



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311239-21

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<b>Development</b>	The development will consist/consists of domestic dwelling and detached garage
<b>Location</b>	Chamberlainstown, Kells, Co Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	21743
<b>Applicant(s)</b>	Derrick Keating
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Champagne Chamberlayne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 January 2022
<b>Inspector</b>	Una Crosse

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.38ha is located in the townland of Chamberlainstown which is c.1km north of Fordstown in County Meath and located on the southern side of a cul-de-sac which is accessed from the R164. The site is adjoined by mature hedgerows to the west and north and by the remainder of a large field to the south and east.
- 1.2. The site is adjoined by existing residential development to the west and there are two permitted dwellinghouses to the east of site (see planning history at section 4 below).

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey detached dwelling (GFA 193 sq.m.), garage, upgrade to existing entrance, septic tank, percolation area and all ancillary works.
- 2.2. In response to further information changes were made to the red line incorporating an area to the west of the site and revisions were made to provide a new separate site access onto the road.
- 2.3. The applicant outlines his relatives within the area noting that he is proposing to return to Ireland after moving to Australia in 1990 with the intention to eventually set up his own business. A site has been offered by his brother on his lands to apply for permission to build own home.

## 3.0 Planning Authority Decision

### 3.1. Decision

Meath County Council issued a notification of decision to grant permission for the proposed development subject to 16 no. conditions. The following conditions are of note:

- Condition 2: Occupancy clause.
- Condition 4: Details of entrance

- Condition 13: The proposed garage shall not be used for human habitation.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

#### Initial Planner's Report (14/06/2021)

The assessment in the initial planner's report, which includes reference to site location, planning history, national and local policy (Previous 2013-2019 Plan), submissions and referrals received can be summarised as follows:

- No direct hydrological link from the subject site to the River Boyne and River Blackwater SPA and SAC. Concludes proposal would not be likely to have a significant effect on European Site(s) and a Stage 2 AA is not required in this instance.
- EIA screened out.
- Reference is made to Section 10.4 of the MCDP which relates to rural housing need. On the basis of the information submitted it is considered that the applicant is applying on grounds of having a wish to return to the area having no accommodation in the area and living in rented accommodation in Australia.
- Documentation attached supporting application including letter outlining proposed employment on return to the area (Construction).
- Noted that applicants' family home is at Cortown but no map attached showing location.
- Design and layout similar to those permitted on adjoining site with house of 322 sq.m and large detached garage of 110 sq.m.
- Given separation distance to nearest dwelling not considered overlooking would be an issue with roadside boundary to be retained to help integrate proposal.
- Proposal would not create or contribute to ribbon development along the roadside as it is considered infill development although red line boundary should be amended to include a wedge of land to the west of the site.
- Revised layout required showing changes to the access arrangements proposed.

- Site assessment undertaken shows results are in compliance with EPA Code of Practice.

#### Further Information Request (14/06/2021)

The following matters were addressed:

- Local Housing need – clarification of relationship to landowner and map showing location of applicants qualifying family home and distance from proposed site.
- Revised site layout plan showing red line incorporating area of land to immediate west such as to prevent future planning application on same.
- Revised site layout plan amending internal driveway and shared access arrangements.
- Landscaping Plan.

#### Planner's Report (03/08/2021)

The planner's report in response to the further information response recommends a grant of permission subject to condition. The following provides a summary of the main points raised:

- Response to FI on local need which outlines links to the local area and considered housing need issue resolved.
- Revisions to red line boundary acceptable.
- New access proposed replacing shared laneway and note comments from Transportation (see next section).
- Landscaping plan acceptable.
- AA Screening concludes Stage 2 not required.
- Sub-threshold EIAR not required.
- Development contribution of €11,000
- The proposed development is considered that subject to compliance with conditions proposal would not negatively impact on the visual and residential amenities of the area.

