



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312724-22

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<b>Development</b>	Construction of dwelling and all associated site works
<b>Location</b>	Kiltoome, Trim, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	211091
<b>Applicant(s)</b>	Patrick Dempsey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Louis Rodgers Sean Brady
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> October 2023
<b>Inspector</b>	Emma Nevin

#### Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.272 ha, is located in the rural townland of Kiltome to the north east of Trim, to the north off the Trim – Navan Regional Road, the R161, off a narrow cul-de-sac L-801720.
- 1.2. The appeal site is located approximately 400 metres from the main road and is to the east side of the cul-de-sac road. The cul-de-sac road itself is in relatively poor condition for its most part, with horizontal alignment, uneven surface, and narrow width.
- 1.3. The road currently serves three occupied dwellings two of which are located to the north-northeast of the appeal site, on the opposite side of the cul-de-sac, with one dwelling adjoining the site to the south. A derelict farmhouse with outbuildings is located to the north of the appeal site at the culmination of the cul-de-sac.
- 1.4. The appeal site itself comprises a large agricultural field which has a level topography, it is currently in tillage use. A hedge and gate bound the site at the roadside.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey dwelling, a detached domestic garage, new entrance and driveway accessed off the existing cul-de-sac.
- 2.2. The dwelling as proposed has a stated floor area of 234 sq. m. and comprises a four bedroom two storey dwelling located centrally in the site, set back some 20 metres from the roadside boundary of the site (east/southeast). The dwelling as proposed has an L-shape configuration at ground floor level, with a pitched roof to an overall height of 8.2 metres. The principle elevation would be south-east facing, is of traditional design with fenestration at ground and first floor level and entrance door with pitched roofed porch.
- 2.3. A detached garage is proposed, which is to be sited to the north west of the proposed dwelling, and will be some 2.2 metres from the northern boundary of the site. The garage has a stated area of 56.21 sq. m. and will accommodate parking

and plant/store with loft storage. The garage has a pitched roof to a height of 5.8 metres.

- 2.4. The dwelling house would be accessed via a new entrance to the east/south-east of the site, which will be accessed off the existing laneway, which in turn is accessed off a regional road (R161).
- 2.5. The development also includes the installation of new proprietary wastewater treatment system and polishing filter together with all associated site works.
- 2.6. A number of the existing trees on site would be retained and it is proposed to supplement these with additional tree planting on site and a new hedgerow to the site boundaries.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority granted permission, following significant further information request, on 25<sup>th</sup> January 2022, subject to 18 conditions, which included the following:
  - Condition 2 requires that the site entrance shall be constructed as per site layout plan submitted on '04/06/21'.
  - Condition 3 requires that the site shall be laid out in accordance with the recommendations of the Archaeological Test Trenching Report and revised site layout submitted on 13/12/21.
  - Condition 4 relates to the external finishes which are to be agreed with the local authority, with the use of dry dash, brick or reconstituted stone not permitted.
  - Condition 6 relates to the occupation of the dwelling which restricts occupancy to the applicant for 7 years.
  - Condition 11 requires that during construction adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and services vehicles/trucks shall be provided.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports dated 27<sup>th</sup> July 2021 and 25<sup>th</sup> January 2022 have been provided.

3.2.2. This planning application was assessed under both the Meath County Development Plan, 2013 – 2019 and the Meath County Development Plan, 2021 – 2027.

3.2.3. The original planning report considered it necessary to seek further information on the following items:

- To indicate the applicant's full landholding and to provide full land registry and to demonstrate site specific links to Kiltome, and outline any farming involvement at this location, if applicable.
- To submit a revised elevation indicating the first-floor bedroom and window to the south east elevation omitted.
- To engage a qualified archaeologist to carry out an archaeological assessment, and to document any relevant documentary research and impact the site. Following this work the archaeologist is requested to submit a written report to the Planning Authority and the National Monument Service in advance of commencement of any construction.
- The applicant was also requested to examine the submissions received and to submit a detailed response to each.

3.2.4. The second planning report considered the further information response as follows:

- The applicant's family owned the entire landholding, which was farmed and subsequently sold, however the application site was retained in the landholding and has been in the applicant's family ownership since 2008.
- A revised drawing was submitted with the first-floor bedroom window to the south east elevation omitted to avoid any potential overlooking.
- An archaeological test trenching and Geographical Survey was carried out by ACS, and a report was received from the Development Applications Unit in response to the ACS report, a condition was recommended in any grant of permission.

