



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312584-22

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<b>Development</b>	Construction of dwelling and all associated site works. The application was accompanied by an NIS.
<b>Location</b>	Ardsallagh, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	21272
<b>Applicant(s)</b>	Karen Doyle.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michael and Kay Coughlin
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> of September 2022
<b>Inspector</b>	Karen Hamilton

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## 1.0 Site Location and Description

- 1.1. The subject site includes a double garage and side garden, part of an existing one-off rural dwelling along Ardsallagh Lane, Navan, Co. Meath. The site includes part of an agricultural field to the rear of the boundary of the dwelling. There is an existing vehicular entrance into the site, along the front of the site, for the existing dwelling and an additional agricultural type of access to the south of the site, side garden.
- 1.2. There is an existing one-off dormer dwelling, directly to the south of the site and a row (c. 14) of one-off dwellings on the opposite side of Ardsallagh Lane. The boundary to the side (east) comprises of mature hedging, c. 2m in height. The rear boundary comprises of a c. 1.2m high agricultural style fence and there is a c. 1.2m high wall along the public road.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
  - Demolition of existing detached domestic garage at the adjoining dwelling,
  - Construction of a single storey style dwelling,
  - Connection into the existing domestic entrance to form a combined entrance onto the public road,
  - Removal of the existing sewerage treatment system and replace with a new proprietary sewerage treatment system for the existing and proposed dwelling.
- 2.2. The application was accompanied by a Natura Impact Statement.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 18 no conditions of which the following are of note:

C2: Occupation restriction under Section 47 of the Act,

C3: Submission of the external finishes, restriction of reconstituted stone.

C4: Submission of details for the entrance and driveway, removal of the entire roadside hedge and set back at least 3 m from the edge of the road, clearance of the visibility splays.

C5: Preservation of existing hedgerows, trees etc except along the roadside.  
Submission of landscaping details.

C7: Compliance with the mitigation measures in Section 7 of the Construction Environmental Management Plan and Section 5 of the Natura Impact Statement

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following request for further information on the following:

#### Further information request

1. The applicant to confirm family residence address (utility bill etc) in their name as proof of residence in the local area for 5 years
2. Revised design to include the relocation of the proposed dwelling and garage to the north-east of the site boundary. Submission of a contiguous elevation.
3. Additional information on the sightlines (90m by 2.4m), unobstructed in accordance with TII guidelines DN-GEO-03060.
4. Address the concerns in the 3<sup>rd</sup> party submission.
5. Submission of a revised NIS to address the potential impacts on the Annex 1 priority habitat Alluvial Forest alder *Alnus glutinosa* and ash *Fraxinus excelsior*.

The PA was satisfied with the applicant's amended design and response to the additional information request.

### 3.2.2. Other Technical Reports

Environmental Scientist: No objection subject to conditions.

Heritage Officer: No objection to proposal.

### 3.3. **Prescribed Bodies**

National Parks and Wildlife Services: Request for additional information on the impact on the adjoining SAC and priority habitat.

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

One third party submission was received from the resident of the property to the east of the site. This resident is also the appellant and the issues raised are similar to the grounds of appeal and have been summarised below.

## 4.0 **Planning History**

### **Reg Ref 001530**

Permission granted for the renovation and extension of an existing dwelling to include a new garage and widen the existing entrance.

### **Reg Ref 941320**

Permission granted for the renovation and extension of an existing dwelling to include a new garage and widen the existing entrance.

## 5.0 **Policy Context**

### 5.1. **Project Ireland 2040, National Planning Framework (NPF)**

NPO19 seeks to

‘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’

## 5.2. Section 28 Guidelines

### **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

- A distinction to be made between 'Urban Generated' and 'Rural Generated' housing need.
- Appendix 3 sets out that in areas under strong urban influence, urban generated development should be directed to areas zoned for new housing development in cities, towns and villages in the area of the Development Plan.

## 5.3. EPA Code of Practice for Domestic Wastewater Treatment Systems 2021

## 5.4. Meath County Development Plan 2021-2027

The site is located on lands identified as Area 1- Rural Areas under Strong Urban Influence

### Rural Housing

Policies relating to rural housing in Area 1 include:

- 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.

Section 9.4 provides guidance for persons who are intrinsic part of the rural community. Persons must demonstrate:

- They have related rural employment.

