



An  
Bord  
Pleanála

## Inspector's Report ABP-310563-21

<b>Development</b>	Change of use from dwelling to Café, construction of extensions, 6 camping huts and general camping area etc. NIS Submitted.
<b>Location</b>	Bective, Navan, Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA200404
<b>Applicant</b>	Sinead Norman.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	Third Party
<b>Appellant:</b>	David O'Connell.
<b>Observer:</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> February 2022
<b>Inspector</b>	Lucy Roche

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 1.086ha, is located in the townland of Bective, on the northern banks of the river Boyne, c7.3km south of Navan and 6.5m northeast of Trim. The southern section of the site (closest to the river) is a relatively flat, with levels increasing to the north, moving away from the river.
- 1.2. The site is located within grounds of a protected structure Bective Mill (MH0.31-105) which in accordance with the details provided has been the subject of fire damage. The Mill structure is located centrally within the land holding. The site comprises an existing two- storey dwelling located to the northeast of the Mill structure which is run by the applicant as a B&B. There are a number of unauthorised structures, including a mobile home, caravan, sheds etc scattered throughout the site, mainly on an area of higher ground to the northwest of the site. Lands and structures to the south of Bective Mill and adjacent to the River Boyne (outside of the application site boundary) appear from site inspection to be used in association with 'The hot box sauna', the planning status of these structures etc is unknown.
- 1.3. The site is accessed via an entrance off the L4010 to the northeast. The entrance is substandard in terms of sightlines and presents a traffic hazard. The entrance pillar and boundary wall to the southeast of the entrance forms part of Bective Bridge.
- 1.4. Bective Bridge (a protected structure MH03 and a recorded monument ME0.31-042) forms part has been incorporated into the redline application site boundary. Bective Abbey, (also a protected structure) is located c250m to the north. There is a protected view looking northward from Bective Bridge towards Bective Abbey and along the river Boyne.
- 1.5. The appellants property, comprising a detached two storey dwelling is located to the northeast of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of
  - The change of use of ground floor of existing dwelling to use as a café. The existing dwelling has a stated GFA of 163.47sqm, the proposed change of use applies to 82.89sqm. As detailed on the submitted plans the first floor of

the existing dwelling, comprising 4no bedrooms and en-suite facilities, is to be retained as guest accommodation in associated with the applicants established B&B business.

- A new single storey, glazed seating area extension for the new café is proposed to the South and West elevations of existing dwelling; the Café extension has a stated GFA of 56.5sqm (Total Café area =139.39sqm).
- A new one-and-a-half-storey domestic extension is proposed to the East of the existing dwelling; the proposed domestic extension has a GFA of 190sqm and is to be used to accommodate the applicant and her family.
- In addition to the above the applicant is seeking permission for a camp site to the west of the Mill structure, comprising 6 no. 'A' - Frame camping huts, a general tent camping area for occasional use and ancillary toilet/ shower building. The proposed 'A' frame huts have a stated GFA of 25.7sqm (154.56sqm total). The proposed toilet / shower building has a stated GFA of 16.7sqm.
- A new wastewater treatment system to serve all existing and proposed development is to be installed on an area of higher ground to the northeast of the site, this area is currently occupied by a mobile home and other ancillary structures along with an access drive surfaced with hardcore.
- The site is to be served by 28 car parking spaces. Traffic signals are proposed at existing entry and Bective Bridge (a protected structure), these works are proposed in conjunction with the Local Authority.
- The proposed development also includes for the removal of a number of unauthorised structures from site, including: Cabins, Mobile Homes, caravan, sheds, gazebo, refrigerated container and greenhouse.
- The documentation included with the application includes a Natura Impact Statement (NIS) and Site-Specific Flood Risk Assessment (SSFRA).

## 3.0 Planning Authority Decision

### 3.1. Decision

Meath County Council, by order dated 25/05/21 decided to issue a split decision as follows:

#### 3.1.1. Grant permission for:

- Change of use of ground floor of existing dwelling to use as a café.  
Construction of a new single storey, glazed seating area extension for new cafe to South and West elevations of existing dwelling.
- Construct a new one-and-a-half-storey domestic extension to the East of the existing dwelling
- Construct 6 no. 'A' - Frame camping huts
- Install new wastewater treatment system to serve all existing and proposed development on site
- New car parking and associated site works along with provision of traffic signals at existing entry and Bective Bridge (a protected structure) in conjunction with the Local Authority
- Removal of a number of unauthorised structures from site,

#### 3.1.2. The grant of permission was issued subject to 25 no. conditions. The following conditions are of note:

Condition 2: requires that the recommendations of the Flood Risk Assessment be carried out subject to a number of specific amendments

Condition 3: requires the submission of final design detail of the proposed extensions

Conditions 4 & 5: Installation and maintenance of the wastewater treatment system

Condition 7: Decommission of existing septic tank

- Conditions 8&9      Require the traffic signals to be installed within 6 months of the date of commencement and handed to Meath Council following completion of works
- Condition 10:      Archaeological monitoring
- Condition 11:      Requires the submission of Construction Environmental Management Plan
- Condition 12:      Requires the applicant to prepare and implement a Waste Management Plan
- Condition 20:      Requires the submission and implementation of a detailed landscaping scheme
- Conditions 23, 24 and 25: Development Contributions

3.1.3. Permission Refused for: General tent camping area for 1no reason as follows

The Planning Authority is not satisfied that the applicant has demonstrated that the proposed general tent camping area located in Flood Zone A would not be at risk of flooding. It is considered that the proposed general tent camping area would, therefore, be contrary to the provision of the “Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)”, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.1.4. I note the decision does not make reference to the toilet/ shower building to West of Bective Mill (a protected structure).

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The initial report of the planning authority considers the design and layout of the development, proposed access and water service arrangements and flooding. With regard to flood risk, they note the lack of a “justification test” to

assess the appropriateness or otherwise of the proposed development and requested further information on this issue the applicant was also requested to up-date the NIS to reflect and incorporate the outcomes of the development management justification test. Further information was also requested on the design and location of the proposed traffic signals and their impact on protected view 86 and Bective Bridge (a protected structure).

- Further information was received by the planning authority on the 9<sup>th</sup> April 2021. The submission was deemed to be significant as the area of the site was increased to accommodate lands designated for flood compensation to the southeast.
- The second report of the planning officer, completed following the receipt of further information, recommends a split decision that is consistent with the notification of decision which issued.

### 3.2.2. Other Technical Reports

#### Water Services (22/04/20)

- No objection subject to condition

#### Architectural Conservation Officer (27/04/2020):

- Concerns raised regarding proposals to provide traffic signals at Bective Bridge (a protected structure and recorded monument) due to their position in proximity to the Bridge and and their potential impact on the character of the structure and on protected view 86
- Notes that Archaeological site testing may be required along with Ministerial Consent for any works associated with Bective Bridge ME031-042

#### Roads

- 16/06/2020: No objection subject to condition
- 28/04/2021: No objection subject to condition

The following reports were referred to / quoted in the Planning Reports on file. These reports are not on file nor are they available to view Meath County Council's website. The reports were requested from Meath County Council however their response indicates that no such reports were returned to the planning authority.

M.C.C Environment (Flooding Department) as per planner's report:

- Initial report                Recommends Further information – Justification Test
- Second report:            No objection subject to conditions / recommendations

Heritage Officer (as per planner's report):

- Initial report                Recommends Further information

### 3.3. **Prescribed Bodies**

Irish Water (24/04/2020): No objection

### 3.4. **Third Party Observations**

Meath County Council received a number of third-party submissions during the course of the application. Submissions were received in support and in opposition to the proposed scheme.

- Submissions received in support of the development referred to the potential benefits of the scheme to local tourism with reference to the proposed Boyne Blueway.
- The submission from David O'Connell (the appellant) raised a number of issues / concerns relating to the proposed development. As the issues raised are broadly similar to those raised in the subsequent Third-Party Appeal they are noted and considered further in the context of the grounds of appeal and assessment below.

