



An
Bord
Pleanála

Inspector's Report ABP-310842-21

Development

The construction of a detached two storey dwelling, a detached domestic garage, a new shared domestic entrance, a wastewater disposal system together with all associated site works and services.

Location

Rathmore, Athboy, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

21778.

Applicant(s)

Sharon Lynagh.

Type of Application

1st Party.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Appellant(s)

Sharon Lynagh.

Observer(s)

None.

Date of Site Inspection

16th day of October, 2021.

Inspector

Patricia-Marie Young

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1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.4759ha area and it is located in the Townland of 'Rathmore' with its northernmost site boundary setback c77m to the south of the heavily trafficked N51 with the site and the land in between consisting of a grazing land.
- 1.2. Access serving to the site would be via a shared entrance at the end of a restricted in width, poor in horizontal alignment and poorly surfaced cul-de-sac lane (Note: L-40049-0). Which at this point is located c235m by road to the N51 which is located to the north west.
- 1.3. The main site area is situated c80m from this shared access point with the site area encompassing a linear strip of land that contains in part a private driveway that serves a detached dwelling house and agricultural land. The aforementioned detached dwelling that adjoins the main western boundary of the site appears to be in occupation by a family member of the appellant.
- 1.4. The field network of the adjoining land is characterised by deep drainage ditches with the ground conditions being poor with abundance of water loving plants. The site is located c1.8km to the south east of the settlement of Rathmore; c5.5km to the north east of the historic heart of Athboy and c10.3km to the south west of the historic centre of Navan, as the bird would fly in County Meath.
- 1.5. The surrounding area has a rural character despite the strong proliferation of one-off dwellings.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a part single storey and part two storey dwelling house with the ground floor area given as 176.7m² and the total floor area given as 284.8m²; a detached garage with a given floor area of 47.4m²; new access onto a shared domestic entrance; a waste water disposal system together with all associated site works and services.
- 2.2. This application is accompanied by:
 - A Cover Letter.

- A Soil Characterisation & Site Suitability Assessment Report.
- Local Needs Form.
- Local Needs Supporting Documentation.
- Letter of Consent from Landowner (Gillian Pierce nee Lynagh).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 16th day of June, 2021, the Planning Authority decided to **refuse** planning permission for the following stated reasons:

1. *The application site is located in a rural area outside any designated settlement and in a Strong Rural Area as defined in the Meath County Development Plan 2013– 2019 where development which is not rurally generated should be more properly located in settlement centres. It is the policy of the County Development Plan to restrict housing in this area to those who are intrinsically part of the rural community or who have an occupation based in the rural community. It is considered, based on the information submitted, that the application has not established a site specific rural generated housing need for a dwelling in this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *It is policy of Meath County Council as set out in the Meath County development Plan, 2013 to 2019, as varied, (RD POL 36), ‘to develop and maximise the opportunities of the county’s national primary and secondary roads as key strategic infrastructure vital to the county’s continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development.’ The proposed development, therefore, as presented, is not considered to be in accordance with the proposed planning and sustainable development of the area.*
3. *It is the policy of Meath County Council as set out in the Meath County Development Plan, 2013 to 2019, as varied, (RD POL 37) ‘To ensure that future development affecting national primary or secondary roads, shall be assessed*

in accordance with guidance given in the document ‘Spatial Planning and National Roads – Guidelines for Planning Authorities’. The proposed development does not comply with the above policy and is therefore not considered to be in accordance with the proposed planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s Report, dated 15th day of June, 2021, includes the following comments:

- Based on the information provided it is considered that the applicant has not sufficiently demonstrated a local need in compliance with the policy of the County Development Plan.
- The design approach of the dwelling could be improved to better accord with the recommendations contained in the Meath Rural Design Guide. In this regard, it is considered that the overall height and depth are considered excessive.
- Reference is made to the Planning Authority’s Transportation Departments report dated the 15th day of June, 2021. This report recommends a refusal. These reasons for refusal are supported.
- The wastewater drainage infrastructure provisions comply with the EPA Code of Practice, and it is noted that potable water supply is via a bored well.
- The proposed development is significantly below the relevant threshold for residential development and will not by itself, or in combination with other developments, exceed the threshold for this class of development. Therefore, a sub-threshold EIAR is not required.
- An ‘Appropriate Assessment’ is carried out. This concludes that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.
- Should permission be granted the required development contributions are calculated based on the Meath County Development Contribution Scheme 2016 – 2021.

- This report concludes with a recommendation for refusal.