- They have spent a substantial period of their lives living in a rural area and do not possess a dwelling.
- They are originally from the rural area and have strong family ties
- Are returning emigrants.

Section 9.5: Development Assessment Criteria. Consideration will also be given to the following:

- The housing need background of the applicant.
- The local circumstances of the surrounding area which is trending to becoming overdeveloped.
- The degree of the original landholding and any history of speculative development.
- The suitability of the site.
- The degree to which the proposal may be considered infill.

Appendix 5: Landscape Character Assessment

- The site is located within the Boyne Valley landscape character area which has an exceptional value.

### 5.5. **Natural Heritage Designations**

The site is located c.88m from the edge of the River Boynes and River Blackwater SAC (site code 002299).

### 5.6. **EIA Screening**

The proposed development is of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 20. Infrastructure projects, (b)(i) construction of more than 500 dwelling units. However, as the proposed development comprises a single dwellinghouse, it is significantly subthreshold the 500-unit limit provided under this part or other part related to agriculture/ equine activity. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location,



there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment is therefore not required.

## **6.0 The Appeal**

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

The grounds of appeal are submitted by a planning consultant on behalf of a third party, the residents of the property adjacent to the site, in relation to the grant of permission by the PA. The submission is summarised as follows:

#### **6.1.1. Development Plan**

- The site is located within an Area Under Strong Urban Influence where it is an objective to facilitate housing requirements of the rural community whilst maintaining the population growth of the urban centres.

#### **6.1.2. Public Health**

- The site extends into the agricultural fields at the rear of the site.
- The percolation area is to be in the rear field.
- The field was levelled as part of a Waste Permit Licence (WMP 2000/23) in 2000.
- The ground is higher on the applicant's side and the surface water runs down onto the appellant's site.
- The permission in 2000 exaggerated the problem and the new garage building (to be demolished).
- There are concerns from the impact of the septic tank on the groundwater also.
- There is no soak pit to the rear of the house and the problem with the surface water will be aggravated.
- The location of the percolation area is higher than the appellants rear gardens.

#### 6.1.3. Size and Location of the percolation area

- The original permission illustrates the percolation area with pipes c. 18m in length.
- In response to the further information, the revised site layout has a smaller percolation area is smaller (c. 10m in length).
- There is an open drain along the site boundary to reduce the flooding from surface water.

#### 6.1.4. Proximity to Existing Dwellings

- The proposed house is very close to the family home and the dwelling to the southeast.
- The new dwelling will lead to a pattern of development like an urban area and would have a negative visual impact.
- There is already ribbon development on the other side of the road, this will be exacerbated.
- The site is unserviced and access from a narrow rural laneway.
- The ridge height is 1.45 m above the ridge height of the adjoining bungalow to the south east.

#### 6.1.5. Enlarged Bungalow and Reduced Distance to Site Boundary

- In response to the further information request the applicant submitted a new design which included an enlarged footprint.
- The proposed bungalow will now be closer to the site boundary.
- The revised design includes 7 windows facing onto the appellants dwelling.

#### 6.1.6. Vehicular Access

- The site layout does not show the sightlines to the southeast.
- Without the removal of the hedge and setback of the boundary fence the 90m sightlines to the southeast can not be achieved which is a traffic hazard.

#### 6.1.7. Sterilisation

- The rear of the applicants site extends into agricultural lands.

- This field was sterilised from further development under a legal agreement under condition No. 9 for Reg Ref 99/1763.
- The owner has given a letter of consent for the use of the lands although this conflicts with that condition.

#### 6.1.8. Natura Impact Statement

- The proposed development includes two new septic tanks.
- It is proposed that these are serviced regularly and emptied annually to prevent any impact on the adjoining SAC.
- Enforcement will find it difficult to enforce the mitigation measures as the percolation area of one of the tanks is linked to another house.

## 6.2. Applicant Response

The applicant has responded to the grounds of appeal as summarised below:

### 6.2.1. Background

- The applicant has lived in the house for most of her life.
- The applicant wishes to live beside her father to look after him.
- The applicant and family are heavily involved with the local community.
- The applicant is currently renting in Navan and for a period of 5 years.
- The applicant's husband has a family business on Navan and there are clear links to the social and economic need to live in the area.

### 6.2.2. Planning Policy

- The site is an infill site beside the applicant's father.
- The sustainable rural housing guidelines 2005 supports people to live as part of the rural community.
- The area may appear to be under pressure although this is an infill site.
- The applicant complies with the policies and objectives of the county development plan and are an intrinsic part of the rural community.