## 4.0 **Planning History**

### 4.1. On the subject site:



NA/800614 (Nov.2008) Permission refused for works to repair and refurbish the existing mill, a protected structure and change of use from derelict former sawmill to private guesthouse accommodation. 5no two storey three bed self-catering holiday cottages and ancillary works and services including the installation of a 113-person equivalent waste treatment plant and a single lane running traffic signal arrangement at Bective Bridge. Permission was refused on the grounds that it would have been prejudicial to public health as the applicant has failed to demonstrate that treated effluent can be discharged to the River Boyne without negatively impacting on the receiving water quality

NA1720233 (2017) Permission for the change of use of ground floor of existing dwelling to use as a cafe, construction of a new single storey glazed seating area extension for new cafe to south and west elevations of existing dwelling, construct new two storey domestic extension to east of existing dwelling, provide 6 no. "A - Frame" camping huts along with general tent camping area for occasional use and toilet/shower building to west of Bective Mill, new wastewater treatment system to serve all development on site, car parking, landscaping and all associated site works along with provision of traffic signals at existing entry and Bective Bridge (a Protected Structure) in conjunction with the Local Authority. The proposed development also includes maintenance work to Bective Mill (a Protected Structure) to arrest deterioration and the removal of a number of unauthorised structures from site. The development it is proposed to retain consists of the retention of 1 no. mobile home, 1 no. gazebo.

The application was withdrawn.

#### 4.2. Adjoining lands to the east - adjacent to Bective Bridge and site entrance

ABP300875-18 Permission sought by Meath County Council for the Construction of 7 no. boat slipways and the construction of access to these slipways from adjacent roads. One of the proposed slipways was located at Bective. Additional Information was requested by the Board on 29th May 2018. Further information was received on 31st August 2018. The further information states that

the applicant has decided not to proceed with the proposed development of a Boat Slipway at Bective.

## **5.0 Policy Context**

### **5.1. National Guidance**

#### **5.2. Project Ireland 2040 - National Planning Framework**

The NPF 2040 was adopted on the 29<sup>th</sup> May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF is broadly supportive of facilitating tourism in rural areas that focuses on the unique characteristics of these areas without impacting them negatively.

- NPO 23 - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

#### **5.3. The Planning System and Flood Risk Management Guidelines 2009**

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

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

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

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process. An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

#### **5.4. Development Plan**

5.4.1. The application was assessed by Meath County Council in accordance with the policies and objectives the Meath County Development Plan 2013-2019. The Meath County Development Plan 2021-2027 was adopted by Meath County Council on the 22<sup>nd</sup> of September 2021 and came into effect on the 3<sup>rd</sup> of November 2021. I have assessed the proposal under the provisions of the operative Development Plan, namely the Meath County Development Plan 2021-2027.

5.4.2. The following sections of the Meath County Development Plan 2021-2027 are relevant to the proposed development:

**Zoning-** The subject site is zoned objective RA – ‘Rural Area’, which has the objective, ‘To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’.

The following are listed as permitted uses within the RA Zone:

- Caravan and Camping Park (No static mobile homes or permanent structure unless ancillary to the operation of the campsite shall be permitted),
- Restaurant/Café (Only where ancillary to tourism uses or conversion of protected or vernacular structures),
- Residential (Subject to compliance with the Rural Settlement Strategy),

**Landscape** – The site is located within the Boyne Valley Landscape Character Area, which is categorised as an area of Exceptional Value and High Sensitivity.

## **Chapter 4 - Economy and Employment**

### **Section 4.11.1 – Rural Enterprise**

ED POL 18 - To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This policy shall not apply to sites accessed from the National Road Network.

ED POL 23 - To support the development of activity tourism facilities, in appropriate locations, within the County subject to standard development management considerations being applied.

### **Section 4.24 – Tourism**

ED POL 43 - To promote the development of sustainable tourism and encourage the provision of a comprehensive range of tourism facilities, subject to satisfactory location, siting and design criteria, the protection of environmentally sensitive areas and areas identified as sensitive landscapes in the Landscape Character Assessment for the County. (ED OBJ 74 is relevant)

ED POL 45 - To encourage new and high-quality investment in the tourism industry in the County with specific reference to leisure activities (including walking, cycling, angling, equestrian and family focused activities) and accommodation in terms of choice, location and quality of product.

### **Section 4.29 Accommodation**

#### Caravan / Camping grounds

The Council recognises the potential and growth nationally of sites for caravans, motor homes and camping. This sector is an important element in the overall accommodation provision of all holiday makers. Such developments should ideally be located within or at the edge of development centres within the County in order to provide ease of access to services for tourists. It is an objective of the Plan to ensure that the design, operation and impact of such tourist and visitor accommodation do not unreasonably affect the amenity of the surrounding landscape.

ED POL 67 To encourage touring/holiday vehicles, caravan, and camping sites to locate adjacent to or within existing settlements or established tourism facilities,

having due regard to surrounding land uses and proper Planning and development of the area.

ED POL 64 To facilitate the development of a variety of quality tourist accommodation tourist types, at suitable locations, throughout the County.

## **Chapter 6 – Infrastructure**

The site is located in a Flood zone and policies relevant to Flood Risk include:

INF POL 19: To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.

INF POL 22 To retain a strip of 10 metres on either side of all channels/flood defence embankments where required, to facilitate access thereto.

INF OBJ 21 To restrict new development within floodplains other than development which satisfies the Justification Test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

INF OBJ 22 To ensure flood relief measures are suitably designed to protect the conservation objectives of Natura 2000 sites, and to avoid direct or indirect impacts upon qualifying interests or Natura 2000 sites.

INF OBJ 23 To protect and enhance the County’s floodplains, wetlands and coastal areas subject to flooding as “green infrastructure” which provide space for storage and conveyance of floodwater and ensure that development does not impact on important wetland sites within river/stream catchments.

## **Chapter 8 – Cultural and Natural Heritage**

### **Section 8.7 Architectural Heritage**

HER POL 16 To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure

which would adversely impact on the character and special interest of the structure, where appropriate.

HER POL 17 To require that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.

### **Section 8.9.3 Natural Heritage Areas**

HER POL 32 To permit development on or adjacent to designated Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves or those proposed to be designated over the period of the Plan, only where the development has been subject to the outcome of the Appropriate Assessment process and has been carried out to the satisfaction of the Planning Authority, in consultation with National Parks and Wildlife.

HER OBJ 34 To protect and conserve the conservation value of candidate Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas and proposed Natural Heritage Areas as identified by the Minister for the Department of Culture, Heritage and the Gaeltacht and any other sites that may be proposed for designation during the lifetime of this Plan in accordance with the provisions of the Habitats and Birds Directives and to permit development in or affecting same only in accordance with the provisions of those Directives as transposed into Irish Law.

### **Section 8.17 - Landscape**

HER POL 52 To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design

### **Section 8.18 - Views and Prospects**

HER OBJ 56 To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect these views from inappropriate

development which would interfere unduly with the character and visual amenity of the landscape.

## **Chapter 9 – Rural Development Strategy**

RUR DEV SO 9 To ensure that plans and projects associated with rural development will be subject to an Appropriate Assessment Screening and those plans or projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 2000 site (or sites) undergo a full Appropriate Assessment.