### 3.2.2. Other Technical Reports

Transportation: Correspondence dated 30<sup>th</sup> of July 2021 notes the following:

- New entrance on the L-68362 proposed, is a cul-de-sac and quiet.
- Existing boundary hedge very close to the edge of the road.
- No sightline drawing provided with sightlines of 70m required at setback of 2.4m which can be achieved if entire front boundary set back by 4m from edge of the road.
- Hedgerow to be removed to east of the proposed entrance which requires setback/trim back to achieve unobstructed sightlines.

No objection subject to conditions:

- Removal of hedgerow and provision of 4m wide grass verge between edge of the road and new site boundary.
- Recess of piers and gates.
- Provide and maintain 70m sightlines and no objects, structures or landscaping placed or installed within visibility triangle.

### 3.3. **Prescribed Bodies**

None.

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

Two observations were received within the initial consultation period. The matters arising are outlined in the grounds of appeal below.

## 4.0 **Planning History**

None on subject site.

### Adjoining Sites within Large Site (c2 hectares)

**KA191157** – permission granted to Lauren Keating for a storey and a half residence, garage and wastewater treatment system and entrance. Permission was granted

under [KA200570](#) for a change of house and garage and revised site boundaries to include new entrance.

**KA191159** – permission granted to Ciaran Keating for a storey and a half residence, garage and wastewater treatment system and entrance. Permission was granted under [KA200571](#) for a change of house and garage and revised site boundaries to include new entrance.

## 5.0 Policy Context

### 5.1. Development Plan - Meath County Development Plan 2021-2027

- 5.1.1. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019. The Meath County Development Plan 2021-2027 was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021. I have assessed the proposal under the provisions of the operative Development Plan, namely the Meath County Development Plan 2021-2027.
- 5.1.2. Chapter 9 of the Development Plan sets out the rural settlement strategy. This outlines that the planning authority recognises the long tradition of people living in rural areas and promotes sustainable rural settlement as a key component of delivering more balanced regional development. Rural development should be consolidated within existing villages and settlements that can build sustainable rural communities as set out in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (RSES). The Development Plan seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards and the Plan includes a number of strategic policies to support same.
- 5.1.3. The site is located within an area identified as a 'Strong Rural Area' as indicated on Map 9.1 of the Development Plan. The Development Plan sets out the following guidance in respect of the area:

#### **Area 2 - Strong Rural Areas**

Key Challenge: *“To maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in the wider rural area.*

*This area is underpinned primarily by relative levels of residential stability compared to Area Type 1 within a well-developed town and village structure and in the wider rural area around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be lower than that within Area Type 1 and confined to certain areas.*

*This area type is to be found in rural areas along a spine from the north of the county east of and including Kells as far as Oldcastle. The environs of Athboy and Slane are also included in this category. This area has less of a tradition of urban settlement. It is under more moderate pressure for one-off housing development than the areas under strong urban influence”.*

5.1.4. The following policies are of relevance:

- RD POL4 – to consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- RD POL5 – to facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

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

- *Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;*

- *Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;*
- *Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;*
- *Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home or is suited to rural locations such as farm hands or trades-people and who have a housing need.*

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

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

5.1.7. Section 9.5.4 of the Development Plan relates to Rural Nodes. This outlines *that “the housing needs of those members of the rural community who are not part of the agriculture/horticulture community as set out in Section 9.4 will be facilitated in the*



*extensive network of rural nodes*". Cortown and Fordstown are designated as a rural node within Table 9.2. The Plan outlines that *"the Council will support infill development on appropriate sites in rural nodes which make the most sustainable use of serviced land and existing public infrastructure"*. The following policies and objectives are of relevance:

- RUR DEV SO 5 To support the vitality and future of Nodes for rural development and ensure a functional relationship between housing in Nodes and the rural area in which they are located.
- RD POL 8: To ensure that the provision of housing in all rural nodes shall be reserved for persons who are an intrinsic part of the rural community. In all cases applicants shall certify to the satisfaction of the Planning Authority that they have been a rural resident for a minimum of 5 years. The node shall be within 12 km of their current place of residence.
- RD OBJ 1: To support rural nodes located across the County in offering attractive housing options to meet the needs of the established rural communities and to support existing local community facilities such as schools, post offices, recreational facilities and childcare facilities etc.
- RD OBJ4: All development in rural nodes should take cognisance of the prevailing scale, pattern of development and services availability.
- RD OBJ 10 To ensure that proposals for infill development take account of the character of the area and where possible retain existing features such as building line, height, railings, hedgerows, trees, gateways etc.
- RD OBJ 15 To require a minimum site area of 0.2 hectares (0.5 acres) for each residential unit in rural nodes where serviced by an individual waste water treatment plant.

5.1.8. Design Guidelines for Rural Houses are set out in Appendix 13 of the Development Plan.

## 5.2. National Planning Framework

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

*‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:*

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.*

### **5.3. Sustainable Rural Housing Guidelines 2005**

- 5.3.1. A number of rural area typologies are identified within the Guidelines including Areas under Strong Urban Influence, Stronger Rural Areas, Structurally Weak Areas and Predominately Dispersed Settlement Areas.
- 5.3.2. The site is located within an Area Under Strong Urban Influence as identified within the Guidelines. The guidelines refer to the indicative nature of the Map and state that further detailed analysis of different types of rural areas would be carried out within the Development Plan process.
- 5.3.3. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’.
- 5.3.4. Section 3.3.3 deals with ‘Siting and Design’.

### **5.4. Natural Heritage Designations**

- 5.4.1. The site is not located within or directly adjacent any Natura 2000 sites. The following sites are located within 15km of the site:
- Girley (Drewstown) Bog SAC (site code 002203) – c. 1.5km
  - River Boyne and River Blackwater SAC (Site Code 002299) – c.2.7km

- River Boyne and River Blackwater SPA (Site Code 004232) – 6km
- Girley Bog NHA is approximately 600m west of the site.

## 5.5. EIA Screening

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

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal was submitted by Branigan and Matthews on behalf of Champayne Chamberlayne. The following provides a summary of the grounds of appeal:

- Questions the purpose of application with site comprising 2.08 hectares with four planning applications (listed) approved and almost the entire road frontage utilised for housing.
- Site in rural area outside any designated settlement in a strong rural area as defined in 2013-2019 Development Plan where development that is not rurally generated should be located in settlement settlements with rural housing restricted to those with occupant predominately based in rural community with applicant working in a kitchen company in Sydney. Applicant does not meet criteria for a rural house and is not in the Country with proposal urban generated.
- Local village of Cortown where applicant from is more suitable location for the applicant.
- Appellant not aware of some of previous applications as not properly advertised on laneway and was not seen by the appellant despite being opposite.

- Previous applications made by children of registered owner with current proposal that of the registered owners brother with various addresses provided for applicant but who has no connection to area of application.
- Planner in Meath County Council noted no map provided showing connection to Cortown.
- Plans provided are identical to plans provided for the other applications in the field with no change to the others permitted with proposal part of the overall housing development within the site.
- If applicant had a genuine local need then house design would be specific to his need and not generic.
- No specific measurement provided for the height of the groundworks or elevations with use of amenity area of appellants property significantly compromised by the view of the proposal.
- Road abutting site not capable of carrying further development as it is in a poor state with application relying on shared right of way with no details provided as to the responsibility for upkeep.

## 6.2. Applicant Response

The applicant provided a response to the third-party appeal. The following provides a summary of the issues raised.

- Concerned at some of statements and assertions made with inclusion of allegations inappropriate to a planning appeal (including alleged speculative nature of application).
- Basis for compliance with Meath County Council policy is set out in application with relevant information provided to the Council.
- Applicant is part of rural community with relevant information provided with occupancy condition attached and proposal acceptable in all other matters.
- Land in applicants' family for nearly 20 years with proposal not speculative with no basis provided.