- Guidance on ribbon development (Appendix 4 of the development plan) states that where 5 or more houses existing on any side of the road within 250m a certain level of criteria exists to assess if it exacerbates the problem.

#### 6.2.3. Public Health

- In relation to the impact of surface water pollution, Traynor Environmental have carried out test and provided a site suitability tests.
- There will be no impact from the septic tank on the appellants lands as it is designed and will be installed in compliance with the EPA CoP.

#### 6.2.4. Size and Local of the Percolation Area.

- The percolation area was reviewed as part of the further information to ensure the appropriate separation distance of 10m from the appellant's drain.
- A report from Traynor Environmental sets out the rationale and justification for the changes in the FI.

#### 6.2.5. Proximity to existing dwellings

- The appellant has raised the impact on the rural countryside, whilst they also live in the countryside.
- The proposal is infill and will not exacerbate ribbon development.
- The slight difference in ridge height will not impact the visual amenity of the area.

#### 6.2.6. Enlarged bungalow and reduced distance to site boundary.

- The relocation of the driveway has resulted in the moving of the dwelling towards the appellant's house.
- A separation distance of 5.5m from the house and the site boundary is sufficient.
- The windows along the side are primarily bathroom and at ground floor. There is no cause of concern for an impact.

#### 6.2.7. Vehicular access.

- The appellants have not maintained their hedge and it is stated that this is within the sightlines.
- The proposed entrance is a shared entrance along a local road which is a cul-de-sac. The sightlines are sufficient.

#### 6.2.8. Sterilisation

- The sterilisation was prior to the sustainable rural housing guidelines.
- Sterilisation agreements no longer apply as a method to control rural housing.
- The landowner undertook infill on the site as part of a waste permit.

#### 6.2.9. Natura Impact Statement

- The treatment plant will be developed as part of the overall development.
- The applicants will undertake compliance with all planning issues, and they are fully enforceable.

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

A response was received by the Planning Authority (PA). The issues raised in the grounds of appeal are noted and the PA is satisfied that all matters in the submission were considered within its assessment.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Rural Housing Need
- Wastewater
- Sightlines
- Impact on Residential Amenity
- Appropriate Assessment

## 7.2. Principle of Rural Housing Need

- 7.2.1. The proposed development is for a one-off rural dwelling located in the side garden of an existing one-off rural dwelling. The existing dwelling is within the ownership of the applicants' parents and the site includes the existing garage, side and rear garden and part of the agricultural field to the rear of the site (within another ownership). The subject site is located along Ardsallagh Lane, a rural area just south of Navan. There is a substantial amount of one-off rural dwellings within the immediate vicinity of the site, with the majority of these on the opposite side of Ardsallagh Lane.
- 7.2.2. The site and surrounding area are designated as an Area Under Strong Urban Influence within the newly adopted Meath County Development Plan 2021-2027. Section 9.4 of the development plan provides a criteria for persons applying to live within the rural area of County Meath. It is stated that evidence should be submitted to indicate that persons have intrinsic links to the rural area.
- 7.2.3. The applicant has submitted documentation relating to links with the rural area. The site forms part of the side garden of the applicant's family home. The applicant currently rents a dwelling in Navan and both herself and family engage with the local Gaelic club. Following the submission of additional information confirming the applicant's current residence the PA considered the applicant could comply with the criteria for local needs, as stated in the development plan.
- 7.2.4. In addition to Section 9.3 of the development plan, I note there is a requirement under Section 9.5 to also consider when assessing the impact of rural dwellings in the countryside. These development management considerations include:
- the local circumstances of the surrounding area which is trending to becoming overdeveloped;
  - the degree of the original landholding and any history of speculative development,
  - the suitability of the site, and
  - the degree to which the proposal may be considered infill.