## **Chapter 11 Development Management Standards and Land Use Zoning**

Section 11.5.25 Extensions in Urban and Rural Areas

Section 11.9.1 Parking Standards

### **5.5. Views and Prospects**

- 5.5.1. Protected View 86 - Bective Bridge Northwest, northeast and southwest – view looking northward from Bective Bridge Towards Bective Abbey and along river Boyne

### **5.6. Architectural Heritage**

#### **5.6.1. Protected Structures**

- Bective Bridge Sawmill (91127) within application site boundary
- Bective Bridge (91130) within application site boundary
- Bective Abbey (91129) c100to the northeast

#### **5.6.2. National Inventory of Architectural Heritage**

- Bective Mill (14,403,103) within application site boundary

#### **5.6.3. Recorded Monuments**

The following recorded monuments are located within 500m of the site

- Bective Bridge (ME01478) within application site boundary

- Rath (ME01386) c320m to the northwest
- Tower House (ME02720) c120m to the northeast
- Religious House (ME01387) c120m to the northeast
- House (ME02721) c120m to the northeast
- Earthwork (ME01389) c 450m to the south

## 5.7. Natural Heritage Designations

The site is partially located within the River Boyne and Blackwater SAC (site code 002299) and is adjacent to the River Boyne and Blackwater SPA (site Code 004232)

Regard is had to Screening for AA and the conclusions of the NIS in the appropriate section below.

## 5.8. EIA Screening

The proposed development includes proposals for the development of a campsite comprising 6 no. 'A' - Frame camping huts, a general tent camping area (c0.15ha) for occasional use and associated facilities (toilets, shower, parking etc). The development is partially located within the River Boyne and River Blackwater SAC and is within proximity to the River Boyne and River Blackwater SAC SPA.

The Planning and Development Regulations 2001 (as amended) provide that EIA is mandatory for permanent camp sites and caravan sites where the number of pitches would be greater than 100 (12(d) of Part 2 of schedule 5). The number pitches proposed within the general camping area has not been stated however as the use of this area for camping is proposed for occasional use only, I do not consider that it would come within the scope of Class 12.

The 6no 'A' frame camping huts would I consider fall under the scope of Class 12 however significantly below the threshold for EIA.

As per section 172(7)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1- or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Planning Authority determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in



Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

The proposed development, due to its nature and scale is unlikely to use significant natural resources or result the significant production of wastes, pollution or environmental nuisance. As there is no likelihood of other significant effects on the environment, I consider that any issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment). 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**

This is a third-party appeal submitted in the name of Mr. David O'Connell, a resident of Bective Bridge, Navan, Co. Meath against the decision of the Planning Authority to grant permission. The issues raised in the submission are set out below:

- *The proposed development fails to provide for the protection of the Bective Mill which is a protected structure:*
  - The public notices do not refer to the fact that the application is located within the grounds of a protected structure. Therefore, the application should be deemed invalid.
  - The protected structure has been excluded from the redline site boundary to avoid obligations in terms of conservation and heritage.
  - The proposed development should have been subject to a comprehensive conservation assessment and visual assessment and a method statement on structural stability with respect to the protected

structure should have been provided. Elevations /cross sections including the protected structure should have been provided.

- Having regard to the failure to properly assess the potential impact of the proposed development on protected structures including the Mill and Bective Bridge the proposed development should be refused
- *The proposed development would be visually incongruous with the Bective Mill Protected Structure and would have a detrimental visual impact on the visual amenity and integrity of the area*
  - Poor design quality of the proposed development in particular the proposed toilet block and 'A' Frame huts
  - No consideration given to the location of car parking
  - Concerns raised regarding the lack of a visual impact assessment including the long-term visual impacts from the river
- *The scale and nature of the proposed development would have a detrimental impact upon the character and setting of the protected structure*
  - The proposed development is in principle is incompatible with the character and setting of the Bective Mill, Bective Bridge and Bective Abbey and with the amenity value of the River Boyne.
  - The area should be treated as a de facto Architectural Conservation Area
  - Lack of detail provided regarding the fire that took place in the Mill structure. Photographic survey etc should have been submitted.
  - The applicants' obligations regarding conservation under PD Act 2000 must be met
- *The scale and nature of the proposed development would have a serious negative impact on the residential amenity of the appellant*

- Previous operation on site including, illegal concerts, glamping events, weddings etc, have resulted in excessive noise and antisocial behaviour. Concerns raised that the proposed development would give rise to consent problems in this regard.
  - Campsite not compatible with rural residential amenity
  - Concerns raised regarding the safety of this riverside location
- *The proposed alterations to the Bective Bridge and the proposed traffic lights would have a detrimental impact upon the status of the Protected Bective Bridge*
    - Insufficient information has been submitted with regard to the proposed works to Bective Bridge. Works to the bridge, a protected structure, should have been referenced in the public notices; photographic survey and conservation report etc should have been submitted.
    - The proposed traffic lights would have a serious negative impact on the conservation status of the protected structure.
- *The proposed development would give rise to serious traffic safety issues having regard to the lack of sightlines at the entrance and the configuration of the bridge*
    - Sightlines at the entrance are seriously substandard and restricted.
    - The fact that traffic lights are required highlights the unsuitability of the proposed development
    - The granting of planning permission for the traffic lights would set an undesirable precedent
    - Concerns raised regarding future maintenance of the lights
    - Justification for the lights appears to be based on a traffic report from 2008

- The proposed development should be subject to a comprehensive traffic impact assessment and a Road Safety Audit
- Possible works to facilitate the installation of the lights (laying of ducking etc) are in breach of conservation legislation
- The bridge is not intended for stationary traffic
- Traffic Engineers report submitted
- *No account has been taken of the night-time and security impacts of the proposed development*
  - Lighting required to facilitate the development would alter the character of the area and impact upon designated protected habitats
- *Concerns due to proximity of the proposed wastewater treatment system to the River Boyne designated SAC and SPA*
  - The installation of a wastewater treatment system at this location could have a serious negative impact on water quality of the river
- *The proposed development should be refused on the basis of the applicants' past failures to comply.*
  - The appeal site is the subject of extensive unauthorised development.
  - Concrete has been laid in a designated SAC without planning permission and has not been included in the application
  - The proposed development would facilitate unauthorised development as there would be no way to control the use of the concrete apron should the applicant allow parking of caravans etc

## 6.2. Applicants Response:

The Applicant in their submission responses to the issues raised in the grounds of appeal. A summary of the points raised in this submission are set out below.

- *The proposed development fails to provide for the protection of the Bective Mill which is a protected structure:*
  - They note that the public notices and development description mention, as required, that Bective Mill and Bective Bridge are protected structures and that an NIS was submitted with the application.
  - The Mill was not included within the redline boundary because no works were proposed to the Mill as part of this application – the issue of repairing the fire damage that occurred to the Mill in 2019 was approached separately.
  
- *The proposed development would be visually incongruous with the Bective Mill Protected Structure and would have a detrimental visual impact on the visual amenity and integrity of the area*
  - Do not agree with the opinion expressed in the grounds of appeal regarding the design of elements of the proposed development – the development has been sensitively designed to have a low visual and environmental impact on both the Mill and the SAC
  - Design rationale is set out in Section 2 of the letter dated 6<sup>th</sup> March 2020 submitted to the Planning Authority
  - The 'A' frame huts and toilet block are low impact structures both visually and in terms of impact on the site (no permanent sub-structure required). While not intended to be short term or temporary they are readily installable and removable without causing significant impact
  - The materials / finishes are purposely agricultural in appearance (green corrugated metal cladding and timber cladding)
  - The size/scale of these structures is purposely as small as they physically could serve their intended use
  
- *The scale and nature of the proposed development would have a detrimental impact upon the character and setting of the protected structure*

- The scale of the proposed works is small /modest by any measure
  - The fundamental character and setting of the mill is that of a working /industrial building which was designed and constructed to fulfil a commercial function. its protected status is more related to its historic importance as an example of a traditional River Mill as opposed to having significant architectural value
  - The scale of the Mill ensures that its dominance and presence on site is in no way diminished or detracted from by the lightweight nature of the structures proposed
  - The proposed structures are completely imperceptible from Bective Abbey
  - The proposed 'A' frame huts and toilet block are hidden from view from Bective Bridge by the Mill itself
- *The scale and nature of the proposed development would have a serious negative impact on the residential amenity of the appellant*
    - The owner of the property has indicated that he has never received a visit from An Garda Siochana in response to any complaints
    - The appellants claim that the property was used for numerous events is grossly exaggerated - the property was used on two occasions for small-scale fund-raising concerts and for the applicant private wedding function
    - The 'A' frame huts are proposed a considerable distance (approximately 150m) from the appellants home and as such would not have a significant negative impact upon the residential amenity of the appellant
- *The proposed alterations to the Bective Bridge and the proposed traffic lights would have a detrimental impact upon the status of the Protected Bective Bridge*

and

*The proposed development would give rise to serious traffic safety issues having regard to the lack of sightlines at the entrance and the configuration of the bridge*