- The applicant submitted a detailed response to the third party submissions received, which were noted by the planner.
- The further information was also deemed to be significant and revised public notices were submitted.

3.2.5. The planners report concluded that the development is in accordance with the Meath County Development Plan 2021 – 2027, subject to 18 no. conditions.

3.2.6. Other Technical Reports

The planning report indicates that the Transportation Department and Environment Department were consulted, however, no reports were received.

### 3.3. Prescribed Bodies

3.3.1. The Planning Authority report indicated that the following prescribed bodies were consulted.

Development Applications Unit: Report received, following further information submission, and comments noted in the planner's report. It was considered reasonable to attach a condition to the grant of permission in this regard.

An Taisce: No report received by the local authority.

### 3.4. Third Party Observations

3.4.1. Two third party submissions were received, the issues raised within which can be summarised as follows:

- Traffic Safety Concerns – reference has been made to previous planning application on this lane TA141067 (ABP 17.244636).
- Concerns regarding the loss of the agricultural entrance at this location and further traffic on the road.
- Reference has been made to the removal of trees and hedgerow outside the appellant's ownership without written consent of the relevant landowner(s).

3.4.2. Following the submission of revised public notices and follow a period of further consultation, two additional observations were received. New issues raised can be summarised as follows:

- Sightlines do not meet the minimum standards, and hedgerow removal will be required.
- The proposed dwelling is located along a substandard cul-de-sac.
- Concerns regarding the loss of biodiversity.
- The grass verges referred to are ditches/drains and therefore is unsuitable for driving on.
- Concerns regarding the closure of farm entrance due to lack of passing point.
- Reference made to An Bord Pleanála refusal TA141067.
- Urban generated rural housing.
- It has been stated that the field off which the application site is obtained has been stated to be in seasonal use however concerns have been raised that the use could change, and daily traffic could increase as a result.

## 4.0 Planning History

4.1.1. 96 – 207 – Planning permission was granted by Meath County Council on 23<sup>rd</sup> April 1996 for change of house type (previous planning ref. P92/278).

4.1.2. 92 – 278 – Planning permission was granted by Meath County Council on 16<sup>th</sup> June 1992 for a dwelling and septic tank.

4.1.3. 89 – 1391 – Planning permission was granted by Meath County Council on 15<sup>th</sup> August 1990 for demolition of existing cottage, construction of new dwelling, septic tank, well, entrance and ancillary works on site.

4.2. Relevant adjoining planning history:

4.2.1. Ref: TA181381 – Planning permission was granted by Meath County Council on 24<sup>th</sup> January 2019, for a single storey dwelling, a detached domestic garage and all associated site works. This site is located directly to the south of the subject site.

4.2.2. ABP 17.244636/Ref: TA141067 – Planning permission was granted by the local authority but refused on appeal to An Bord Pleanála (ABP 17.244636) for a single storey dwelling, a detached domestic garage, a septic tank, site entrance and all associated site works. This site is located to the north of the subject site, further along the laneway.

The reasons for refusal the following:

1. It was considered that the proposed development would not represent urban generated rural housing, and that the applicant, therefore, would not come within the scope of the housing need criteria for a house in this rural location.
2. It is an objective of the planning authority, as set out in the Meath County Development Plan 2013-2019 under (RD OBJ 1), 'to support Graigs 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 etc.' It was considered that the proposed development would constitute undesirable random development in a rural area outside such Graigs, and outside lands zoned for residential development, and would lead to demands for the provision of further public services and community facilities where none are proposed.
3. It was considered that adequate sightlines could not be achieved without the removal of mature trees and hedgerows to the south of the proposed entrance, and as such the proposed development would endanger public safety by reason of traffic hazard arising from the additional traffic movements that would be generated on this substandard road, and, if sightlines were to be improved, would seriously injure the visual amenities of the area.

## 5.0 Policy Context

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

5.1.1. The Meath County Development Plan 2021 – 2027, came into effect on 3<sup>rd</sup> November 2021.

5.1.2. The site is zoned 'RA' Rural Area, with a stated objective "*To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-*

*related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage”.*

- 5.1.3. The Meath County Development Plan 2007-2013 identifies three area types in the county following detailed research and assessment, which are Area 1 - Rural Areas under Strong Urban Influence, Area 2 - Strong Rural Areas and Area 3 - Low Development Pressure Areas.

The subject site is within the Rural Area under Strong Urban Influence.