This report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

Transportation:

In a report dated the 15th day of June, 2021, it is recommended that permission be refused for the following reasons:

- *“The proposed planning application does not comply with the Meath CDP POL 36 ‘To develop and maximise the opportunities of the county’s national primary and secondary roads as key strategic infrastructure vital to the county’s continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development’.*
- *The proposed development does not comply with Meath CDP POL 37, To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document ‘Spatial Planning and National Roads – Guidelines for Planning Authorities’.”*

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site:

4.1.1. None.

4.2. Setting:

4.2.1. There is no recent precedent for a grant of permission for this type of development by the Planning Authority under the current and previous Development Plans.

- 4.2.2. The adjoining land to the west of the main site area contains a substantial detached dwelling with associated outbuildings served by a private driveway which was granted permission under P.A. Ref. No. KA70155 on the 6th day of June, 2007, subject to conditions.
- 4.2.3. On the same lane serving this appeal site and situated to the west of the shared entrance that would serve the proposed development on the 29th day of June, 2016, the Board on appeal granted retention permission for the demolition of outbuildings, construction of garage/store/home craft room and planning permission for use of the craft room for picture framing and art work subject to conditions.

5.0 Policy & Context

5.1. National

- 5.1.1. National Planning Framework National Planning Framework – Project Ireland, 2040 (2018) includes but is not limited to National Policy Objective 19 which sets out in respect of rural areas outside of those areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory and plans, having regard to the viability of smaller towns and rural settlements.
- 5.1.2. **National Development Plan, 2018 to 2027**, seeks to safeguard the strategic function of the national road network alongside safeguarding investment made in the transport network to ensure its quality levels, accessibility, and connectivity for users.
- 5.1.3. The National Roads guidelines are set out in the **Spatial Planning and National Roads Guidelines** published by the Department of Environment, Community and Local Government in January 2012. These guidelines indicate that the policy of Planning Authority's will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply except in exceptional circumstances.
- 5.1.4. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005**: These guidelines require the planning system to facilitate people who are part of the rural community, including in areas under strong urban influence subject to safeguards such

as meeting the normal requirements in relation to such matters as road safety, proper disposal of surface water while directing urban generated development to areas zoned for housing development in cities, towns, and villages. Essentially these guidelines seek to reach a balance in terms of development in the countryside so that the landscape is conserved and that new dwellings take account of as well as integrate in an appropriate manner with their surroundings.

5.1.5. **Code of Practice Wastewater Treatment Disposal Systems serving Single Houses**, (2021).

5.2. **Regional**

5.2.1. **Regional Economic Spatial Strategy for the Eastern and Midland Region (RSES)** recognises the major contribution that the rural areas make towards regional and national development in economic, social, and environmental terms. The RSES aims to strengthen the fabric of rural Ireland, supporting rural towns and communities as well as the open countryside, improving connectivity, and supporting job creation, particularly in a more diverse range of sectors.

5.2.2. The RSES supports the consolidation of the town and village network, to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the Core Strategies of the County Development Plans.

5.3. **Development Plan**

5.3.1. The Meath County Development Plan, 2021 to 2027, is applicable. This plan came into force on the 3rd day of November, 2021, and under which the site is located in a rural area on unzoned land.

5.3.2. This plan has updated the 'Rural Development Pressure Maps' and the 'Rural Housing Policy'. The plan has been substantially revised and is now consistent with the NPF and RSES under which a distinction is made between rural areas under urban influences, i.e., commuter catchment of cities, large towns, and centres of employment as well as rural areas outside these catchments.

5.3.3. In essence this plans Core Strategy seeks to support strengthening of rural communities and the sustainable development of rural areas in accordance with

national and regional policy with the Rural Settlement Strategy set out under Chapter 9 of this plan.

5.3.4. Of relevance are:

CS POL 1: *“To promote and facilitate the development of sustainable communities in the County by managing the level of growth in each settlement to ensure future growth is in accordance with the Core Strategy and County Settlement Hierarchy in order to deliver compact urban areas and sustainable rural communities”.*

CS OBJ 1: *“To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services”.*

CS OBJ 5: *“To deliver at least 30% of all new homes in urban areas within the existing built-up footprint of settlements”.*

5.3.5. Chapter 9 of the Development Plan sets out the Rural Settlement Strategy for the county.

5.3.6. It is a policy of the Council as set out under the Development Plan to:

RUR POL 2: *“(i) To manage residential development in Rural Areas under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside facilitated farm families to continue to live and/or work within their own communities.*

(ii) To manage residential development in Strong Rural Areas by ensuring that in these areas the provision of single houses in the open countryside facilitates farm families and those with demonstratable intrinsic links to the rural area to continue to live and/or work within their own communities. In Areas under Strong Urban Influence and Strong Rural Areas the provision of more sustainable housing options for rural communities will be facilitated by the Plan through building up the capacity of rural villages and rural nodes to accommodate the future house needs

of rural dwellers not engaged in agriculture or rural economic enterprises, which will sustain their futures.”