- The existing entrance has extremely limited visibility due to its location on the western end of Bective Bridge – any new development of the site which would lead to an intensification of use of the entry would require a safe access/egress solution.
  - Neither the current owner nor applicant has the means necessary to restore the Mill – the only route available to the applicant is to raise funding would be to create an income stream by way of development such as that proposed.
  - The protection / restoration of the Mill is dependent on a safe entrance and the only means by which this can be achieved is by way of traffic lights.
  - The proposed traffic signals would not be for the sole purpose of facilitating a private development – it is vital to the protection, restoration and sustainability of a protected structure
  - The proposal will provide improved access for residents of the site as well as river rescue services
  - The Boyne Blueway terminates at Bective Mill – it is essential that users be able to remove canoes /kayaks from the river at Bective Mill and access the public road safely.
  - As outlined in the response to the further information request, relocating the traffic signals as suggested by the Conservation officer is not feasible and would conflict road design requirements.
- 
- *No account has been taken of the night-time and security impacts of the proposed development*
    - No new outdoor lighting is proposed

- *Concerns due to proximity of the proposed wastewater treatment system to the River Boyne designated SAC and SPA*
  - The proposed wastewater treatment system complies with EPA requirements and is located outside of the SAC /SPA
  - The NIS concludes that “The proposed WWTS for the project represents a best practice approach to the treatment of wastewater generated on site”
  - The PE/loading that the proposed WWTS will have to accommodate will be reduced from that originally proposed having regard to the occasional camping element not being permitted.
  - The proposed WWTS would represent a significant improvement on the septic tank system currently serving the existing house
  
- *The proposed development should be refused on the basis of the applicants’ past failures to comply.*
  - The applicant, while the daughter of the current owner, is in no way responsible for any unauthorised development at the site. the applicant is endeavouring to take over the property, regularise planning matters, provide a modest but suitable living accommodation at the property for herself and her family and to adopt Bective Mill
  
- Also included as part of the applicant’s response to the grounds of appeal:
  - Letter of grant offer dated 11<sup>th</sup> May 2021 – works to be completed by Friday 8<sup>th</sup> October 2021
  - Outline specification and Method Statement for fire damage repair works to Bective Mill
  - Boyne Blueway Map



## 7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

- Principle of Development and Compliance with Relevant Planning Policy
- Procedural Issues
- Architectural Heritage and Visual Amenity
- Access and Traffic Safety
- Flood risk
- Wastewater treatment
- Other

Appropriate Assessment is also relevant to the assessment of this application and shall be considered in section 8 of this report.

### 7.2. Principle of Development and Compliance with Planning Policy (New Issue)

7.2.1. The subject site comprises an existing dwelling which is currently run by the applicant as a B&B and which is located within the grounds of a protected structure, Bective Mill. The applicant is seeking permission to extend the existing dwelling on site and to develop the site for tourism / commercial uses, with proposals for camping facilities and a café.

7.2.2. The subject site is zoned RA (Rural Area) with the objective '*To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*'. The following are listed as permitted uses within the RA Zone:

- Caravan and Camping Park (No static mobile homes or permanent structure unless ancillary to the operation of the campsite shall be permitted),
- Restaurant/Café (Only where ancillary to tourism uses or conversion of protected or vernacular structures),
- Residential (Subject to compliance with the Rural Settlement Strategy),

7.2.3. The application includes for the proposals for the provision of 6no. A' - Frame camping huts along with a general tent camping area for occasional use. While permitted in principle in rural areas, it is the policy of the Meath County Development Plan (ED POL 67) to encourage camp sites to locate adjacent to or within existing settlements or established tourism facilities, in to order to provide ease of access to services for tourists. The appeal site is located within an un-serviced rural area that is removed from existing settlements. The closest settlements to the application site are the Self-Sustaining Growth Town of Trim which is located c4.7km to the southwest and the Rural Village of Kilmessan which is located c3.3km to the southwest. The rural node of Bective, is located c200m to the southeast of the site on the opposite side of Bective Bridge. Rural nodes are designated for limited development at a sustainable scale, to meet the housing needs of those members of the rural community who are not part of the agricultural / horticultural community. Other than a public house, the rural node of Bective would appear to offer little in terms of the services and facilities that would be required to support the sustainable development of tourist accommodation in the area. I also note that there is a lack of pedestrian facilities (footpaths and public lighting) between the application site and the rural node. Having regard to the lack of services / facilities in the area of Bective to support the use of these lands as a campsite in a sustainable manner I consider that the proposed development would be contrary to Policy (ED POL 67) of the MCDP 2021-2027.

7.2.4. In addition to the proposed camping facilities the applicant is seeking permission for the part conversion and extension of the existing dwelling to facilitate the provision of a new café on site. As set above, cafes are permitted in principle in rural areas but only where they are ancillary to tourism uses or where they involve the conversion of protected or vernacular structures. The current proposal does not involve the conversion of a protected or vernacular structure. The scale of the proposed café, at 139sqm, would in my opinion, likely exceed the demand generated by the existing / proposed tourist accommodation on site and as such would have the potential to become a destination in its own right. While I note that the Boyne Blueway terminates at Bective Mill, it would not appear that there is currently any established authorised connection between the Blueway and the appeal site and as such I am not satisfied that the sites proximity to the Blueway would be sufficient to justify the

development of a commercial café facility at this location. I note that the Blueway passes through the town of Trim, c8km upstream from the application site and I consider that this settlement would have the facilities and services required to support tourism uses along this stretch of River Boyne. In light of the above, I do not consider that the provision of a café as proposed would be acceptable at this location.

- 7.2.5. In conclusion, I consider that the development of this site as proposed would contravene the policies and objectives of the Meath County Development Plan as outlined above and I recommend that planning permission be refused on this basis. This is a new issue, and the Board may wish to seek the views of the parties, however having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

### 7.3. Procedural Issues

- 7.3.1. The proposed development is located within the curtilage of a protected structure, Bective Mill, which was damaged by fire c2019. The Mill structure has not however been included as part of the application and is located outside of redline site boundary. The appellant is of the opinion that the development as proposed fails to provide for the protection of the Mill structure and maintains that the structure was purposefully excluded from the redline development boundary so that the applicant can avoid their obligations in terms of conservation and heritage. The appellant also raises issue with the public notices contending that they do not refer to the fact that the application is located within the grounds of a protected structure, they consider that the application should be deemed invalid for this reason.
- 7.3.2. I note that the public notices submitted within the application do refer to Bective Mill and its status as a protected structure and I am satisfied that this is sufficient for validation purposes.
- 7.3.3. The applicant in the response to the grounds of appeal, clarifies that the Mill structure was not included within the redline site boundary because no works to the Mill are proposed as part of the application and that works to the repair the fire

damage are to be approached separately. The proposed development is located within the grounds of Bective Mill however, as no works to the Mill structure have been proposed as part of this application, I do not consider it necessary to have included the structure within the redline development boundary nor do I consider it necessary for the applicants to have included as part of the application, proposals for the protection and/or restoration of this structure. The potential impact of the proposed development on the character and setting of the Bective Mill shall be considered in more detail later in this report.