- Permission exists for 2 houses for applicants' niece and nephew with further applications for modifications.
- Applicant prepared the application which he is entitled to do and fact proposal is similar to permitted houses is not relevant with proposal suitable for the site.
- Distance from appellants property provides not affect on their amenities.
- Shared entrance originally proposed with other permitted houses but this was revised and a single entrance is now proposed.

### 6.3. **Planning Authority Response**

Meath County Council have provided the following response to the grounds of appeal:

- Outlines the sequence of the application process.
- Summarises the appeal.
- Refers to the reports of the Planning Officer.
- Requests ABP to uphold the decision to grant permission for the proposed development.

## 7.0 **Assessment**

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

- Procedural Issues
- Compliance with Rural Housing Policy
- Access
- Wastewater Proposal and Water Quality
- Impact on Residential Amenity
- Appropriate Assessment

## 7.2. Procedural Issues

The appeal grounds relating to theories as to who or who may not be the purported applicant and the applicant's response to same and their concern as to the nature of some of the statements made are not matters which I propose to address. I propose to look at the documentation presented to the Planning Authority and the Board by the applicant and assess the proposal against local and national policy on that basis.

## 7.3. Compliance with Rural Housing Policy

- 7.3.1. The central matter in my opinion is the matter of principle. In relation to national policy, the Planning Authority do not appear to have addressed the policy requirements of the National Planning Framework in relation to demonstrable economic and social need of the applicant. The National Planning Framework is the overriding higher tier policy document for development nationally, the Council are therefore obliged to demonstrate compliance with the NPF. I note that the NPF recognises that there is a continuing need for housing provision for people to live and work in Ireland's countryside. I refer to the guidance set out under NPO 19 of the National Planning Framework which outlines that: *"In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements"*.
- 7.3.2. The document states that a more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are 'not subject to urban development pressure', this caveat is of particular relevance to the appeal before the Board, given the location of the appeal site within a strong rural area as outlined above. This policy position is intended to assist in sustaining more fragile rural communities. One-off housing will, however, be required to be considered within the context of the viability of smaller towns and rural settlements. The area in the vicinity of the site is semi-rural in nature and characterised by a number of one-off rural dwellings, agricultural buildings and open agricultural land. The planning history, summarised in Section 4 of this report, demonstrates that the larger site, of which the

site forms part, has experienced significant development pressure with two dwellings already permitted on a site of c.2 hectares.

- 7.3.3. The appeal site is located within a “Strong Rural Area” as designated within the Meath County Development Plan 2021-2027 and the Sustainable Rural Housing Guidelines 2005. Within strong rural areas, Policy RD POL 4 of the Development Plan states that it is policy of Meath County Council to consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area. Section 9.4 of the Development Plan refers to ‘persons who are an intrinsic part of the rural community’ with a number of categories of same outlined and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas as summarised in Section 5.1 above.
- 7.3.4. While the applicant does not specifically state which part of the Plan they comply with, given the Plan has been adopted since the application was made, the applicant would appear to comply with the following criteria:
- “Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire”*
- 7.3.5. The documentation submitted in support of the application outlines that applicant has been living in Australia since 1990 and wishes to return to Ireland. The applicant is self-employed in Australia and has been offered employment in the construction industry on their return. A map has been submitted indicating the location of the applicant’s family relative to the appeal site. Documentation outlining the applicants’ connections to the area prior to their departure in 1990 including endeavours with sporting clubs in the area is also outlined. Firstly, I would note that the site is owned by the applicant’s brother on a piece of land of c.2.08 hectares within which permission has been granted for two houses for the owners’ children. The applicant’s brother does not live in the area but according to the map submitted with the further information and appeal response lives further north at Pepperstown. No map has been provided to suggest the site is part of a wider landholding greater than the c.2 hectares. The applicant did not grow up in this area prior to their departure to Australia and has no apparent social links to this area other than a nephew and

niece have been granted permission on a wider site owned by their father, the applicants brother. I do not consider that the applicant would therefore constitute a person local to or linked to a rural area. In relation to economic need, the applicant has been offered employment in the construction industry but there is no apparent need to live in this particular area for the applicant to undertake this work.

