – outlines criteria that the planning authority shall also take into account in assessing individual proposals for one off rural housing. These criteria include the following:

- The housing background of the applicant in terms of employment, strong social links to rural area and immediate family;
- Local circumstances such as the degree to which the area surrounding area has been developed and is tending towards becoming overdeveloped.
- The degree of existing development on the original landholding from which the site is taken including the extent to which previously permitted rural housing has been retained in family occupancy. Where there is a history of individual residential development on the landholding through the speculative sale of sites, permission may be refused;
- The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan;
- The degree to which the proposal might be considered as infill development.

5.1.7. Appendix 5 of the MCDP sets out landscape character areas for the County. The appeal site is located within an area of moderate landscape sensitivity and very high landscape character value (South-East Lowlands) as designated within the Meath County Development Plan (Maps 01-03 Landscape Character Assessment – Appendix 5).

5.1.8. The Meath Rural House Design Guide is set out within Appendix 13 of the County Development Plan. Policy RD POL9 seeks “to ensure all applications for rural houses to comply with the “Meath Rural House Design Guide”.

5.1.9. Sections 9.16 and 9.18 of the County Development Plan relate to roadside boundaries and technical requirements for new housing. The following policies are noted:

- RD POL 41 Roadside Boundaries
- RD POL 43 One Off Houses

5.2. National Planning Framework

5.2.1. Policy Objective 19 is of relevance to the proposed development. It requires the following:

‘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’.*

5.3. Sustainable Rural Housing Guidelines 2005

5.3.1. A number of rural area typologies are identified within the Guidelines including Areas under Strong Urban Influence, Stronger Rural Areas, Structurally Weak Areas and Predominately Dispersed Settlement Areas.

5.3.2. The site is located within an Area Under Strong Urban Influence as identified within the Guidelines as illustrated within the attached presentation document. The guidelines refer to the indicative nature of the Map and state that further detailed analysis of different types of rural areas would be carried out within the Development Plan process.

5.3.3. The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. This area is identified as a rural area under strong urban influence, due to its proximity to the immediate environs or close commuting catchment of large cities and towns where strict control on housing development must be applied. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas.

5.3.4. With respect to sterilisation agreements the Guidelines state,

“In areas where very significant levels of rural housing development have taken place on the edges of cities and towns and where such areas may be tending to become overdeveloped, such agreements have provided a useful tool in enabling planning authorities to support rural generated development on the one hand while avoiding over development of an area on the other.

However, the inflexible nature of such agreements limits their usefulness except in highly exceptional circumstances.”

5.3.5. Section 3.3.3 deals with ‘Siting and Design’.

5.4. Natural Heritage Designations

The Rye Water Valley/ Carton SAC (Site Code 001398) and pNHA is located c. 3.7m to the southeast of the appeal site. The Royal Canal pNHA is located c. 4.6m to the southeast of the site.

5.5. EIA Screening

Having regard to the nature, scale and extent of the proposed development, the fact that the site is not in nor does it adjoin any Natura 2000 site, the absence of any connectivity to any sensitive location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by McCutcheon Halley Chartered Planning Consultants on behalf of Noel Reynolds, who own and occupy the adjoining Butlerstown Stud. The following provides a summary of the grounds of appeal:

Planning History:

- The proposal is similar to the development refused under PA Ref RA201648. The proposal is identical in terms of siting, layout and design to that previously refused.
- Minor amendments to the proposed development and marginal improvement to landscaping proposals is not considered sufficient reasoning for the significant departure of MCC's previous decision to refuse permission.
- Reference is made to a concurrent application made by James Dwyer on the adjoining site to the east under PA Ref 21467.
- The appellants family dwelling is located to the south-west of the appeal site. Reference is made to a condition attached to the permission for the appellant's property which sterilises the remaining frontage onto the public road from further development. This restrictive covenant precludes any further development on the lands.