5.3.7. Under Map 9.1 which sets out the Rural Development Pressure Map the site is located in Category 1 land, i.e., ‘Areas under Strong Urban Influence’. Such areas are described under the plan as being: *“characterised by a rapidly rising rural population, significant proportion of which are commuting outside of the County for work. The County’s outbound commuting areas are the highest in the County and it is a key tenet of the Council’s Economic Strategy to address this issue with the creation of ‘live work’ communities in suitable locations within the County”*. It further sets out that: *“Rural Housing Category 1 spans a large geographic area of the County, comprising the commuter-belt and peri-urban areas. Continued high levels of single rural houses in these locations would inhibit the growth of the County’s urban areas, cause further deterioration of rural amenities, contribute to the continuing decline of rural villages and nodes and create significant sustainability challenges.”*

5.3.8. Section 9.5.3 sets out the rural housing policy and it indicates that: *“all rural housing proposals will be assessed having regard to, inter alia, the protection of key economic, environmental, natural and heritage assets, such as the road network, water quality, important landscapes, habitats, biodiversity and likely future impacts of climate change”*. It states that: *“applications for rural dwellings will be considered, having regard to the requirements set out in Tables 9.1a) and 9.1b) Schedule of Local Need and where it is demonstrated that the development would not prejudice the environment and the rural character of the area”*.

5.3.9. The following policies are relevant:

RUR POL 5: *“All applications for rural dwellings in the case of Applicant 1 and Applicant 2 in the Rural Area under Strong Urban Influence (Rural Housing Category 1) shall include detailed documentary evidence of compliance with the rural housing policy as set out in RUR POL 14 as follows:*

- *Set out clearly your relationship to the land owner i.e. mother, father, son, daughter, brother, sister, guardian;*
- *Completed Local Housing Needs Assessment Form;*

- Land Registry Certificate and land holding maps of all land holdings in family ownership in County Meath;
- Documentary evidence of date of acquisition/purchase of land holding;
- Details of all places of residence of the applicant over the previous 10 years (7 years if engaged in farming activity on the lands);
- Documentary evidence of Intrinsic Links to the area which shall include, where applicable: Copy of applicant entry on Electoral Register, Evidence of attendance at Local School confirmed in writing by the School, Evidence of Membership of local community/sports groups; letter from a Financial Institution confirming address, Utility bills confirming address.

The Planning Authority may seek additional information to that set out above if considered necessary.”

RUR POL 8: *“To require all applicants in areas Under Strong Urban Influence who are seeking to build their home on their family land holding for their own full time occupation shall be required to demonstrated that they have not been previously granted permission for a one off rural dwelling in Meath and have not sold this dwelling or site to an unrelated third party in the last 10 years.*

RUR POL 9: *“To require all applicants in Strong Rural Areas who are seeking to build their home on their family land holding for their own full time occupation shall be required to demonstrate that they have not been previously granted permission for a one off rural dwelling in Meath and have not sold this dwelling or site to an unrelated third party in the last 10 years.”*

RUR POL 14: *“In order to satisfy the rural housing policy for a rural dwelling in Co. Meath in all areas, an applicant shall:*

(A) Meet one of the following categories of applicant:

Category 1. A member of a farm family who is actively engaged in farming the landholding...

(B) Meet one of the local need criteria set out in Table 9.1 (a) and 9.1 (b) Schedule of Need.”

5.3.10. Section 9.5.4 sets out the housing needs of those members of the rural community who are not part of the agricultural/horticultural community as section 9.3 will be facilitated in the extensive network of rural nodes. Table 9.2 indicates that Rathmore is a Rural Node in the Kells MD area.

5.3.11. Section 9.5.6 sets out the development assessment criteria.

5.3.12. Section 9.16 deals with the matter of restricting access to certain categories of roads with Section 9.16.1 indicating that this includes national roads as per the Spatial Planning and National Roads Guidelines, 2012. With these guidelines indicating that the policy of Planning Authority’s will be to avoid the creation of any additional accesses to national roads or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. This provision applies to all categories of development including individual houses in rural areas irrespective of the circumstances of the applicant.