- 7.3.6. On the basis of the information submitted, I do not consider that the applicant has demonstrated an appropriate social or economic connection to this area.

#### **7.4. Access**

- 7.4.1. The appellant outlines concerns that the road abutting site not capable of carrying further development as it is in a poor state with application relying on shared right of way with no details provided as to the responsibility for upkeep. As is outlined in the planners report above the original proposal to share a new road access with the adjoining permitted units was amended at further information with a new entrance now proposed on the L-68362 proposed which is a cul-de-sac. While the original proposal to share an access would have facilitated the retention of the existing hedgerow, the proposed new entrance would necessitate the removal of the hedgerow and the creation of a very deep verge of c.4metres which is almost the same width as the road itself. I would also note that the layout plan provided does not appropriately outline the sightlines required.

- 7.4.2. While there is no objection to the proposed access arrangements in principle, the creation of such a wide verge is unfortunate as it will irrevocably change the rural character of this laneway.

#### **7.5. Wastewater Proposal and Water Quality**

- 7.5.1. Wastewater proposals for the site include a proprietary wastewater treatment system and percolation area. Water supply is proposed via a private well to be bored on site.
- 7.5.2. The appeal site is situated on a locally important Aquifer, with a moderate level of vulnerability. The Site Characteristics Form (SCF) details that the soil type comprises grey, brown podzolics. The groundwater protection response is R1. It is determined in the SCF that the site seems suitable for discharge to ground with surface water not considered to be at risk around the site as site is elevated and should have dry



soils underlying. The desk study states that the site is potentially suitable for a conventional septic tank system if the minimum depth of 2m required is met on site, minimum separation distances can be met and if the percolation rate is adequate.

- 7.5.3. The onsite assessment undertaken outlines the distance of the proposed house and permitted house to the proposed percolation area. It is outlined that there are four wells within 200m of the proposed percolation area which are outlined in Figure 3. The permitted wells on the sites to the east are additional to this number and which it is stated should be south/southwest of the proposed percolation area by at least 40m. These wells are not indicated in any documentation provided. It is also noted that the orientation of the permitted sites and wells permitted with same are south/southeast rather than west. It is determined in the site assessment that wells are not considered to be at risk however my concerns outlined above remain.
- 7.5.4. Following the desk study and visual assessment, groundwater remains a target unless the minimum depths are met for adequate percolation. Groundwater flow is identified towards a stream distant to the northwest.
- 7.5.5. A trial hole, with a depth of 1.8m to bedrock was dug in May 2020 and inspected two days later. The profile of the trial hole is provided and it stated that neither bedrock nor the water table were met at 1.8m with the site likely to be suitable for a conventional septic tank which requires 1.2m of unsaturated soil.
- 7.5.6. With regard to the percolation characteristics of the soil 3 percolation test holes were examined, an average T value of 20.2 was recorded. The form outlines that good sub soil percolation is identified and the proposal is suitable to accommodate a septic tank system as per EPA COP 2009. An average P value of 17.1 was recorded. The Site Characteristics Form confirms that soil conditions are suitable to accommodate septic tank system and percolation area.
- 7.5.7. It is concluded that all minimum distances can be met on the site once the proposed percolation area is installed and the proposed bored well is exactly as specified in the report and the recommendation sets out the treatment system and location and design of the percolation area. While the appellant includes the location of the adjoining proposed percolation area in the adjacent sites in Figure 4 they do not refer to the density of proposed and permitted wastewater treatment systems within a limited site area, having regard to the recent permission for two such systems

directly adjoining is of considerable concern particularly as the proposed site layout plan does not indicate the location of the adjoining permitted wells although the distances are referenced in the site assessment report albeit with the incorrect orientation.