- 7.2.5. The polices and objectives applicable to rural housing from a national level (NPO 19<sup>1</sup>) to a local level (RD POL1<sup>2</sup>) provides support for new dwellings where the applicant has a demonstrable social or economic need to live in the countryside. The location of new dwellings is not only determined by the applicant's personal circumstances but also other normal planning considerations and the siting and design criteria for rural dwellings.
- 7.2.6. Whilst the issues of local needs criteria have not been raised by the appellant, they have raised concerns in relation to the impact on the water pollution, European Site and surrounding area. No reference was provided to this additional development management criteria in the PA report and I have concerns not only in relation to the site suitability to accommodate an additional rural dwelling at this location but also the cumulative impact on the ground water, having regard to the location of the site within the vicinity of an SAC and priority habitat, further elaborated below.
- 7.2.7. Therefore, having regard to the location of the site and the substantial amount of one-off rural dwellings in the vicinity of the site, I am concerned the proposed development can not comply with those development plan polices in relation to the siting of a rural dwelling at this location, in particular RD POL 1. In this regard, I am of the opinion that the principle of development at this location is not acceptable.

### 7.3. Ribbon Development

- 7.3.1. The site is located to the east of Ardsallagh Lane, within the side garden of an existing dwelling. There are currently four dwellings in the vicinity of the site, three in the immediate vicinity and the fourth c. 200m to the north. Policy RD POL 3 states *'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 centre'*. The grounds of appeal consider the proposed development would exacerbate the ribbon problem, as evidence on the opposite side of the Ardsallagh lane. The applicant's response to the grounds of appeal notes the site is an infill development and therefore the ribbon problem will not be exacerbated.

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<sup>1</sup> Project Ireland 2040, National Planning Framework (NPF)

<sup>2</sup> Meath County Development Plan 2021-2027

- 7.3.2. Section 9.5.2 of the development plan provides criteria to assess if any proposal would lead to ribbon development. The development plan considers ribbon development is high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a give 250m of road frontage.
- 7.3.3. As stated above, the site sites within four existing dwellings along the east of the Ardsallagh Lane. In addition to this there is a continuous row of c. 14 rural dwellings on the opposite side of the Ardsallagh Road. I do not consider the inclusion of an additional house is justified purely by definition of infill development and I consider it would mirror that existing undesirable development which has occurred on the opposite side of this rural lane.
- 7.3.4. I note the site is located within the Boyne Valley landscape character area which has been classified in the development plan as having exceptional value. Having regard to the existing limited rural development along the east of the Ardsallagh Road (in comparison to the opposite side of the lane), the location of the site within the Boyne Valley Landscape character area and the cumulative impact of additional rural housing at this location, I consider the proposal would cause ribbon development and have a significant negative visual impact on the surrounding area. Therefore, the proposal development would be contrary to the policies and objectives of the development plan, in particular Policy RD POL 3.

#### 7.4. **Wastewater**

- 7.4.1. The proposal includes the decommissioning of an existing wastewater treatment plant for the existing dwelling and the inclusion of two new wastewater treatment systems and associated percolation areas.
- 7.4.2. The site is located on lands where the bedrock classification is dark limestone & shale<sup>3</sup>, is on a locally important aquifer and the groundwater vulnerability is high. The applicant has submitted a Site Characterisation and Site Suitability Assessment Report with the application which notes the groundwater protection response is R1. Trial holes were excavated to 2.1m and groundwater was encountered at 1.3m with

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<sup>3</sup> [Geological Survey Ireland Spatial Resources \(arcgis.com\)](http://arcgis.com)



the winter water levels expected at 0.9m. The “T” test results were 78.92 min/25mm and the “P” test result was 66.12 min/25mm.

- 7.4.3. The EPA Code of Practice (CoP) for domestic Wastewater Treatment systems provides guidance for wastewater treatment systems. I note the minimum separation distances in Table 6.2 can be achieved. The proposal includes proprietary sewage treatment systems and a purpose-built percolation area for both the new and existing dwellings.
- 7.4.4. The grounds of appeal noted an alteration to the proposed wastewater treatment from the original design to the amended design responding to the further information request. The applicant’s response to the grounds of appeal notes the change in percolation area to move it further from the appellant’s site. The applicant’s response to the grounds of appeal also includes response from Traynor Environmental Ltd to state that the treatment systems and sand polishing filter will provide a tertiary treatment for the waste and will fully comply with the EPA Guidelines.
- 7.4.5. Table 6.3 of the EPA CoP (2021) provides minimum unsaturated soil and/or subsoil depth requirements. As stated above the winter water levels are expected at 0.9m. Having regard to the guidance in Table 6.3 a site with a groundwater protection response of R1 and a minimum depth of 0.9m would require polishing filters following secondary treatment systems and infiltration areas following tertiary systems. I note the change to both the percolation area (smaller) and the treatment of the waste which includes a smaller percolation area and a pump to discharge waste from the tank to the percolation area around a soil polishing filter.
- 7.4.6. The appellant raised concern the installation and operation of the new wastewater treatment systems could not be enforced as one was also located in the adjoining site. I note the application inform includes the site in red, with other lands in blue. A letter of consent has been submitted from the existing landowner, the applicants father. I consider the information reasonable to assess the applicant and include conditions relating to the installation of any wastewater treatment system, should the Board grant permission for the proposed development.