5.3.13. The following policies are relevant:

RD POL 57: *“To develop and maximise the opportunities of the county’s national primary and secondary roads as key strategic infrastructure vital to the county’s continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development.”*

RD POL 58: *“To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document*

‘Spatial Planning and National Roads, Guidelines for Planning Authorities’ (or any replacement document).”

5.4. Natural Heritage Designations

- 5.4.1. The nearest European sites are Dundalk Bay SAC & SPA (Site Code: 002299) and the River Boyne & River Blackwater SPA (Site Code: 004232) which are situated c5.5km to the west of the site at their nearest point.

5.5. EIA Screening

- 5.5.1. Having regard to the nature of the proposed development comprising a single dwelling house and associated works, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

5.6. Other

- 5.6.1. Natural Heritage Area: Jamestown Bog is located at its nearest point c285m to the north of the site (Site Code: 001234).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this 1st Party Appeal can be summarised as follows:
- The appellant states that they currently do not have a property and that she lives with her parents within one mile of the proposed site.
 - The opportunity to acquire a property in Ireland is extremely difficult in the current climate.
 - She should be granted planning permission for a site next to her sister and also on the basis that the neighbour on the other side of her sister got permission for a dwelling using the same lane.

- Planning references for dwellings granted on this lane are given as P.A. Ref. No. 992499; KA60183; KA70155 & KA160034.
- Permission has been granted for similar developments in this area on similar types of lanes. An example cited is P.A. Ref. No. KA150446. This is contended to be a few minutes' walk from the subject site.
- Other examples cited for precedent for the development proposed under this application are P.A. Ref. No. KA150970 and KA130043.
- The laneway serving the site provides access for other residents and it is difficult to comprehend how the addition of one more dwelling could have any adverse impact on its use.

6.2. Planning Authority Response

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

- All relevant planning considerations outlined in the appeal submission were considered during the course of its assessment of this planning application.
- The proposed development is inconsistent with the proper planning and sustainable development of the area, and it should therefore be refused.
- The Board will note the setting of the subject site in a strong rural area positioned to the south of the N51 National Secondary Road where the 80km/hr speed limit applies.
- It is proposed to access the site via a local tertiary road the L-40049-0 which is a cul-de-sac.
- The Board is referred to the comments and recommendations of their Transportation Department.
- The Board is requested to uphold its decision.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. Having carried out an inspection of the site setting, examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues that arise in this appeal case are the three separate reasons given by the Planning Authority upon which their refusal of planning permission is based. I therefore propose to assess this appeal case under the following broad headings:

- Compliance with Rural Settlement Strategy
- Access
- Precedence
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.1.3. I am satisfied that the issues for consideration before the Board can be limited to the grounds of appeal, no other substantive issues arise.

7.2. Compliance with Rural Settlement Strategy

7.2.1. The Planning Authority's first reason for refusal which I have set out in full under Section 3.1.1 of this report above essentially considered that the proposed development was contrary to the rural settlement strategy due to the applicant having failed to demonstrate a site specific rural generated housing need for a dwelling at this location. It sets out that it is a policy of the County Development Plan, 2013 to 2019, to restrict housing in Strong Rural Areas like this that are outside of designated settlements and direct not rurally generated housing to settlement centres. It was therefore considered to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

7.2.2. This reason is not accepted by the appellant in this case who sets out that she currently resides with her parents and that it is difficult to acquire a property in Ireland in the current climate. She sets out that she believes she should be granted permission for a dwelling beside her sister and based on similar developments permitted on the lane serving the site during the period of 2000 through to 2016. Together with the

precedent for this type of development to be permitted in similar laneways in the surrounding area.