Overall Design/Layout and Visual Impact

- The southern boundary line of the proposed development site consists of low-rise shrubbery. This results in visual exposure of the appellants residence. Reference is made to the "proposed additional planting to site boundaries" as a factor considered by MCC in their decision. In this regard it is stated that the proposed additional planting is limited with a slight improvement to planting along the south-west boundary. No specification for the proposed planting is provided within the application.
- The inclusion of the existing paddock area within the application boundary is considered to be tokenistic.
- The appellant does not object to the principle of residential development within the landholding. The proposal is unreasonably close to the appellants dwelling. This will result in maximum adverse impact on the appellants residence. The proposed dwelling would be more appropriately located further south-east within the landholding.
- Any development on or near the subject site should provide for a sterilisation of frontage between the existing vehicular entrance to the Dwyer family landholding and the vehicular entrance to the appellants landholding. It is

stated that the decision of MCC to sterilise the frontage of the appellants property should be applied to the applicant's landholding to retain the visual and rural character of the area.

- The design and layout of the proposal does not align with the guidance set out within the Meath County Development Plan 2013-2019 as follows:
 - Rural Design Policy 9 and the Meath Rural Design Guide- The proposal is not cognisant with the design principles. The proposal does not provide sufficient set back from the road in accordance with the requirements of Section 3.1.
 - Section 2.3.2 of the Design guide advises against construction of rural dwelling on flat open sites. The landscape setting provides very little by way of natural shelter belts or enclosure.
 - The proposal has not been assessed by MCC in accordance with the requirements of Section 10.7 of the MCDP which states that the *“assessment of integration will be judged from critical views along stretches of the public road network”*. The design of the dwelling has not changed from that previously proposed. The proposal remains inconsistent in this regard.

Entrance and Access Arrangements

- The wider family landholding is served by 3 no. vehicular entrances located along a 500m length of road frontage. An additional entrance has been approved under PA Ref 20148. An additional entrance constitutes an over-proliferation of entrances along the road. The proposed entrance is the 5th entrance to the landholding.
- The proposed entrance is 90m from the appellants entrance and is considered unreasonably close.
- Proposed proliferation of access points is contrary to Section 2.1 and 3.1 of the Meath Rural Design Guide.
- Concerns relating to road safety impact of multiple entrances on the local road. Access to the site should be provided via one of the existing entrances.

6.2. Applicant Response

William Donoghue and Associates Consulting Engineers & Architectural Services provided a response to the grounds of appeal on behalf of the applicant. The following provides a summary of the points raised:

Planning History:

- Planning permission was previously refused for a dwelling on the site on grounds of siting and lack of screen planting. Reference is made to the revised layout which seeks to address the previous decision. The house is relocated 2m further east of the western boundary and further screen planting is incorporated along the south-western boundary. The images submitted in conjunction with the third party appeal do not give a true representation of the proposal.
- The proposed house is located 200m to the north-east of the appellants property and not 120m as stated. In this regard the property is not unreasonably close to the appellant's house. The separation distance of more than 200m means that there are no visual impacts on the appellant's property.

Siting, Design and Visual Impact:

- The dwelling has been carefully designed to comply with the rural housing guidelines set out within the Meath County Development Plan.
- A detailed landscaping plan will be submitted prior to the commencement of development to negate against visual impact on the surrounding rural area.
- The location and siting of the house more than adheres to the required set back distances.
- Reference to sterilisation agreement on appellant's lands is of no bearing for the appeal site.

Access:

- No objection to the proposed access arrangements was raised by Meath County Council.

- All relevant sight lines and stopping distances are achieved and proposal is fully in accordance with the standards of the Meath County Development Plan 2013-2019.
- The reference within the appeal to multiple access points is false and misleading.

Principle of Proposal:

- Applicant has demonstrated compliance with local needs criteria.
- The applicant seeks to construct a family home on family lands in close proximity to family members, in an area where she is directly employed in the rural economy and is an intrinsic member of the rural community.
- The Board is requested to uphold the decision of the planning authority to grant permission.

6.3. Planning Authority Response

6.3.1. Meath County Council have provided a response to the grounds of appeal. The following provides a summary of the points raised:

- MCC are satisfied that all matters outlined above were considered in the course of its assessment of the planning application.
- The proposed development is considered to be consistent with the policies and objectives as outlined in the Meath County Development Plan 2013-2019.
- In response to the appellant's concerns relating to overlooking of their property, it is stated that the proposed windows overlook agricultural fields and not into the amenity space of the adjoining dwelling. Front gardens are not considered amenity space. The appellant's property is located c.160m from the proposed dwelling and the proposal is therefore not considered to be unreasonably close.
- The sterilisation agreement referred to by the appellant has no bearing on the applicant's family landholding and should not be considered by the Board. The applicant is employed in the family equine business located immediately

to the east of the proposed site. The applicant has fully demonstrated a social and economic need to live in the area.