## 7.5. Sightlines

- 7.5.1. The existing entrance into the site will be shared and used for the proposed development. Table 5.5 of the Transport Infrastructure Ireland guidance requires a “y” distance of 90m along roads with a design speed of 60kph. The PA further information request required compliance with the TII guidance and the submission of details of works to all roadside boundary all/ hedges required to meet the requirements of the guidelines. On foot of a further information request the applicant submitted an amended entrance design which included the removal of the existing entrance piers, reconstruction 3m from the edge of the road and the reconstruction of the inner piers 7m from the edge of the road. The existing front boundary wall is to remain the same. The PA considered the amended sightlines where acceptable.
- 7.5.2. The grounds of appeal consider the existing overgrown hedging along the front of their site, along the side of the Ardsallagh Lane is within the applicants’ sightlines and will restrict visibility to the left when leaving the entrance. The applicant’s response considers this is irrelevant having regard to the limited traffic on the road and the cul-de-sac design of the lane.
- 7.5.3. I note the design of the Ardsallagh lane is relatively straight and provides access to a limited number of dwellings and farms. This aside, the applicant has not submitted any evidence that unobstructed sightlines can be achieved to the west of the site. In the absence of any third-party agreement to maintain the hedging the new entrance cannot comply with the current TII guidance for new entrances.
- 7.5.4. Policy RD POL 43 of the development plan requires the standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside. Section 6.3 of this guidance requires splays to remain unobstructed by vegetation. As the applicant can not provide an unobstructed sightline the proposal is also contrary to Policy RD POL 43.

## 7.6. Impact on the Residential Amenity.

- 7.6.1. The design of the new dwelling and the impact on the existing dwelling has been raised in the grounds of appeal. On foot of further information, the applicant

submitted an amended design increasing the footprint of the house (ground floor) from c.260m<sup>2</sup> to c. 320 m<sup>2</sup>. The increased floor space relates to a rear expansion. Contiguous elevations have been submitted with the additional information which illustrate the proposed dwelling in the context of the existing dwelling. The proposed ridge height is 54.150m, above the appellant's dwelling to the southeast which is 52.70. The impact of the design has been raised in the grounds of appeal. The applicant's response notes the location of the proposed dwelling 5.5m from the side boundary, which they consider is sufficient to prevent any negative impact.

7.6.2. I note the current use of the site as a side garden associated within an existing rural dwelling. The location of the site is slightly raised above that site to the southeast (appellants dwelling) although those windows proposed along the south gable are located on the ground floor. I note there is currently a substantial mature hedgerow along the boundary between the site and the appellant's site which I consider prevents any overlooking between the sites.

7.6.3. Having regard to the rural location, I would consider it a reasonable assumption that the appellant would not expect development at this location. This aside, I note the design of the proposed dwelling would be such that there would be no overlooking or overbearing on the existing dwelling.

## 7.7. **Appropriate Assessment**

### Introduction

7.7.1. The site is located c. 88m from the edge of the River Boyne SAC and the application was accompanied by a Natura Impact Statement. On foot of a submission from the NPWS and the Heritage Officer, the PA requested the applicant to submit additional information on the potential impacts of the proposed development on the adjoining SAC.

### Screening Assessment

7.7.2. The site is located c. 88m from the River Boyne and River Blackwater SAC (site code 002299) and c. 192m from the River Boyne and River Blackwater SPA (site code 004232).