- 7.2.3. Of note the recently operational Meath County Development Plan under Chapter 2, which sets out the Core Strategy, under CS POL 1 seeks to promote and facilitate the development of sustainable communities in the County by in part delivering compact urban areas and sustainable rural communities.
- 7.2.4. In addition, under CS POL 2 it seeks to direct growth towards designated settlements subject to the availability of infrastructure and services and under CS OBJ 5 it seeks to deliver at least 30% of all new homes in urban areas within existing built-up footprints of settlements.
- 7.2.5. These core strategic policies of the Development Plan are consistent with the National Planning Framework and RSES which similarly seek to restrict one-off dwellings in rural areas identified as being under strong urban influence like the subject site to those who demonstrate that they a genuine rural housing requirement in a manner consistent with the provisions set out in the Development Plan.
- 7.2.6. The Development Plans core strategy also seeks to direct urban generated housing to zoned lands in towns and villages alongside providing for more sustainable housing options for rural communities through building up the capacity of rural villages and rural nodes to accommodate the future housing needs of rural dwellers not engaged in agricultural or rural economic enterprises, which will sustain the future of such settlements. This is consistent with regional and national planning provisions as well as guidance on such matters.
- 7.2.7. Under Chapter 9 of the Development Plan the Rural Settlement Strategy for the county is set out with Section 9.1 recognising that the current level of developments like that proposed to be unsustainable. This Section of the Development Plan also sets out that there is a requirement to transition to a low carbon and climate resilient society which necessitated consideration of the spatial pattern of development focusing on elimination of unnecessary trips.
- 7.2.8. Under RUR POL 2 of the Development Plan it is set out that Council will seek to manage residential development in Rural Areas under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside facilitate farm families to continue to live and/or work within their own communities.

Moreover, this particular policy also to facilitate in areas under Strong Urban Influence the provision of more sustainable housing options for rural communities through building up the capacity of rural villages and rural nodes to accommodate the future house needs of rural dwellers not engaged in agricultural or rural economic enterprises which will sustain their futures.

- 7.2.9. The appeal site appears to be located within “Areas under Strong Urban Influence” within Map 1 of the Sustainable Rural Housing Development Guidelines 2005. These guidelines indicate that Map 1 is indicative only and that further detailed analysis on the classification of rural areas would be carried out within the relevant Development Plan.
- 7.2.10. Under RUR POL 5 it is a requirement for all applications for rural dwellings in rural area identified as being under strong urban influence (Rural Housing Category 1) to include detailed documentary evidence of compliance with the rural housing policy as set out under RUR POL 14. Policy RUR POL 5 sets out the types of documentary evidence that would be required and RUR POL 14 sets out that in order to satisfy the rural housing policy for a rural dwelling in Co. Meath in all areas, an applicant shall a) meet one of the following categories of applicant i.e. Category 1 - a member of a farming family who is actively engaged in farming the landholding or Category 2 – a member of a farm family who wishes to reside on the family land holding; and, b) meet one of the local need criteria set out in Table 9.1 (a) and 9.1 (b) Schedule of Local Need.
- 7.2.11. In relation to RUR POL 14 a) the applicant has provided no evidence that would support that she is a member of a farming family actively engaged in farming the landholding or that she wishes to reside on the family land holding in that she has not demonstrated that her sister, the family member who has provided for with consent for making this application has a farm for a minimum of ten years preceding the date of application for planning permission.
- 7.2.12. In relation to RUR POL 14 (a) this policy is set out that either Category 1 or Category 2 be demonstrated and also that they meet one of the local need criteria set out in Table 9.1 (a) and 9.1 (b). Based on the documentation provided it does not support in any way that the applicant has a local need as set out under Table 9.1(a) and/or 9.1(b).

- 7.2.13. I note that the requirements for this type of development have become more stringent between the previous Development Plan and the current Development Plan. Irrespective of this the applicant failed to demonstrate in either scenario that they meet the restricted and limited requirements for a rural dwelling at this location. With the documentation and the appellants submission setting out a desire and a belief that she should be permitted such a development this locality.
- 7.2.14. The appeal site is located in an unzoned rural area remote from settlement that has experienced a strong proliferation of urban generated housing in recent decades. The nearest settlement to it is Rathmore which is a designated 'Rural Node' under the Development Plan.
- 7.2.15. This is located c1.8km to the south east of the appeal site.
- 7.2.16. Under the Development this is a settlement though modest that is designated for limited development at a sustainable scale for immediate local need through the development of clusters.
- 7.2.17. There are also other settlements including Athboy and particularly Kells in the wider hinterland with the appellants place of employment being given to be in proximity to the latter. As well as the documentation included in support of their rural housing need for a dwelling at this location shows a social link to Athboy. These larger settlements have greater identified capacity to absorb and accommodate in a sustainable manner residential development.
- 7.2.18. Based on the information submitted with this application it is clear that the applicant is not engaged in any rurally based economic activity which would necessitate a dwelling at this location.
- 7.2.19. The proposed development sought under this application would, if permitted, serve to undermine the local policies which seek sustainable compact development and restricting rural dwellings to those who meet the rural settlement strategy criteria for the same.
- 7.2.20. I also consider that the proposed development, given its location significantly removed from any settlement centre; being remote from amenities, services through to facilities that this type of development is in general synergistic and dependent upon; remote

from accessible and well-connected public transport networks would, if permitted, inevitably be heavily dependent on the use of a private vehicle.