- The applicant accords with National Policy Objective 19 of the National Planning Framework.
- The appellant's reference to alternative access arrangements to the site via the larger family landholding is noted. This would result in a driveway running parallel to the public road which would result in glare from headlights of vehicles travelling on a driveway to vehicles travelling on the public road resulting in a traffic hazard. No objection to the proposed access arrangements were raised by the Transportation Department in Meath County Council.
- The planning authority requests that the Board uphold the decision of the Council to grant permission for the development.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Rural Housing Policy
- Layout and Design
- Impact on Visual Amenity
- Impact on Residential Amenity
- Access
- Other Issues
- Appropriate Assessment

7.2. Compliance with Rural Housing Policy

7.2.1. The appeal site is located within a "Rural Area Under Urban Influence" as designated within the Meath County Development Plan 2021-2017 and the Sustainable Rural

Housing Guidelines 2005. Policy RD POL 2 of the Meath County Development Plan seeks 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.

7.2.2. Policy RD POL 1 of the Development Plan states that it is policy of Meath County Council 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. Section 10.4 of the Development Plan refers to ‘persons who are an intrinsic part of the rural community’ and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas as summarised in Section 5.1 above.

7.2.3. The criteria relating to “significant employment in the bloodstock and equine industry” and “members of established rural communities” are of relevance to the application. The following documentation is submitted in support of the application:

- Completed local needs form
- Bank statements 2007-2020
- Register of Electors letter
- Letter outlining local needs
- Copy of birth certificate
- Letter from Employer confirming employment in equine industry
- Agriculture Certificate for Level 5 and Level 6
- Letters from Primary School and Secondary School
- Letter from Parish
- Qualification Certificates
- Documentation relating to the applicant’s involvement in the family equine business
- Horse passports
- Invoices from agricultural suppliers

- 7.2.4. The planner's report which informs the decision of Meath County Council to grant permission for the development outlines that the applicant has a local housing need for the proposed dwelling and therefore complies with Meath County Development Plan policy regarding rural housing criteria. The information submitted in support of the application indicates that the applicant manages and runs the existing Equestrian Livery and training facility on the family farm in which the appeal site is located and has lived in the vicinity of the proposed site for 27 years.
- 7.2.5. On the basis of the information submitted and having regard to the relevant Development Plan requirements I consider that the applicant has provided sufficient evidence to demonstrate that they are an intrinsic member of the local area and have demonstrated a social and economic need to live in the area in accordance with Development Plan requirements and the requirements of national policy.

7.3. Design, Layout and Impact on Visual Amenity

- 7.3.1. The appeal site is located within an area of moderate landscape sensitivity and very high landscape character value (South-East Lowlands) as designated within the Meath County Development Plan (Maps 01-03 Landscape Character Assessment – Appendix 5). The Development Plan outlines that this character area has medium potential to accommodate one-off houses subject to consideration of local vernacular, scale and materials and cumulative effects of locating a number of one-off properties in one area. The appeal site does not lie within the path of any protected views or prospects as identified within Map 8.6 of the Meath County Development Plan.
- 7.3.2. Concerns relating to the siting and impact of the proposed dwelling on the rural character of the site are raised within the grounds of appeal. Reference is made within the appeal to the planning history of the site wherein permission was refused for a dwelling on the site on grounds of impact on the visual amenity of the area (PA Ref 201628). The appeal outlines that the proposal fails to address the previous reason for refusal.
- 7.3.3. The proposal comprises a part 2 storey, part single storey dwelling with a maximum ridge height of 8.16m and a stated floor area of 264.4sq.m. The dwelling is set back by a minimum of 30m from the adjoining public road. Proposed materials include a mix of render and stone and a natural slate roof. On an overall basis, I consider that

the proposed dwelling rural in character and in accordance with the guidance set out within the Meath Rural Design Guide.

