



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311708-21

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<b>Development</b>	House with garage, wastewater treatment system and associated site works.
<b>Location</b>	Dowthstown, Wilkinstown, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	21813
<b>Applicant(s)</b>	Declan Cribbin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brian Kenny
<b>Date of Site Inspection</b>	05 <sup>th</sup> March 2022
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.3 hectares, is located approximately 3km to the north west of Wilkinstown, Co. Meath. The appeal site is located on the northern side of the L74113. The appeal site is part of a field (grassland). The topography of the site and surrounding lands is flat and low lying. Adjoining lands to the north, east and west is similar agricultural lands with the southern (roadside) and western boundary defined by hedgerow and no existing boundaries along the northern and eastern boundaries of the site. The nearest dwelling to the site is located to the south west and on the opposite side of the public road.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a storey and a half dwelling, domestic garage, wastewater treatment system, new vehicular entrance and ancillary site works. The proposed dwelling has a floor area of 253.65sqm (garage (39.99sqm) and a ridge height of 7.811m. The dwelling features a pitched roof with external finishes of mainly plaster, some natural stone and blue black roof slates.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 17 conditions, the conditions are standard in nature.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning Report (24/06/21): Further information required including a Screening Report for Appropriate Assessment, clarification of landholding site is taken from including previous sites disposed of and details of water supply.

Planning Report (21/09/21): The proposal was deemed to be in accordance with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports

Transportation (22/06/21): No objection subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

3.4.1 Four submission were received. The issues raised can be summarised as follows...

- Ribbon development, impact on rural character, lack of public wastewater facilities, overdevelopment of landholding and impact on existing rural activity.

### 4.0 Planning History

No planning history.

### 5.0 Policy Context

#### 5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2013-2019.

#### RUR DEV SP 2

To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan, and in particular Chapter 8 Section 8.6.1 UNESCO World Heritage Site of Brú na Bóinne.

The Meath County Development Plan 2007-2013 identified three area types in the county following detailed research and assessment.

The three rural area types are identified on Map 9. 1.

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

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

## Policies

### RD POL 1

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

### RD POL 2

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

### RD POL 3

To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

## 9.4 Persons who are an Intrinsic Part of the Rural Community

The Sustainable Rural Housing Guidelines outline that Planning Authorities in formulating policies recognise the importance to rural people of family ties and ties to a local area such as parish, townland or the catchment of local schools and sporting clubs. It also delivers positive benefits for rural areas and sustains rural communities by allowing people to build in their local areas on suitable sites.

The Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

- Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category of local need. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be farming / natural resource related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.
- Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.

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. For the purposes of this policy section, 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.

#### RD POL 9

To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

#### 5.2 Sustainable Rural Housing Guidelines for Planning Authorities (2005):

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within

proximity to the immediate environs or close commuting catchment of large cities and towns. 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 National Planning Framework – Project Ireland 2040

NPO19 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.

The proposal was assessed under previous Development Plan, Meath County Development Plan 2013-2019, which has been superseded. The rural housing policies are unchanged from the previous plan.

### 5.4 Natural Heritage Designations

River Boyne and River Blackwater SPA (site code 004232), 6.2km south.

River Boyne and River Blackwater SPA (site code 002299), 6.2km south.

### 5.5 EIA Screening

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a new dwelling and

associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 A third party appeal has been lodged by Brian Kenny, Knightstown, Wilkinstown, Navan, Co. Meath. The grounds of appeal are follows...

- Issues concerning lack of information about who prepared the plans and incorrect landholding map. Contrary section 23(l)(i) of the Planning and Development Regulations.
- Located outside of designated settlement, non-compliance with the Development Plan rural housing policy and the criteria for a rural house.
- Impact on landscape character.
- The proposal would constitute uncontrolled development in a rural area and contribute to ribbon development as it will be the sixth house in a row without the requisite gaps of 450m.
- The appellant refers to the speculative nature of the proposal being a site from a landholding from which other sites have been sold and there is an existing house rented. Overdevelopment of the landholding.
- Design would be contrary to the Rural Design Guide and have a dominant visual impact.
- The proposal is located on a narrow road and would increase traffic and constitute a traffic hazard.
- The appellant is engaged in farming and sporadic one-off housing is having a detrimental impact on rural based activities.