7.2.21. As such the proposed development would only further hamper this county's, this region, and this country's attempts to collectively move toward a low carbon economy and would be a type of development that would serve to exacerbate long term problems associated with climate change.

7.2.22. Moreover, the proposed development would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.

7.2.23. Conclusion

Having regard to the above considerations, the proposed development, if permitted would, be contrary to the proper planning and sustainable development of the area as provided for under local, regional, and national planning policy provisions and guidance.

7.3. Access

7.3.1. The Planning Authority's second and third reason for refusal which I have set out in full under Section 3.1.1 of this report above essentially considered that the proposed development, if permitted, would be contrary to RD POL 36 and RD POL 37 of the Meath County Development Plan, 2013 to 2019, as amended.

7.3.2. I note to the Board that at the time this report was prepared that the said Development Plan has been superseded by the Meath County Development Plan, 2021 to 2027. This Development Plan became applicable on the 3rd day of November, 2021, and it includes similar policies to RD POL 36 and RD POL 37 which are set out the proposed development would be contrary to under Reason No. 2 and 3 respectively.

7.3.3. In this regard, RD POL 36 under the new Development Plan is now RD POL 57, with the policy wording being unchanged.

7.3.4. As such it is still a policy of the Planning Authority to develop and maximise the opportunities of the county's national primary and secondary roads as key strategic infrastructure vital to the county's continued economic development and to protect this strategically important infrastructure from what is essentially proposed under this application random one-off housing development.

7.3.5. Similarly, RD POL 58 reiterates the wording of RD POL 37.

- 7.3.6. As such it is still a policy of the Planning Authority to ensure that future development affecting national primary or secondary roads shall be assessed in accordance with the guidance given in the document Spatial Planning and National Roads, Guidelines for Planning Authorities.
- 7.3.7. Further, Section 9.16.1 sets out in a manner consistent with the Spatial Planning and National Roads Guidelines, 2012, that it is policy of Planning Authority to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. This provision applies to all categories of development including individual houses in rural areas irrespective of the circumstances of the applicant.
- 7.3.8. Of note Section 2.5 of the Spatial Planning and National Roads Guidelines seeks that Planning Authorities avoid the generation of increased traffic from existing accesses that open onto national roads. This provision applies to all categories of development including that sought under this application except under certain very limited circumstances. There are no accepted exceptional circumstances that the applicant has demonstrated that would justify the additional access and egressing of traffic that this proposed development would generate onto the N51. As such the proposed development is contrary Section 2.5 of the said Guidelines.
- 7.3.9. In addition, National Strategic Outcome 2 of the National Planning Framework includes an objective which seeks to maintain the strategic capacity and safety of the national roads network.
- 7.3.10. In this regard I note that the proposed development, if permitted, would add to the traffic generated accessing and egressing from the substandard cul-de-sac lane, the L-40049-0, onto the N51 – 116 National Secondary Road. At a point where the posted speed limit is 80kmh and where the entrance point in its current layout is not of a design and layout to provide safe access and egress for the existing volume of traffic it accommodates in addition to any increase in traffic movements at this junction, even if the additional traffic movements generated were low. On this point it is of a particular concern that the width of this lane and the layout of the entrance opening from this cul-de-sac road onto the N51 is restricted as well as substandard. It is not of a design and layout that can safely accommodate two vehicles occupying this entrance at the same time journeying opposite directions. As such there is a potential for vehicles to

dwelling on the carriageway of the N51 which in turn has the potential to result in additional potential for conflict to arise with other road users in such circumstances. On this point I note the lack of any hard shoulder on either side of the entrance onto the N51.