- 7.3.4. The appellant also refers to proposed works at Bective Bridge (a protected structure and recorded monument) and raises concerns regarding the lack of detail submitted in respect of same and the failure of applicant to include such works in the public notices. I note the report from O'Daly Architects submitted with the planning application and received by Meath County Council on the 25th March 2020, this report refers to AECOM proposals for access and vehicular movement on site and states that *no works are necessary or proposed to Bective Bridge*, however following review of the proposed access arrangements, in particular the AECOM Drawings entitled: *Auto Track Analysis and Visibility Splay and Proposed General Arrangements*, it would appear that it would be necessary to remove of a section (c1m) of the existing roadside boundary wall to the south of the existing entrance to facilitate access to the site. The wall in question however forms part of the protected structure of Bective Bridge and while the public notices do refer to Bective Bridge and its status as a protected structure they do not indicate that the proposed development comprises the carrying out of works to this structure, as required under Article 20 of the Planning and Development Regulations 2001 (as amended). In light of the above, in the interests of clarity and proper planning and development and in the interests of architectural heritage, I do consider it appropriate to exclude any proposed works to Bective Bridge from the assessment of this application.

#### 7.4. Architectural Heritage and Visual Amenity:

- 7.4.1. The appeal site is situated in a rural area in the townland of Bective on the banks of the River Boyne and within the Boyne Valley Landscape Character Area, which is

characterised as an area of exceptional value and high sensitivity. In addition to the Bective Mill, the area is rich in architectural and built heritage. Bective Bridge, a protected structure and recorded monument extends along the northeast boundary of the site (within the redline development boundary) while Bective Abbey, also a protected structure, is located c100m further north along the L4010. Protected View No. 86 extends northward from Bective Bridge towards Bective Abbey and along the River Boyne, Bective Mill is a prominent feature within this vista.

7.4.2. It is the opinion of the appellant, as set out in the grounds of appeal that the proposed development would, due to its nature, layout, and poor design quality etc have a detrimental impact on the character and setting of the protected structures (in particular Bective Mill) and on the amenity value of the River Boyne. The applicant, as expressed in the response to the grounds of appeal, is however of the opinion, that the proposed development has been sensitively designed to have low visual and environmental impact. They consider the fundamental character and setting of the Mill is that of a working /industrial building which was designed and constructed to fulfil a commercial function and that its protected status is more related to its historic importance as an example of a traditional River Mill as opposed to having significant architectural value.

7.4.3. While I note the opinion of the applicant regarding the protected status of the Mill structure, I consider - having regard to the nature of the structure as a traditional river mill, both the setting of the Mill structure and its relationship with the river to be fundamental aspects of the structures character and special interest. I therefore consider, the potential impact of the proposed development on the character and setting of Bective Mill to be an important factor in the assessment of this application and I note that it is County Development Plan Policy (HER POL 16) to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of that structure.

7.4.4. Bective Mill is located c12m to the southwest of the existing dwelling. The applicant is seeking permission to extend the dwelling via the construction of a two-storey domestic extension to the east and via a single storey (café) extension to the south and west. The proposed domestic extension, due to its location to the rear (east) of

the dwelling, is I consider adequately removed from the Mill structure and should not therefore have a significant negative impact upon the character and setting of the protected structure. I do however have concerns regarding the proposed café extension, which due to its location to the south and west of the existing dwelling and its proximity to the Mill structure, has in my opinion, the potential to encroach on views of the protected structure from Bective Bridge and from protected view 86.

- 7.4.5. The proposed toilet block and “A’ frame huts are arranged in a linear pattern extending to the west of the Bective Mill over a distance of c80m. These structures are unlikely to be visible to any great extent from Bective Bridge due to their position in respect of the Mill structure however they would be prominent in views from the River Boyne. The occasional camping area, located to the south of the “A” huts and to the southwest of Bective Mill, would also be visible from Bective Bridge, from the protected view 86 and from the river.

While I note that the applicant is of the opinion that the scale of the Bective Mill will ensure that its dominance and presence on site is in no way diminished or detracted from by the lightweight nature of the structures proposed, I consider that these structures and associated parking areas (as well as the occasional camping area) would create a form of visual clutter in the landscape that would detract from the character of the area and the character and setting of Bective Mill.

- 7.4.6. Upon consideration of the above I am of the opinion that the accumulative impact of the proposed development - camping huts, camp site and associated parking and café extension, would have an undue impact on visual amenities of the area and the character and setting of Bective Mill would therefore be contrary to objective HER OBJ 56 and Policy HER POL 16 of the Meath County Development Plan and I recommend that permission be refused on this basis.

- 7.4.7. In addition to the concerns raised above the appellant is concerned that the proposed traffic signals would have a serious negative impact upon the conservation status of Bective Bridge and would detract from the visual integrity of same. I note that similar concerns were raised by the planning authority in their assessment and request for further information whereby the applicant was requested to reconsider

the design and location of the traffic lights with the suggestion that they be relocated away from the bridge in order to avoid any potential impact on the protected structure and the protected view. The option of relocating the traffic signals was however rejected by the applicant on the grounds that it would reduce the efficiency of the traffic light control junction arrangement and would necessitate works on third party lands outside the control of the applicant.

- 7.4.8. The principle of traffic signals at this location shall be considered in more detail later in this report, however following consideration of the proposals as presented and having inspected the site and surrounding area, I am of the opinion that the provision of traffic signals at this location would have a negative impact upon the character and setting of the protected structure and on the protected view. Traffic signals, by their nature are more associated with built-up / urban areas and would in my opinion appear incongruous in the rural setting, as such I would not recommend that permission be granted for same unless the need for such works has been adequately justified.

#### 7.5. Access and Traffic Safety

- 7.5.1. The appeal site is served by an existing entrance off the L4010 to the east. This entrance is seriously sub-standard in terms of sightline distances and would not, I consider, be suitable to accommodate the additional traffic movements likely to be generated by this development. Works to improve sightline distance at the entrance are impeded due to its location on the north-western side of Bective Bridge, a protected structure and recorded monument. To address this issue, the applicant in proposing, in conjunction with Meath County Council, to install traffic signals at either end of the bridge. The traffic signals proposed would restrict traffic movements on the bridge, permitting only single lane traffic at one time while also facilitating egress from the appeal site.
- 7.5.2. The appellant, while raising concerns regarding the substandard nature of the existing entrance, considers it highly unusual that traffic lights are being proposed at this location for the sole purpose of facilitating a private development. They consider

that the need for traffic lights to support the proposed development highlights its unsuitability at this location. The applicant, in their response to the grounds of appeal, acknowledges the substandard nature of the existing entrance and the need to provide a safe access / egress to facilitate the development of the site as proposed. They consider the provision of traffic signals to be the only feasible solution in this instance and contend that the installation of traffic signals would not only facilitate the development of the site as proposed but would also help to ensure the preservation / restoration of Bective Mill. In accordance with the details submitted neither the current property owner or the applicant has the means necessary to restore the Mill and the only route available to them to raise funding is to create an income stream from the site, by way of development such as that proposed.

- 7.5.3. While I note the sub-standard nature of the existing entrance, I am not satisfied that the provision of traffic signals on a lightly trafficked local road in the rural area, to facilitate the development of a relatively small-scale tourism / commercial development, is an appropriate design /engineering solution nor am I satisfied that such works have been adequately justified. In this regard, while I would support (in principle) the suitable restoration of Bective Mill, I am not satisfied that such works, having regard to the characteristic and constraints of the site and its location in a rural area etc, would adequately justify the development of these lands as proposed, and therefore would not justify the need for the proposed traffic signals.
- 7.5.4. An Auto-track analysis was carried out at the site access junction to demonstrate its capability to cater for swept path requirements of a large 7.7m fire tender. The results of the analysis show that the site access junction can adequately accommodate servicing vehicles accessing and existing the site, with 'minor' amendments to the corner radius to the south of the junction. I note from the plans submitted (AECOM Drawing Proposed General Arrangements - Sheet Number PR369377-ACM-01-00-DR-CE-00-0001) that the works necessary to facilitate safe access to the site would require the removal of a section (c1m) of the existing roadside boundary wall to the southeast of the existing entrance. As this wall forms part of Bective Bridge, a protected structure, and as the public notices fail to indicate that the proposed development comprises the carrying out of works to a protected



structure, I do not consider it appropriate to consider any such works as part of this application. In light of the above I note that the Auto-track analysis for this junction has identified a deficiency in the corner radii that has not been adequately addressed in this application.