- 7.3.4. I refer to previous decision of Meath County Council to refuse permission for the development of a dwelling on the site under PA Ref 201628 on grounds of the impact of the proposal on the character and setting of the area as detailed in Section 4 of this report. The third party appeal outlines that the design of the dwelling remains unaltered, and the proposal fails to address the previous reasons for refusal in this regard. Particular reference is made to alternative options for residential development within the overall landholding in proximity to the existing family home.
- 7.3.5. I concur with the comments made within the grounds of appeal which outline that the proposed siting and layout of the dwelling primarily reflects that refused under PA Ref RA201628. However, a central difference includes the expansion of the application boundary to include a proposed relocated paddocks area associated with the existing livery business on site together with incorporation of additional boundary treatment. In my view this is successful in integrating the proposal into the surrounding landscape. I refer to the requirements of condition no. 6 (b) of the notification of decision of Meath County Council to grant permission for the proposed development which relates to the submission of a landscaping plan for written agreement of the Council prior to the commencement of development. I consider the requirements of this condition are sufficient in the instance that the Board is minded to grant permission for the development.
- 7.3.6. I consider the siting of the dwelling to be acceptable and when taken in conjunction with the existing and permitted development in the vicinity results in a clustered format of development.
- 7.3.7. In conclusion I consider that the proposed house design is acceptable, and the development can be adequately accommodated within the site. It is my opinion that it will have no material impact on the character or visual amenities of the area and the proposal would not be unduly dominant on the surrounding rural landscape. I consider the proposal to be in accordance with the design guidelines for rural housing as set out within Appendix 13 of the Meath County Development Plan 2021-2027.

7.4. Impact on Residential Amenity

- 7.4.1. The appellant's main grounds of appeal relate to the impact of the proposal on the residential amenity of their existing property to the south-west of the appeal site. It is stated that the proposed separation distance of 120m between the appellants dwelling and the proposed dwelling is insufficient to negate against visual impact.
- 7.4.2. In terms of separation distances, I note that the proposed house is located 200m to the north-east of the appellants property and not 120m as stated. The separation distance of more than 200m means that there are no visual impacts on the appellant's property. I furthermore refer to the orientation of the proposed dwelling which is north facing and includes limited window openings to the west.
- 7.4.3. In terms of boundary treatment and screening, the appellant outlines that the existing southwestern boundary treatment is marginal and insufficient details relating to boundary treatment are presented within the application documentation. I note that the south-western site boundary is currently defined by low level hedging as illustrated within the attached presentation document. The proposed site layout plan illustrates additional planting adjacent to the south-western boundary which will provide additional screening. I refer to the requirements of Condition 6 (b) of the notification of decision of Meath County Council to grant permission for the proposed development which relates to the submission of a landscaping plan for written agreement of the Council prior to the commencement of development. I consider the requirements of this condition are sufficient in the instance that the Board is minded to grant permission for the development.
- 7.4.4. In conclusion, having regard to the separation distance between the proposed house and adjoining property to the east, the orientation of the house and the existing and proposed boundary treatment I do not consider that the proposal would result in undue overlooking of the appellants property.

7.5. Access

- 7.5.1. Concerns relating to the proposed additional access to serve the site are raised within the grounds of appeal. It is stated that the overall landholding is currently served by 3 no. existing access points and 1 no. permitted access. The appeal outlines that the provision of an additional access to serve the landholding would

result in a proliferation of access points onto the local road and traffic safety concerns are raised in this regard.

7.5.2. Access to the site is proposed via the creation of a new entrance from the L6220-38. As illustrated within the Site Layout Plan, sightlines in accordance with Development Plan requirements are achievable at the site entrance. The road runs in a straight alignment in the vicinity of the site and I observed no restrictions to visibility. On site inspection I observed that traffic speed and numbers are low. I note the number of access points currently provided to the existing landholding but consider that these are sufficiently spaced to ensure that there is no overconcentration in a particular area. I also note that these provide independent access to the existing business and dwellings on site.

7.5.3. While I have no objection in principle to the creation of an independent access to the site I consider that limited details of the proposed access have been provided with the application. I consider that this point could be agreed with the planning authority in the instance of a grant of permission.