- 5.1.4. Chapter 9 of this Plan ‘Rural Development Strategy’ sets out the settlement policy in respect of rural areas in the County, including rural nodes, and states,

*“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<sup>1</sup> where they arise, subject to local housing need criteria and development management standards”.*

- 5.1.5. The following are of relevance:

- Section 8.17.4 Landscape Character Types and Areas, the site is located within the River Corridor and Estuary Landscape Character Area.
- Section 9.2, “RUR DEV SP 2”, which states that it is an objective of the Council, *“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”.*
- Section 9.4 Persons who are an Intrinsic Part of the Rural Community states, 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”*, subject to the applicant demonstrating a valid case to locate in the area.



- Section 9.16 Roadside Boundaries, which states “*Roadside boundaries, whether hedgerows, sod and stone bank, stone wall or other boundaries, provide important features that are elements of both the landscape and ecology of rural areas*”.
- Section 9.18 Technical Requirements, specifically RD POL 43, which states; “*To ensure that the required 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*”.

## 5.2. National Planning Framework (NPF)

- 5.2.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country. The NPF sets out National Policy Objectives in relation to the strategic planning and sustainable development of urban and rural areas.

## 5.3. Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

- 5.3.1. The RSES sets out the strategic framework for the economic and spatial development of the Eastern and Midland Region up to 2031. The primary objective of the RSES is to support more sustainable settlement patterns that focus on compact growth, makes the most efficient use of land and infrastructure, and takes an integrated approach to development that provides employment opportunities and improvements to services alongside population and residential growth.
- 5.3.2. The relevant elements of the growth strategy of the RSES that will influence future growth and development in Meath include a focus on investment in rural towns, villages, and rural nodes to combat the decline of rural areas.

## 5.4. Section 28 Ministerial Guidelines

- 5.4.1. Having considered the nature of the proposal and the documentation on file, I am of the opinion that the directly relevant S28 Ministerial Guidelines are:
- Sustainable Rural Housing Guidelines for Planning Authorities, April 2005.

The Sustainable Rural Housing Guidelines 2005 set out implementation guidelines for Planning Authorities in respect of rural housing having regard to the National Spatial Strategy's overall development framework.

The Guidelines advocate the identification of types of rural areas, such that clear Development Plan policies in respect of rural housing can be formulated. The subject site would be most akin to the 'Rural Areas under Strong Urban Influence' type per Section 3.2 of the Guidelines. Appendix 3 of the Guidelines states that, in respect of rural areas designated as being under strong urban influence, policies should be formulated such that the housing requirements of the rural community are catered for, whilst urban generated development should be directed into zoned settlement areas of towns, cities and villages. Furthermore, the Guidelines advocate that clear criteria be included in the Development Plan in respect of how the Planning Authority will assess rural housing proposals.

## **5.5. Natural Heritage Designations**

- 5.5.1. The subject site is not located within a designated European Site. The closest such site is the River Boyne/Blackwater SAC (Site Code 002299), which is approx. 1.2km to the north of the site.

## **5.6. EIA Screening**

- 5.6.1. I refer the Board to the completed Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

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

- 6.1.1. Separate third party appeals have been received from Louis Rogers and Sean Brady. The grounds of appeal contained within each appeal is summarised below.

6.1.2. Appeal by Louis Rogers: -

- Reference to the laneway and permission under An Bord Pleanála Ref PL17.244636, which considered that much of the lane was considered grossly unfit to accommodate further traffic, and that the proposed entrance/exit to the site did not afford clear or unobstructed view in a southward direction when exiting.
- Meath County Council have not given serious attention to these points.
- Condition 15 of Ref: 211091 refers to sight distance triangles and it seems that implicit in this condition is a realisation by the Council that sight lines at the exit are inadequate.

6.1.3. Appeal by Sean Brady: -

- The laneway which is to serve the proposed development is a minor cul-de-sac is seriously substandard and unable to accommodate additional traffic. This has been demonstrated previously on an earlier planning application TA/1410657 (Bord Pleanála appeal PL 17.244636).
- Nothing has changed since the earlier application.
- It is quite common to be unable to travel and access the appellants home due to the narrow and inadequate layout of the laneway, without any additional traffic movements.
- The sightlines shown on the site layout plan are inadequate and if achievable will require the removal of some 25m of hedgerow in the northern side of the proposed entrance and at least two mature trees to the southern side of the entrance.
- The loss of hedgerows and trees are a loss of biodiversity. A number of Heritage and Biodiversity Policies have been referred to i.e. HER Policy 40, HER Policy 53, and RD. OBJ9.
- The wide grass verges referred to in the further information are in fact ditches/drains and therefore unsuitable for driving on using as a 'pulling-in' area.