## 7.6. Flood Risk

7.6.1. The appeal site is located on the banks of the River Boyne with parts of the site and proposed development located within Flood Zones A and Flood zone B as follows:

- The café extension is partially located in Flood Zone B
- The 'A' Frame huts, toilet and shower block in Flood Zone B
- The occasional camping area in Flood Zone A
- The access road is partially but substantially in Flood Zone A
- The domestic extension, wastewater treatment plant and polishing filter are sited in Flood Zone C

7.6.2. 'The Planning System and Flood Risk Management Guidelines' 2009 states that the vulnerability of development to flooding depends on the nature of the development, its occupation and the construction methods used (S.2.16 refers). Table 3.1 provides a classification of vulnerability of different types of development. It is noted that:

- Less vulnerable development includes land and buildings used for holiday or short-let caravans and camping, subject to specific warning and evacuation plans;
- water compatible development includes water-based recreation and tourism (excluding sleeping accommodation).

Section 3.5 notes planning implications for each of the flood zones i.e., Zone A – High probability of flooding, Zone B – Moderate probability of flooding and Zone C – Low probability of flooding. Development in Flood Zone A is to be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied. In Flood Zone B less vulnerable development, which includes sites used for short-let for caravans and camping and secondary

strategic transport and utilities infrastructure, may be considered appropriate however, in general less vulnerable development should only be considered in this zone if adequate lands or sites are not available in Zone C and subject to a flood risk assessment to the appropriate level of detail to demonstrate that flood risk to and from the development can or will adequately be managed. In accordance with Table 3.2 the proposed development is 'appropriate' within Flood Zones B and C. There is a need for a Justification Test to be met in Zone A.

#### *Site Specific Flood Risk Assessment*

- 7.6.3. A Site-Specific Flood Risk Assessment (SSFA) prepared by IE Consulting was submitted with the application. This document was updated upon request of the planning authority to include a Development Management Justification Test for development proposed within Flood Zone A as per the requirements of *The Planning System Flood Risk Management Guidelines for Planning Authorities*. Following consideration of the updated SSFRA and Justification test the planning authority refused permission for the occasional camping area due to its location within Flood Zone A and the failure of the applicant to demonstrate that this area was not at risk of flooding.
- 7.6.4. The SSFRA considers the possible flooding mechanisms of the proposed development site and identifies a possible fluvial flood event in the river Boyne as the primary potential flood risk to the proposed development site. A potential blockage of the downstream bridge on the River Boyne is identified as a secondary flood risk.
- 7.6.5. Based on levels derived as part of a draft CFRAMS study, the SSFRA predicts the 1% AEP (1in 100 year – Flood Zone A) and 0.1% (1in 1000 year – Flood Zone B) in the River Boyne as 45.40m OD and 46.04 OD (Malin) at the upstream end of the site and 45.16 OD and 45.85m OD (Malin) at the downstream end of the site respectively. Using a detailed Digital Terrain Model (DTM) the SSFRA demonstrates the 1 in 100 and 1 in 1000-year flood extents for the development site. Findings show that a portion of the proposed development site falls within Flood Zone “A” and Flood Zone “B”

- 7.6.6. Measures outlined in Section 9 of the SSFRA include proposals to raise a short section of the existing access road to provide emergency vehicular access to the site such that potential flood water do not exceed a depth of 150mm during a 1 in 1000 year flood event. While the impact of raising the access road is not predicted to have a significant impact on flooding regime in the area, it is proposed to provide flood storage compensation within the proposed development site boundary to compensate for the volume of flood water displaced by the proposed access road. Proposals in this regard comprise the lowering of lands in an area of open green space within the southeast section of the site, adjacent to the River Boyne. In addition, the finished floor level of the proposed domestic extension is raised to a minimum of 0.15m above the predicted 0.1% AEP flood level i.e.  $45.94\text{m} + 0.15\text{m} = 46.09\text{m OD (Malin)}$  while the finished floor level of the proposed café extension is set to the same level as the adjacent existing dwelling floor level of  $45.919\text{m OD (Malin)}$ . Section 10 of the (FRA) report recommends that the proposed development incorporate a number of flood resistance and flood resilience measures as well as the development of a flood evacuation plan for the site.
- 7.6.7. The updated SSFRA includes a justification test for development management in line with the criteria listed under Box 5.1 of “The Planning System and Flood Risk Management Guidelines’ 2009”. With respect to criteria 1 of Box 5.1, the report notes that the subject lands are located in the rural area and as such are not zoned, they note however that the principle of the proposed development at this location was deemed acceptable at pre-planning. With respect to criteria 2, they refer to the design of the proposed development and the flood risk management measures etc outlined in the SSFRA.
- 7.6.8. The conclusions of the SSFRA, as set out in Section 12 of the report, are that the proposed development would comply with the requirements of the justification test for development management; that the development as proposed is not expected to result in an adverse impact to the hydrological regime of the area and is not expected to increase flood risk elsewhere and that the development as proposed is appropriate from a flood risk perspective. It is noted however that the planning authority, following consideration of the SSFRA and the opinion of the M.C.C Environment (flooding) Department, considered that the occasional camping area

proposed within flood zone 'A' would not accord with the aforementioned guidelines and refused permission for the occasional camping area on that basis.

### *Assessment*

- 7.6.9. Permission is being sought for the provision of camping facilities and a café on the banks of the River Boyne (Flood Zones "A" and "B"), including proposals for the provision of an occasional camping area within flood zone "A". The existing access road to the site is also located within Flood Zone "A". The proposed development must therefore satisfy the criteria of the Justification Test as described in Box 5.1 of the 'The Planning System and Flood Risk Management Guidelines' 2009. A Justification Test for Development Management is set out in Section 11 of the SSFRA
- 7.6.10. The first criteria to be met is that the subject lands have been zoned or otherwise for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of the Guidelines. The appeal site is located in the rural area, zoned RA in the Meath County Council Development Plan, the objective for this area is *to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*'. While I note that the individual aspects of the proposed development (including camping parks) fall within the list of uses permitted in the rural area, I am not satisfied, as discussed earlier in this report, that the provision of a camp site on these lands would accord with the policies and objectives for such development as set out in the Meath County Development Plan and therefore I am not satisfied that the proposed development would satisfy Criteria 1 of the Justification Test. With respect to Criteria 2 I am satisfied that the proposal has been subject to an appropriate Flood Risk Assessment and that it has been demonstrated, that subject to the mitigation measures provided in the SSFRA, the proposal would not add to flood risk problems on what is an already vulnerable site in Flood Zone A.
- 7.6.11. In addition to the above, I am not satisfied that consideration has been given to alternative less vulnerable more compatible sites in Flood Zones C, including on

zoned lands. The guidelines have regard to the sequential approach, the investigation of alternatives and the avoidance or minimisation of risk and state (Section 3.1) that *Development should only be permitted in areas at risk of flooding when there are no alternative, reasonable sites available in areas at lower risk that also meet the objectives of proper planning and sustainable development.* In this case, I am not satisfied having visited the site and having regard to the documentation submitted that relative to the potential for flooding and the precautionary approach that this is the most suitable or desirable site for the location of the proposed development.

#### 7.7. Wastewater Treatment

- 7.7.1. The subject site is currently serviced by a private well and septic tank system. The existing septic tank is of block-built construction and is not sealed. The percolation area consists of a soak pit design and is not fit for purpose in line with EPA standards. It is proposed to decommission the existing septic tank system and to replace it with a packaged wastewater treatment system and sand polishing filter, I consider such proposals to be acceptable in principle.
- 7.7.2. A report from Mitchell Environmental was submitted in support of the application, this report includes a Site Characterisation Form from the EPA Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses (EPA CoP), 2009. The report states that the maximum number of residents on the site would be 41.
- 7.7.3. The WWTP is to be located c7m to the northwest of Bective Mill and outside of both the SAC and SPA. The proposed sand polishing filter is to be located on higher ground to the west of the site, on lands currently occupied by a mobile home, shed and greenhouse and the access roadway serving same. The proposed WWTP is located within the River Boyne and Blackwater SAC, c60m north of the River Boyne and the River Boyne and Blackwater SPA.
- 7.7.4. On the occasion of the site visit the trial holes were not evident, the ground underfoot was firm underfoot with no evidence of ponding. The site is located within a 'Locally

Important Aquifer' with a high vulnerability. The bedrock type is Dination Upper Impure Limestones.