Site Name and Code	Qualifying Interest	Conservation Objectives
River Boyne and River Blackwater SAC (002299) <sup>4</sup>	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] (priority habitat)</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>To maintain the favourable conservation condition of Alkaline fens and Otter (<i>Lutra lutra</i>)</p> <p>To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>River Lamprey (<i>Lampetra fluviatilis</i>) and Atlantic Salmon (<i>Salmo salar</i>) in River Boyne and River Blackwater SAC</p>
River Boyne and River Blackwater SPA (004232) <sup>5</sup>	Kingfisher ( <i>Alcedo atthis</i> ) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

7.7.3. The NIS screened all European Sites within the Zone of Influence (15km) and considers the above two European Sites are hydrologically connected to the subject site. The AA screening report concludes that the possibility of significant effects from the proposed development on the following Natura 2000 sites cannot be ruled out:

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

7.7.4. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

<sup>4</sup> [River Boyne and River Blackwater SAC | National Parks & Wildlife Service \(npws.ie\)](#)

<sup>5</sup> [River Boyne and River Blackwater SPA | National Parks & Wildlife Service \(npws.ie\)](#)

### Description of the Development

- 7.7.5. The proposal includes the construction of a one-off rural dwelling and includes the decommissioning on an existing septic tank and the construction of two new septic tanks and percolation areas.

### Submissions or Observations

- 7.7.6. A submission was received from the NPWS and the Heritage Officer of Meath County Council in relation to the impact of the proposed development on the adjoining European Site, in particular the priority habitat Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*). The absence of any mitigation measures necessary to prevent a significant negative impact on the European Site was requested.
- 7.7.7. On foot of the further information request the applicant submitted a revised NIS and submitted a Construction Environmental Management Plan. The Heritage Officer commented on the revised documentation to state that it was acceptable. Revised comments were not received from the NPWS.

### Assessment of likely significant effects.

- 7.7.8. Section 4.2 of the applicants NIS includes an assessment of the proposed development on the site-specific conservation objectives of the adjoining SAC and SPA. The assessment is summarised below:

#### No Impact

- The Alkaline Fen are in a separate hydrological sub-catchment to the proposed development and there will be no impact on the surface water or ground water of this habitat.
- No potential impact on the habitats of the Kingfisher.
- No direct surface water hydrological links therefore no direct impacts on the Salmon, or their habitats.

#### Potential Impact

- The woodland habitats close to the site are assumed to be Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. Any reduction in water quality

arising from pollution of groundwater from construction or operation which have a negative impact on this habitat.

#### Screening Determination

7.7.9. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on two European Sites in view of the Conservation Objectives of those sites, and Appropriate Assessment is therefore required for the following:

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

#### Natura Impact Statement

7.7.10. The application is for a one-off rural dwelling south of Navan, within the rural area. The NIS provides a background on the screening process and examines the potential adverse effects of the proposed development on the following sites:

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

7.7.11. The NIS was updated, on foot of a further information request, for additional details on the potential impacts of the proposed development on the conservation objectives of the River Boyne and River Blackwater SAC, in particular the Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. The applicant submitted an amended NIS, which included a summary of the potential impacts. The further information was accompanied by a Construction Environmental Impact Statement (CEMP).

#### Potential Impact on identified European Sites at risk of effects

7.7.12. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS. The following potential impacts have been identified

- Habitat degradation as a result of water quality arising from the operation of the proposed development.

#### 7.7.13. Hydrological/ hydrogeological

The priority habitat, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, is located c. 98m to the east and c.176m to the north. This is a groundwater dependant habitat. Having regard to the direction of the groundwater flow towards the River Boyne, the NIS notes it likely the small strip to the east has the potential for impact rather than the larger strip to the north.

#### Appropriate Assessment of implications of the proposed development on each European Site

- 7.7.14. The main potential impact identified in the NIS includes an impact on the water quality from the construction and/or operation of the site and subsequent impact on the priority habitat, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. The objective is to restore the favourable conservation condition of this habitat.
- 7.7.15. The NIS notes the information outlined by the Traynor Environmental information. It is stated that the proposed wastewater treatment systems will be installed and inspected in compliance with the EPA CoP.
- 7.7.16. Section 5 of the NIS includes a list of mitigation measures to prevent any potential impact on the adjoining habitats. These mitigation measures are elaborated in the CEMP and include the use of best practice methods during the construction of the site to prevent any contamination of the surface or groundwater. In terms of the operation of the site, it is noted that the proposed wastewater treatment system will prevent any negative impacts on the groundwater and the Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* following construction.
- 7.7.17. I have assessed those mitigation measures included in both the NIS and the CEMP. Those mitigation measures referring to recommendations which should be undertaken during construction which I consider are aspirational rather than definitive actions. I note the report from the Heritage Officer dated 22<sup>nd</sup> of December 2021, in relation to the further information, noted that information and considered that subject to the full implementation of the CEMP and all mitigation measures in Section 5 of the NIS, there should be no significant effects on the qualifying interest of any European Sites.