- 7.5.8. While the proposed development in itself would be in compliance with the EPA 2009 guidelines, I consider that there is a proliferation of wastewater treatment systems within the 2 hectare site and in this regard I do not consider it is appropriate to recommend permission.

## 7.6. Impact on Residential Amenity

- 7.6.1. Concerns were raised by the appellant about the potential of overlooking of their outdoor space. I do not consider that the proposal would result in undue overlooking of the appellants dwelling or private open space. I do not consider that the proposal would negatively impact on the residential amenity of any existing adjoining residential property in the vicinity.

## 7.7. Appropriate Assessment

- 7.7.1. The site is not located within or directly adjacent to any Natura 2000 sites. The following sites are located within 15km of the site:

- Girley (Drewstown) Bog SAC (site code 002203) – c. 1.5km
- River Boyne and River Blackwater SAC (Site Code 002299) – c.2.7km
- River Boyne and River Blackwater SPA (Site Code 004232) – 6km

### Girley (Drewstown) Bog SAC (site code 002203)

- 7.7.2. This site is of conservation interest for the following habitats:

- Degraded raised bogs still capable of natural regeneration [7120]

- 7.7.3. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*‘To maintain or restore the favourable conservation condition of the Annex I habitat(s) and or Annex II species for which the SAC has been selected’.*

River Boyne and River Blackwater SAC (Site Code 002299)

7.7.4. The River Boyne and River Blackwater SAC (002299) is of conservation interest for the following habitats and species:

- Alkaline fens [7230]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

7.7.5. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*‘To maintain or restore the favourable conservation condition of the Annex I habitat(s) and or Annex II species for which the site is selected’.*

River Boyne and River Blackwater SPA (004232)

7.7.6. The River Boyne and River Blackwater SPA (004232) is of conservation interest for the following species:

- Kingfisher (*Alcedo atthis*) [A229]

7.7.7. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*‘To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA’.*

7.7.8. There is no direct link or connection between the appeal site and the above sites.

7.7.9. While I have outlined my concerns above regarding the proliferation of septic tanks within the 2 hectare site, the proposed wastewater treatment system discussed above has been designed in accordance with the EPA guidelines on the treatment of domestic wastewater and is adequately removed from existing watercourses (EPA’s Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses). Consequently, deleterious effects on either surface or groundwater in the

vicinity of the site, or at distance from it, are unlikely however there is no consideration of in-combination effects. Notwithstanding this, in the absence of any mitigation measures, having regard to the effect of dissipation, dilution and biodegradation, of potential pollutants in their movement through soil/water at a distance of c.1.6 km from the Girley SAC and further to the the River Boyne and River Blackwater SAC and SPA, significant adverse effects on water quality in the European site are unlikely.

7.7.10. Taking into consideration the nature and scope of the proposed development, the distance from designated sites, the lack of a direct hydrological link between the appeal site and designated sites, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the nature of existing residential and agricultural development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

8.1. I recommend that permission is refused for the proposal having regard to the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. Having regard to the location of the site within an “Stronger Rural Area” as identified on Map 9.1 of the Meath County Development Plan 2021-2027 and in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and the National Policy Objectives of the National Planning Framework (February 2018), which seek to manage the growth of areas to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, and in an area where housing is restricted to persons demonstrating local need in accordance with the Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Sustainable Rural Housing

Guidelines and National Policy Objective 19 for a house at this location. The proposed development, in the absence of any identified social or economic based need for the house, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. It is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that, when taken in conjunction with existing development in the vicinity of the subject site, the proposed development would result in an excessive concentration of development served by individual private effluent systems in the area. The proposed development, would therefore, be prejudicial to public health.

Una Crosse

Senior Planning Inspector

January 2022