7.6. Other

Sterilisation Agreement

7.6.1. Reference to a sterilisation agreement on the appellant's lands is made within the grounds of appeal. Meath County Council have provided confirmation that the sterilisation agreement was imposed under a historic permission and have no bearing on the applicant's lands. I have assessed the subject application on its merits and in accordance with the policies and objectives of the Meath County Development Plan 2021-2027 in this regard.

Wastewater Treatment

7.6.2. The appeal site is situated on a Locally Important Aquifer, with a low level of vulnerability and within a groundwater protection area. Groundwater protection response is R1, and the site is in principle suitable for wastewater treatment system subject to normal good practice. Groundwater flows in a southern direction.

7.6.3. The Site Characterisation Report demonstrate P and T tests results of 47.52 and 67.89 respectively, indicating that the soils on site are suitable for a domestic

wastewater treatment system with a polishing filter or Packaged Wastewater Treatment system and polishing unit (Table 6.3, EPA Code of Practice).

- 7.6.4. Consistent with this, the applicant proposes discharging foul water from the site into an O' Reilly Oakstown Treatment System packaged aeration system and tertiary sand polishing filter. The applicant's Site Plan (PL02) indicates that the proposed wastewater treatment system will be situated towards the northern boundary and will achieve adequate separation distances e.g. from watercourses/open drains, site boundaries, trees and dwelling houses. Having regard to the foregoing I am satisfied that the arrangements for the disposal of foul water will not give rise to pollution of ground or surface water.

7.7. **Appropriate Assessment**

- 7.7.1. The appeal site is not located within or directly adjoining any Natura 2000 site. The Rye Water Valley/Carton SAC (Site Code 001398) is the closest designated site c. 3.7km to the south east. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive

- [7220] Petrifying Springs*
- [1014] Narrow-mouthed Whorl Snail (*Vertigo angustior*)
- [1016] Desmoulin's Whorl Snail (*Vertigo moulinsiana*)

- 7.7.2. There is an existing watercourse c. 100m to the west of the site which flows into the Rye Water Valley/ Carton SAC. The proposed wastewater treatment system discussed above has been designed in accordance with the EPA guidelines on the treatment of domestic wastewater and is adequately removed from existing watercourses (EPA's Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses). Consequently, deleterious effects on either surface or groundwater in the vicinity of the site, or at distance from it, are unlikely. Notwithstanding this, in the absence of any mitigation measures, having regard to the effect of dissipation, dilution and biodegradation, of potential pollutants in their movement through soil/water at a distance of c.3.7 km from the Rye Water Valley/Carton SAC, significant adverse effects on water quality in the European site are unlikely.

7.7.3. Taking into consideration the nature and scope of the proposed development, the wastewater characterisation form and the existing residential and farm development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. I recommend that permission is granted for the proposed development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the provisions of the current Development Plan for the area, the detailed design, scale and form of the proposed development and its landscape context and setting, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not endanger public safety by reason of traffic hazard or be prejudicial to public health or pose an unacceptable risk of environmental pollution and would not be inconsistent with rural housing policy at national or statutory development plan level. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

| | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on 12/03/2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is</p> |

| | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area. |
| 3. | <p>The vehicular access, including visibility splays, set backs and landscaping, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interests of traffic and road safety.</p> |
| 4. | <p>The proposed materials and finishes of the dwelling shall be as shown on the submitted drawings, unless otherwise agreed with the Planning Authority.</p> <p>Reason: In the interest of visual amenity.</p> |
| 5. | <p>Water supply and surface water drainage arrangements, including the disposal of surface water which shall incorporate SuDS measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p> |
| 6. | <p>The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p> <p>Reason: In the interest of public health.</p> |
| 7. | <p>The garage shall not be used as habitable accommodation.</p> <p>Reason: In the interest of residential amenity.</p> |
| 8. | <p>(a) Existing hedgerows, trees and shrubs on site shall be retained, except where it is necessary to accommodate the entrance to the site and sightlines.</p> <p>(b) Proposals for replacement planting identified on site layout drawing No. PP05 "Proposed Landscape Plan" shall be submitted for the written</p> |

| | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>agreement of the Planning Authority, prior to the commencement of development.</p> <p>(c) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p> |
| 9. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 10. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> |

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission. |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Stephanie Farrington
Senior Planning Inspector

17th of November 2021