- 7.7.18. Condition No 7 of the permission requires the implementation of those mitigation measures during the construction of the site. No reference is provided to the regular inspection of the wastewater treatment plant during operation, as noted in Section 7 of the CEMP. Should the Board consider a grant of permission is warranted then I would recommend the applicant is required to submit an annual report to the PA with evidence that both wastewater treatment plants are operating at maximum efficiency and the surface water from the site is being treated within the site and through the wastewater treatment system.
- 7.7.19. In terms of cumulative impacts, Section 4.4 of the NIS notes 5 new dwellings which have been granted permission in the preceding 3 years to the application. Reference is provided to the Meath Cuntly Council planning map tool; no map has been submitted within the NIS. I note the location of the site within the vicinity of a priority habitat where the objective is to restore the conservation status. This priority habitat is susceptible to impact from ground water quality and the NIS notes the potential impacts from wastewater treatment plants. I have some serious concerns in relation to the cumulative impact from two new wastewater treatment systems in an area which already has a proliferation of treatment plants and recent permission for any additional 5 treatment plant. I do not consider the cumulative impact of the proposed development has been fully considered in the NIS.
- 7.7.20. In conclusion following an examination, analysis and evaluation of the potential impact of the proposed development on the conservation objectives of the River Boyne and River Blackwater SAC/SPA, the NIS concludes when considering the best scientific knowledge and using the precautionary approach the proposed development does not pose a risk of adversely affecting the integrity of the River Boyne and River Blackwater SAC/SPA. I note those mitigation measures have been included to prevent any impact on the surface water and groundwater although I have concerns in relation to the absence of a full and detailed analysis of the cumulative impacts of wastewater treatment systems on the groundwater in the vicinity and thereafter the priority habitat Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. I can therefore not conclude that the proposed development, in combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC.



## Conclusion of Appropriate Assessment

7.7.21. The development of a one-off rural dwelling has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the following European sites.

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

7.7.22. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would adversely affect the integrity of the River Boyne and River Blackwater SAC, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and the absence of sufficient information for me to conclude no reasonable doubt as to the absence of adverse effects.

## **8.0 Recommendation**

8.1. It is recommended the proposed development is REFUSED for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. The subject site is located along the east of Ardsallagh Lane, beside four one-off rural dwellings. There is a continuous row of one-off rural dwellings on the opposite side, west of Ardsallagh Lane. The site, and surrounding area is located within the Boyne Valley Landscape Character area which has been defined as having exceptional landscape value. Having regard to the location of the site within this landscape character area and the policies and objectives of both national and local planning guidance relating to ribbon development, it is considered the proposed development would be contrary to Policy RD POL

3 of the Meath County Development Plan 2021-2027 would exacerbate overdevelopment and ribbon development in the vicinity and have a significant negative impact on the visual amenity of the surrounding area and would be contrary to the proper planning and sustainable development of the area

2. Policy RD POL 43 of the Meath County Development Plan 2021-2027 requires all new entrances to comply with the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09. The proposed development cannot provide unobstructed sightlines in both directions and an agreement with any third party has not been submitted as evidence that vegetation on the adjoining site can be maintained within the visibility splays. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a rural road at a point where sightlines are restricted in a south-eastern
3. The proposed site is located c. 98m from the edge of the River Boyne and River Blackwater Special Area of Conservation (site code 002299). The site contains the priority habitat Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* which is a groundwater dependant habitat and there is an objective to restore the conservation status of this habitat.

Having regard to:

- a) The characteristics of the proposed development which comprises of the decommissioning of an existing wastewater treatment system and the construction of two new wastewater treatment systems and associated percolation areas;
- b) The information contained in the Natura Impact Statement with regard to the potential cumulative impact of other projects; and
- c) The existing proliferation of wastewater treatment systems in the immediate vicinity of the site and within proximity to the priority habitat;

Notwithstanding (a) and (b) above the Board is not satisfied, having regard to the precautionary principle, that adequate information has been provided on

the impact of the proposed development, and the cumulative impact, on hydrological conditions of a priority habitat and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

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Karen Hamilton  
Senior Planning Inspector

07<sup>th</sup> of December 2022.