- 7.7.5. The trial hole was dug to a depth of 1.8m, no bedrock or water table was encountered. The results of the trial hole test showed that the site did not have good percolation characteristics. The poor percolation value was confirmed by the T test which returned a T value of 74.56. The results were assessed against Table 6.3 of the EPA CoP, which states that the site is not suitable for the safe disposal of domestic effluent through a septic tank system but may be suitable for a secondary treatment system with a polishing filter. A test was carried out to determine the percolation value for the proposed polishing filter. The P value returned was 34.75 which is within the range of suitability for a secondary treatment system with polishing filter.
- 7.7.6. A site-specific cross section of the proposed WWTS has not been provided. As per the information contained within the documentation provided (including NIS), the wastewater treatment system consists of a 20m<sup>3</sup> Tricel 30PE pumped sewage treatment plant. Discharge from the WWTP will be treated further by a pumped pressurised sand filter. Details of the design and sizing proposed sand/polishing filter have been outlined in the report. Proposals include for the installation of 230sqm stone filtration area (depth .03m) and 112sqm Tertiary sand filter on the stone filter.
- 7.7.7. On the basis of the foregoing results, it would appear that the subject site is suitable for the installation of the wastewater treatment and disposal system proposed and that this system has been adequately sized to cater for the development proposed.

## 7.8. Other

### 7.8.1. Impact on Residential Amenity

The appellant's property is located on lands to the northeast of the application site (adjacent to the site entrance / access road), the appellant is of the opinion that

campsites are not compatible with rural residential amenity and that the proposed development would have a serious negative impact on their residential amenities.

Whilst I would accept that the proposed development has potential to increase noise and activity in the area of the site, I consider having regard to the likely seasonal use of the proposed camping huts / camp site, the relatively modest scale of the proposed development, the distance of the camping huts /camp site from the appellants dwelling, that significant effects on the amenity of the property to the northeast of the site (and in the wider area) are unlikely.

#### 7.8.2. Unauthorised Development

Reference is made in the grounds of appeal to existing unauthorised development on and within the vicinity of the appeal site and the historic use of the lands for events in the absence of permission. I note that the application includes proposals for the removal of existing unauthorised structures from application site (lands within the redline site boundary) such proposals are considered appropriate within the context of this application. Any outstanding or future issues of unauthorised development associated within the landholding would be a matter for the Planning Authority.

### 8.0 **Appropriate Assessment**

- 8.1. A Natura Impact Assessment prepared by Doherty Environmental Consultants Ltd is submitted in support of the application. The initial NIS document presented to the Planning Authority was updated (by addendum received 09/04/2021) to reflect and incorporate the outcomes of the development management justification test (as per The Planning System and Flood Risk Management Guidelines for Planning Authority) submitted in response to the planning authority's request for further information.

#### Site and Development Description

- 8.2. The project site description is set out in Section 4.3 of the report. The report outlines that the site is located along the River Boyne and its riparian habitats. The habitats occurring within the site include amenity grassland and gardens, hedgerows,

treelines, and drains. The Riparian zone along the eastern half of the site is largely devoid of trees and is dominated by fringing fall reed swamp, with *Phragmites Australis* being the dominant species. A mature riparian treeline dominated by alder and willow occurs along the western half of the riparian zone.

Badger, Otter and kingfisher have all been recorded in the vicinity of the project site. Otter have been recorded foraging along the river in the vicinity of the site while Kingfisher were recorded perched on Bective Bridge during the National Kingfisher Survey of 2010.

A water quality monitoring station for the River Boyne is located at Bective Bridge and the latest publishing water quality for this station for this stretch of the River Boyne has been classed as Q3-4 moderate water quality.

- 8.3. Section 4.2 of the report provides an overview of the proposed development.

#### European Sites

- 8.4. Section 4.4 identifies that there are 2no. Natura 2000 designated sites within the sphere of influence of the project, as follows:

- The River Boyne and River Blackwater SAC (Site Code 002299), the appeal site is partially within the SAC
- The River Boyne and River Blackwater SPA (Site Code 004232), the appeal site is adjacent to the SPA

Having regard to the scale of the proposed development; the separation distances involved; and the absence of identified pathways, I do not consider that any other European Sites fall within the possible zone / sphere of influence.

#### Screening Conclusion:

- 8.5. The screening conclusion set out in Section 4.8 of applicant's Appropriate Assessment Screening Report found that *"it cannot be ruled out that this project will have the potential to result in impacts, as a result of the inadvertent discharge of potentially polluting hydrological emissions, the generation of noise and the increased presence of people to the River Boyne and River Blackwater European sites"* and that appropriate assessment is required to further assess these potential



impacts and their significance to the future conservation status of the qualifying species of the European sites”

- 8.6. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is considered reasonable to concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Site No. 001957 or 004080, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

### **Stage 2 – Appropriate Assessment**

- 8.7. A Natura Impact Statement is prepared having regard to the location of the site partially within the *River Boyne and River Blackwater SAC and adjacent to the River Boyne and River Blackwater SPA*. A brief description of the European sites and their conservation objectives and qualifying interests are set out below.
- 8.8. The following table provides a summary of European sites within the Sphere / zone of influence of the proposed development:

<b>Table 8.1 - summary of European sites within the Sphere / zone of influence</b>		
<b>Site Code, Site Name and Designation</b>	<b>Approx. Distance form Site</b>	<b>Conservation Objectives; Qualifying Habitats and Species</b>
002299 The River Boyne and River Blackwater SAC	The site is partially within the SAC	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>7230 Alkaline fens</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p> <p><i>* denotes a priority habitat</i></p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p>

		1355 Otter ( <i>Lutra lutra</i> )
004232 The River Boyne and River Blackwater SPA	The site is adjacent the SPA	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA: A229 Kingfisher <i>Alcedo atthis</i>

8.9. Tables 4.1 and 4.2 of the report lists the qualifying features of interest / special conservation interests of the two designated sites and identifies the interest features that occur within the sphere of influence of the project. The qualifying features/ special conservation interests of the River Boyne and River Blackwater European Sites were identified:

- Atlantic Salmon
- Otter
- River Lamprey
- Kingfisher

#### Identification of Likely Impacts

8.10. Section 5.2 of the report and Section 2.2 of the addendum report describes the elements of the project that are likely to give rise to significant effects:

- The construction of new structures within the project footprint and the potential for the generation of polluted surface water runoff during their construction
- The generation of wastewater at the project site during the operation and the inadvertent release of such wastewater to the River Boyne
- The mobilisation of silt-laden surface water and its discharge to the River Boyne as a result of flood works
- The generation of noise during the construction of new structures during the operation phase.