## 6.2. Applicant Response

### 6.2.1 Response by the applicant Declan Cribbin, Balsaw, Wilkinstown, Navan, Co. Meath.

- The appeal includes details of issues the applicant has had which they consider constitute harassment and bullying as well as details regarding vandalism and theft of the site notice on a number of occasions as well as details of the nature of the submissions submitted.
- The applicant notes that they meet the criteria set down under the Development Plan for rural housing in terms of their links to the area, residing in close proximity the site and being heavily involved in the local community. The applicant outlines their wish to build a house near their elderly parents and have demonstrated a local need to reside in the area.
- The site is suitable for the proposed development and is in walking distance of a number of services/facilities.
- The proposal would not constitute ribbon development as defined by the Meath County Development Plan.
- The application is not speculative in nature with the applicant complying with Rural Housing policy under the Development Plan.

## 6.3. Planning Authority Response

### 6.3.1 Response by Meath County Council.

- The PA state that the issues raised in the appeal were considered in assessment of the proposal and request that the Board uphold the decision to grant permission.

## 7.0 Assessment

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

Rural Housing policy

Design, scale, pattern of development

Public Health

Traffic

## 7.2. Rural Housing policy:

7.2.1 One of the main issues raised by the appellant concerns Rural Housing policy and compliance with such. The application was assessed under the Meath County Development Plan 2013-2019, which has been superseded by the Meath County Development Plan 2021-2027, however rural housing policy is unchanged in terms of its structure and criteria. The appeal site is located in Area 1 - Rural Areas under Strong Urban Influence. It is policy under RD POL1 “to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria”. The definition of persons who are an intrinsic part of the rural community is outlined under the policy section above under The criteria also includes a definition 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.

7.2.2 In this case the applicant lives in the townland of Balsaw, Wilkinstown 3km from the application site in the family home and has not owned/sold a property previously. The application includes documentation to support such. The Planning Authority deemed that the applicant demonstrated compliance with local need policy as set out under Section 10.4 of the Meath County Development Plan. As noted above the criteria in the current Development Plan is under Section 9.4 and is unchanged. In this case the applicant does not meet the criteria of a person who is an intrinsic part of the rural community but does meet the definition 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.

7.2.3 The applicant was deemed to qualify for rural housing based on Development policy by the Planning Authority and the applicant clearly meets the definition 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 but not a person who is an intrinsic part of the rural community. Development Plan policy is a little unclear with policy RD POL1 relation to Rural Areas Under Strong Urban Influence “to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria” but not mentioning persons local to or linked to the area.

7.2.4 In terms of the Sustainable Rural Housing Guidelines and the NSS Rural Area Types, the appeal site is an area Area Under Strong Urban Influence. Consideration must be given to national policy with the site located in an area under urban influence based on its classification under national policy. National policy set out under the Objective 19 of the National Planning Framework and the guidance set out in the Sustainable Rural Housing Guidelines emphasises the requirement to demonstrate an economic, social or functional need to live in a rural area under strong urban influence such as this. In this case the applicant clearly has links to the rural and a desire to reside in the area but based on the fact their occupation is and not intrinsically linked to the rural area, the applicant does not have a defined social or economic need to live in this area of strong urban influence and the development would be contrary to Objective 19 of the National Planning Framework and would be contrary to the guidance set out in the Sustainable Rural Housing Guidelines.

7.2.5 The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, 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 and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3 Design, scale and pattern of development:

7.3.1 The proposal is for a two-storey dwelling on a flat low lying site. The PA deemed the design and layout to be acceptable in the context of the Rural Design Guide. I would be of the view that the site is not an elevated or prominent site, is not in an area designated as being a scenic area or an Area of Outstanding Natural Beauty with the site in an area classified as North Navan Lowlands and of moderate landscape value.