- 7.3.11. In addition, with the lane itself also not being of a width to safely allow for two vehicles to pass one another without one vehicle having to reverse along most of its length. This I experienced upon my arrival onto the lane from the N51 to carry out my inspection of the site. In addition to this I observed that the lane along most of its length is poorly surfaced and contains overgrown verges that further curtail and restrict its width.
- 7.3.12. The appellant in their grounds of appeal sets out that they can not comprehend how adding one more person access onto this lane would have impact on its road use.
- 7.3.13. Yet I note that the applicant seeks planning permission for a substantial in its own right part single part two storey dwelling house of 284.8m² with 5 bedrooms. All of the bedrooms show that they are sizeable in width and depth containing double beds. It is unlikely in my view that the dwelling proposed is for the use of one person.
- 7.3.14. It would therefore be appropriate in my view that the Board in its consideration of the proposed development and that the access this type of proposal would generate is based on its household capacity of a five double bedroom house as designed and its location in an un-serviced location remote from amenities, services, facilities, employment opportunities and the like that are residential properties are generally dependent upon to varying degrees. With the access to these being dependent upon private vehicles given that there is no safe pedestrian, cycle connectivity to these from the site nor is there any safe or nearby access to a public transport stop in the vicinity of the site either.
- 7.3.15. When this is considered against the fact that this site is un-serviced the proposed development would, if permitted would be one that is dependent upon uneconomic infrastructure provision and would exacerbate private vehicle dependent urban sprawl in this rural locality.
- 7.3.16. I am cognisant that it is generally accepted that a dwelling house in itself would generate only limited additional traffic. Notwithstanding, this does not overcome that the aforementioned guidelines do not specify thresholds which it may consider

acceptable in terms of increased traffic generation from existing access points onto national roads. But rather it sets out that Planning Authority shall avoid the generation of increased traffic from existing accesses that open onto national roads across all development types except in limited circumstances which the applicant has not demonstrated. Albeit the dwelling house would generate a low volume of traffic increase onto an access point onto national road this still is contrary to the provisions of these guidelines.

7.3.17. Overall, this is not a development that one could consider to be a sustainable housing solution for a person whose housing needs are ones which the Development Plan seeks to channel to settlements including 'Rural Node's like Rathmore or larger settlements like Kells which is in close proximity to the appellants place of employment.

7.3.18. Conclusion

In my view there is no justification provided to warrant the overriding of national and local planning policies in relation to safeguarding national roads, that would compromise their operational efficiency, that would give rise to potential for additional traffic hazards and road safety issues for road users for a stretch of national road where 80kph speed limit applies. The greater public good outweighs the appellants desire to build at a location that is unsuitable in terms of access to the public road network for the provision of a single rural dwelling house, with access to the national road being dependent on a substandard cul-de-sac lane and in a remote un-serviced rural location where future occupants would heavily dependent upon private car. This component of the proposed development is contrary to both local and national policy in terms of not only settlement strategy for future housing but also in terms of factoring in climate resilience into future developments.

I therefore concur with the Planning Authority reasons for refusing permission as set out under Reason 2 and 3 but I also consider the substandard nature of the cul-de-sac lane and its entrance onto the N51 further adds to my concern that the proposed development, if permitted, would potentially give rise to additional road safety issues for road users.

Particularly, in relation to adding to the potential for conflict to arise at the entrance of this lane onto the N51 between road users and those accessing and egressing onto the lane.

7.4. Precedence

- 7.4.1. The appellant in their grounds of appeal site a number of decisions made by the Planning Authority on the cul-de-sac lane that would serve the proposed development and in the surrounding area where this type of development has been permitted. I note that these examples cited are not recent with local, regional, and national planning policies as well as guidance that are relevant to this type of development application having significantly evolved since the Planning Authority would have determined these cited cases. Further it is appropriate that all applications are determined on their individual merits.

7.5. Other Matters Arising

7.5.1. Siting and Design of the Dwelling:

I concur with the Planning Authority's Planning Officer that the design of the proposed dwelling is not consistent with the guidance set out in Meath Rural Design Guidelines and would, if permitted, due to its height and over-all built form it would appear overly dominant and overbearing within its landscape setting. Whilst this would be a localised diminishment of the rural character of this area it would add to the cumulative impact such developments have had on this predominantly agricultural landscape where dwellings that are out of character with local vernacular through to local context have eroded the intrinsic qualities and characters of these rural areas. Particularly as appreciated from the public domain.

7.5.2. Wastewater Treatment & Water Supply:

It is proposed to provide a secondary wastewater treatment system and to discharge to groundwater via a percolation area. The site characterisation records a T-test value of 73.61min/25mm indicating average percolation characteristics of subsoil and a P-test value of 46.58min/25mm indicating average percolation characteristics of the topsoil. Further, it indicates that ground water level was encountered in the trial hole at a depth of 1.1m BGL.

Based on these results a purpose-built percolation area is proposed with this and the instalment of the treatment system be overseen by a suitable qualified and accredited person. While I accept that the documentation appears to support that the wastewater serving the proposed development in compliance with the EPA Code of Practice can be provided.