- The generation of noise and the increased presence of people at the project site during the operation phase

- 8.11. Section 5.3 of the report and Section 2.2 of the addendum report consider the potential impacts to the integrity of the European Sites with respect to the sites structure and function and its conservation objectives.
- 8.12. The NIS outlines in the absence of appropriate mitigation measures, the project will not have the potential to undermine the achievement of targets set out for each of the qualifying species occurring within the sphere of influence of the project. The potential for the project to undermine these attributes and targets relates to its potential to perturb water quality within the river during construction activities.
- 8.13. In relation to the potential impacts arising from the generation of noise and the presence of people, the NIS considers that the project will not have the potential to result in significant disturbance during either construction or operational phases. As set out in the report, noise generated during the construction phase will be largely limited to the removal of existing structures and the construction of the proposed elements of the project. The NIS predicts that any noise generated during these construction activities will not have the potential to result in a significant noise dose along the river corridor.
- 8.14. The NIS also predicts that the increase in the presence of people within the project site does not have the potential to result in significant disturbance to Otters or Kingfishers. Otters are predominantly crepuscular along freshwater systems and are not likely to be disturbed by the presence of low numbers of campers using the project site at night-time. As no breeding sites for Kingfisher occur within the vicinity of the project there will be no potential for the operation phase to result in significant disturbance to this species.
- 8.15. With regard to In-combination effects, the NIS identifies 3 other projects in the area, namely:
- Planning Reference TA170296 – a development of 2 no agricultural buildings to be used for stables within a farm estate within 300m of the left-hand bankside of the River Boyne.

- Planning Reference AA140772 – relating to the change of use of elements of Bellinter House Hotel along with the upgrade of the hotels wastewater treatment system
- Planning Reference NA191076 - - the development of a new dwelling (application deemed invalid)

Following consideration of the above the NIS found that there is no potential for the proposed project to combine with the protects outlined above and to result in cumulative effects to the water quality of the River Boyne.

8.16. The NIS notes that the status of water quality along this stretch of the River Boyne is moderate and that any emission of polluted surface water runoff from the project site to the river will have the potential to combine with the existing pressures that are undermining the current water quality of this stretch of the river.

#### Mitigation Measures

8.16.1. The following mitigation measures are identified in the NIS in order to avoid any reductions in water quality in the area surrounding the proposed development and in order to protect designated sites and species.

- Barrier fencing is installed along the southern boundary of the project site. this fencing is set back approximately 3m from the right hand bankside of the river Boyne and ensures that access to the bankside is restricted. This fencing should be maintained throughout the operation phase of the project to prevent disturbance to the bankside and immediate riparian zone
- The project has been designed to maintain a minimum buffer zone of 15m from the righthand bankside of the River Boyne
- A wastewater treatment plant and associated sand polishing filter will be installed to treat all wastewater generated during the operation phase. the WWTS will be located outside of Flood Zones A and B
- No instream works will be required or permitted
- The design of all new structures will adhere to the recommendations of the Flood Risk Assessment

- A floating hydrocarbon boom and spill kit will be retained on site during all construction works
- All plant, machinery and site operative will be restricted to a construction working area for all new structures and will not encroach with 25m of the River Boyne
- Double silt fencing will be erected along the southern boundary of exiting hardcore surfaces to the south of the proposed new extensions to ensure that surface water that does not drain to ground will be treated prior to discharging over improved grassland to the south
- Any excess construction material shall be stored in the construction working area only and used for landscaping. No landscaping with excavated spoil material will be permitted within the SAC
- Machinery will be checked and cleaned before going on site to see that there is no introduction of invasive species
- All construction workers will be given a toolbox talk addressing environmental topics prior to commencement
- Temporary stockpiles will be restricted to less than 2m in height and located away from drainage ditches, mature trees, hedgerow, surface water drains and water courses
- No re-fuelling of machinery will take place within 50 of any watercourse.
- Re-fueling of construction equipment and the addition of hydraulic oil or lubricants to vehicles / equipment will take place in designated bunded areas a minimum of 50m from the River Boyne
- If it is not possible to bring machinery to the refuelling point, fuel will be delivered in a double -skinned mobile fuel bowser
- A drip tray will be used beneath the fill point during refuelling operations to contain any spillages that may occur

8.17. Section 4.1 of the addendum report identifies that proposed mitigation Measures for flood works

- All works associated with the flood works for the project will be restricted from entering the 10m buffer zone

- A silt fence will be installed as the first item of works for flood storage area and raising of access road. The silt fence will be installed along the southern boundary of the flood storage area and set back a minimum of 11m from the River.
- The silt fence will be installed as per the specifications set out in “Control of Water Pollution from Linear Conservation Projects, Technical Guidance” to ensure water does not flow under the silt barrier
- Once earthworks in the flood storage area are completed the area will be immediately reseeded to minimise the disturbance to ground.
- The silt fence will be carefully removed once the finished flood storage levels and the new access road embankment are fully revegetated.

8.18. Section 4.3.1 of the addendum report considers the likelihood of mitigation measures and environmental safeguards succeeding. It notes that the measures outlined in the report are taken from established best practice guidelines that have been successfully implemented for a wide range of project level infrastructure developments.

8.19. Section 5.0 of the NIS addendum report concludes the following:

*“provided the environmental safeguards and design measures outlined for this project in the addendum and in the original Natural Impact Statement are implemented in full, the project at Bective Mill, including all flood works, will not have the potential, alone or in-combination with other plans and projects to result in adverse effects to the qualifying features of interest of the River Boyne and River Blackwater SAC and the Special conservation interest species of the River Boyne and River Blackwater SPA.*

*These measures will ensure that the project does not result in adverse effects to the conservation status and integrity of the River Boyne and River Blackwater sites.”*

8.20. Having regard to the foregoing, I am satisfied that that the project would not be likely to have an adverse effect on water quality or, therefore, on the integrity of the River Boyne and River Blackwater SAC/SPA in view of the conservation interests of the sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

*Appropriate Assessment Conclusions:*

- 8.21. The proposed development at Bective has been considered in light of the assessment requirements of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on The River Boyne and River Blackwater SAC (Site Code 002299) and The River Boyne and River Blackwater SPA (Site Code 004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.22. Following an Appropriate Assessment, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC (Site Code 002299) or the River Boyne and River Blackwater SPA (Site Code 004232). This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project including mitigation measures.
  - Detailed assessment of the in-combination effects with other plans and projects.
  - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232) or any other European sites, in view of sites Conservation Objectives.

## **9.0 Recommendation**

- 9.1. It is recommended that planning permission be refused

## 10.0 Reasons and Considerations

1.	<p>Having regard to the nature of the proposed development and its location in an un-serviced rural area that is removed from local settlements and from the services and facilities that would be required to support the development of tourist accommodation in a sustainable manner and having regard to the policies and objectives of the Meath County Development Plan 2021-2027, which seek to encourage camp sites to locate adjacent to or within existing settlements and to permit cafes in the rural area only where ancillary to tourism uses or conversion of protected or vernacular buildings. It is considered that the proposed development and the precedent it would set for similar development in the rural area would be contrary to the provisions of the Meath County Development Plan 2021-2027 and to the proper planning and sustainable development of the area.</p>
2.	<p>The site of the proposed development is located in the Boyne Valley Landscape Character zone as designated under the Meath County Development Plan 2021-2027. Furthermore, the works proposed are located within the grounds of Bective Mill, a protected structure (91127) and adjacent to Bective Bridge a protected structure and recorded monument. The proposed development by reason of its nature and siting in a prominent location on the banks of the River Boyne and within Protected View 86, would result in the formation of visual clutter in the rural landscape that would detract from the visual amenities of the area and the from the character and setting of protected structures. The proposed development would therefore be contrary to the provisions of the Meath County Development Plan 2021-2027 which seek to protect the setting of Protected Structures, to preserve views and prospects and To protect and enhance the quality, character, and distinctiveness of the landscapes of the County. the proposed development would therefore be contrary to proper planning and sustainable development sustainable development of the area</p>



3.	The proposed development would endanger public safety by reason of traffic hazard because the existing entrance serving the site is substandard in terms of sightline distances and corner radii and would not be suitable to accommodate the additional traffic turning movements generated by this development and because of the failure of the applicant to submit adequate proposals to address these deficiencies.
4.	Having regard to the location of the proposed development in an area liable to flood events and to the provisions of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November 2009, the Board is not satisfied, on the basis of submissions made in connection with the planning application and the appeal, that the subject site is an appropriate location for the scale and type of development proposed. The proposed development, which is not water compatible in that it includes sleeping accommodation, would, therefore, the proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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Lucy Roche

Planning Inspector

29<sup>th</sup> April 2022