7.3.2 I would be of the view that the overall design and scale of the dwelling is acceptable in the context of visual amenity and would be consistent with the recommendation of the Rural Design Guide incorporated into the County Development Plan. I would consider subject to appropriate landscaping and retention of existing vegetation that the proposal would be satisfactory in the context of visual amenity.

7.3.3 In relation to ribbon development such is defined as where 5 or more houses exist on any one side of a given 250 metres of road frontage under the Sustainable Rural Housing Guidelines. The proposal would not come under this definition with no existing or permitted dwellings adjoining the site.

7.4 Public Health:

7.4.1 The proposal entails the installation of a new proprietary wastewater treatment system to serve the new dwelling. There is an existing wastewater treatment system serving the existing dwelling on site. Site characterisation was carried out including trial hole and percolation tests. The trial hole test (2.1m) detected the water table 0.9m into the trial hole. T tests for deep subsoils and/or water table by the standard method were carried out with percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted meets the required

separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries).

7.5 Traffic:

7.5.1 The proposal is located on the northern side of the L74113 with a proposal to open a new vehicular entrance. The alignment of the public road at this location is straight and level with no issues concerning provision of adequate sightlines. The width and alignment of the public road is such that it is of a sufficient standard to cater for the turning movements likely to be generated without causing a traffic hazard or obstruction of other road users.

## 8.0 **Appropriate Assessment**

8.1 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the Appropriate Assessment Screening submitted with the application. The applicant was requested to submit screening for Appropriate Assessment by way of further information.

8.2 I have had regard to the submissions of prescribed bodies in relation to the potential impacts on Natura 2000 sites.

### The Project and Its Characteristics

8.3 See the detailed description of the proposed development in section 2.0 above.

### The European Sites Likely to be Affected (Stage I Screening)

8.4 The development site is not within or directly adjacent to any Natura 2000 site. The site is located in a rural area on agricultural lands (improved grasslands) with two of the boundaries of the site (southern and western) defined by existing hedgerow. It is indicated that there are no habitats of biodiversity value on site. I have had regard to the submitted Appropriate Assessment screening, which identifies that while the site

is not located within or directly adjacent to any Natura 2000 areas, there are a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- River Boyne and River Blackwater SAC (002299), 6.2km south;
- River Boyne and River Blackwater SPA (004232), 6.2km south;

8.5 The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies and I have also visited the site.

8.6 The qualifying interests of all Natura 2000 Sites considered are listed below:

Table 8.1: European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)*	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
River Boyne and River Blackwater SAC (002299) 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	6.2km south	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]

<p>River Boyne and River Blackwater SPA (004232)</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>	<p>6.2km south</p>	<p>A229 Kingfisher Alcedo atthis</p>
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8.7 Table 8.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

8.8 The subject site itself does not support any populations of any fauna species linked with the qualifying interests or species of conservation interest relevant to any European sites. As a result, and due to the distance of the subject site to the SAC and SPA, there is no significant risk to protected habitats and species of the Natura 2000 sites listed above as a result of habitat fragmentation or loss, disturbance or reduction in species density. There is also no direct hydrological or any other link identified to the River Boyne and Blackwater SAC. There is a stream along the northern boundary of the field the site is taken from approximately 42m from the boundary of the site that flows eastwards towards the Yellow River with such flowing south to the River Blackwater. The ecological status of the River Black water at points up and downstream of its confluence with the Yellow River is classified as poor by the EPA.

While there is a hydrological link to SAC and SPA, this is sufficiently remote from the site as well as fact that the dilution effect with other effluent and surface runoff would mean that there would not be any significant deterioration of water quality at this SAC associated with the proposed development.

AA Screening Conclusion

8.9 The site is situated 6.2km from the River Boyne and River Blackwater SAC and SPA. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9.0 Recommendation

9.1. I recommend refusal based on the following reasons.

## 10.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005, National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to 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, the Board could not be satisfied on the basis of the information on the file that the applicant comes within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in absence of any identified need for the house at this location, would result in an unsustainable form of development in an unserved area and would militate against the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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Colin McBride  
Senior Planning Inspector

07<sup>th</sup> March 2022