Notwithstanding, I observed high water in the surrounding ditches and prevalence of water loving plants in the immediate environs of the site and its setting. Further, given the proliferation of one-off dwellings in this area and the proximity of the site to Natural Heritage Area: Jamestown Bog which is located at its nearest point c285m to the north of the site (Site Code: 001234).

I was unable to gain access to the site at the time of my inspection due to dogs and other animals preventing safe access on to the main site area and any trial holes that may remain uncovered there.

I therefore raise concern with regards to the cumulative impact such a development on the local environment alongside the quality of water given that dwellings in this area are dependent upon proprietary bored wells to meet their potable water supply.

I am cognisant that the documentation accompanying this application does not clarify whether or/not a viable, secure, and safe potable water supply can be achieved to serve occupants of the proposed future dwelling sought under this application.

This is a new issue in terms of this appeal. There are substantive other reasons to base a refusal of the proposed development sought under this application.

7.5.3. **Surface Water:**

Should the Board be minded to grant permission this matter can be satisfactorily addressed by way of condition.

7.5.4. **Climate Change**

Chapter 10 of the Development Plan deals with the matter of Climate Change with it making particular reference to its core strategy objectives which in part seek to support and address positive climate change planning directions in the consideration of new developments. It refers to core strategies including CS OBJ 4 which seeks to achieve more compact growth on appropriate sites through to policies including MOV POL 3 which seeks to promote sustainable land use planning measures that minimise

environmental impact by way of facilitating transportation efficiency and a general shift to the greater use of public transport.

In addition, MOV POL 4 seeks to promote higher residential densities in settlement centres along public transport nodes. These particular local policies and objectives further add to the concerns raised in my assessment above.

Of further concern the proposed design of the dwelling shows little regard to sustainable building methodologies for energy generation, space heating through to providing hot water in its design methodology through to the placement of the dwelling and the design of the dwelling to maximise solar gain and cross ventilation.

I also note that policy MOV POL 48 of the Development Plan requires where feasible and practical the provision of photovoltaic solar panels in new residential developments for electricity generation or water heating purposes to minimise carbon emissions and reduce dependence on imported fossil fuels.

Should the Board be minded to grant permission for the proposed development I recommend that it include a condition seeking compliance with MOV POL 48 in the interests of sustainable development and in the interests of ensuring a more climate change resilient development outcome.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude on the basis of the information on file, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be **refused**.

9.0 **Reasons and Considerations**

1. The site of the development sought under this application is located in a 'Rural Area Under Strong Urban Influence' as set out in Section 2.7 and Map 10.1 of the Meath County Development Plan, 2013 to 2019, and in accordance with Section

3.2 of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005), wherein it is policy to distinguish between urban-generated and rural-generated housing need.

For such areas, Core Strategy CS OBJ 1 seeks to direct growth towards designated settlements, subject to the availability of infrastructure and services in order to secure the implementation of the Core Strategy and the Settlement Strategy for the County.

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

Having regard to the documentation submitted with this application, notwithstanding the justifications put forward by the applicant as to the social need to have a home in this rural locality, it is considered that the applicant's need for a house is urban generated and not generated by a genuine social and/or economic need for a house in this rural locality given that the applicant has failed to demonstrate compliance with RUR POL 14 which all applicants for such a development must satisfy. In addition, the applicant's housing needs could be sustainably met in 'Rural Nodes' like Rathmore or larger settlements like Kells close to the applicants place of employment.

In this context, the development sought under this application would contribute to the encroachment of random development dependent upon private vehicles and on site provisions of potable water as well as foul drainage in a rural area that has been significantly diminished by a proliferation of one-off rural dwellings and is remote from services as well as other amenities that residential developments like this would require.

It would also militate against safeguarding and preserving this rural locality for its predominant agricultural functions and what limited capacity there is to meet those with genuine demonstrable social and/or economic housing needs of those with intrinsic links to this rural locality.

The development sought under this application would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of Meath County Council as set out in the Meath County Development Plan, 2021 to 2027, (RD POL 57), 'to develop and maximise the opportunities of the county's national primary and secondary roads as key strategic infrastructure vital to the county's continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development.' The proposed development, therefore, as presented, is not considered to be in accordance with the proposed planning and sustainable development of the area.

3. It is the policy of Meath County Council as set out in the Meath County Development Plan, 2021 to 2027, (RD POL 58) 'To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with guidance given in the document 'Spatial Planning and National Roads – Guidelines for Planning Authorities'. The proposed development does not comply with the above policy and is therefore not considered to be in accordance with the proposed planning and sustainable development of the area."

Patricia-Marie Young
Planning Inspector

7th day of November, 2021.