- The large existing farm entrance which is currently a ‘pulling-in’ point is to become the new access to the house.

## 6.2. Applicant Response

6.2.1. A first party response to the appeal on 21<sup>st</sup> March 2022, prepared on behalf of the applicant. The submission responds to the issues raised within the third party appeal as follows: -

- Traffic – in terms of site visibility, the applicant states that there is very good visibility on exiting the site, and the hedgerow is set back from the carriage way on both sides of the access.
- Refusal PL244636 - The refusal by An Bord Pleanála referred to by the appellant as a precedent citing the removal of hedgerows to secure visibility relates to a site directly opposite the appellants house at the end of the road where different local circumstances applied. It is not applicable to the instant site where site visibility is available without removing sections of hedgerow.
- Since this decision (PL244636), permission has been granted without objection for a house recently constructed to the south of the instant site.
- The applicant is availing of an existing access and as clarified by the applicant in a submission to the planning authority.
- Passing Points - There are a number of safe passing points on the road between the site and the old Trim-Navan road.
- The L-801720, is in charge by the Council, and is similar to many single track rural local roads and being a short cul-de-sac generates very insignificant traffic, therefore on a day-to-day basis there will be very little opposing traffic.
- The upgrading of the existing field access to a recessed access for the proposed house will not eliminate a passing point as claimed as any opposing vehicles will be able to pull in to allow passage.
- The site is only 400 metres from the main road, which further minimises the potential for vehicular conflict. This further differentiates it from the site refused by An Bord Pleanála, which was at the end of the cul-de-sac.

- The concerns raised in the grounds of appeal are unfounded and were not iterated in the recent application granted permission nearby.
- The proposed development will not cause traffic hazard/obstruction nor injure the amenities of the appellant and is fully in accordance with the Meath County Development Plan.
- The applicant has been residing in the nearby rural family home for over 20 years, as such this is a rural generated housing need.

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

- 6.3.1. A response was received from the planning authority on 23<sup>rd</sup> March 2022. The submission responds to the third party appeal stating that the planning authority is satisfied that all matters outlined in the appeal were considered in the course of the assessment of the planning application as detailed in the planning officers report Pl. Ref. 21/1091.
- 6.3.2. The planning authority conclude that An Bord Pleanála are requested to uphold the decision of the planning authority.

### 6.4. **Observations**

None received.

### 6.5. **Further Responses**

None received.

## 7.0 **Assessment**

- 7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:
- I. Existing laneway and traffic.
  - II. Access and sightlines.
  - III. Precent demonstrated under TA/1410657 (Bord Pleanála appeal PL 17.244636).

IV. Loss of hedgerows and biodiversity.

V. Appropriate Assessment, and

VI. Other Matters.

## **7.2. Existing Laneway and traffic**

7.2.1. The grounds of appeal express concerns regarding the suitability of the existing laneway to accommodate additional traffic.

7.2.2. While I note that the site is located along a single track rural local road, this road is a short cul-de-sac and given the number of existing dwellings located on the local road i.e. 3 no. existing dwellings, I consider that the road generates insignificant traffic movements on a daily basis.

7.2.3. The subject site is located some 400 metres along the local road, from the junction with the old Trim-Navan road. Notwithstanding this, there are a number of passing points on the lane to allow the safe passage of two vehicles.

7.2.4. As such, I consider that the existing local road is suitable to accommodate the proposed development and any additional traffic on the road resulting from the proposal.

## **7.3. Access and Sightlines**

7.3.1. It is stated, in the appeal, that the existing farm entrance, is currently a 'pulling-in' area, and this is to be removed to accommodate the new vehicular access to serve the proposed development.

7.3.2. The 'pulling-in' area as referred to in the appeal, is not a dedicated 'pulling-in' area along the rural local road to allow for the safe passage of vehicles. However, the existing arrangement does provide an area for vehicles to safely 'pull-in' to allow for the passage of two vehicles. The proposed entrance to the development (as indicated on the proposed site layout plan drawing no. 21014 002A, submitted as part of the further information on 13<sup>th</sup> December 2021) is splayed in its design, with a dedicated 'pull-in' area to allow vehicles to safely pass on the rural road.

7.3.3. Therefore, I do not consider that the provision of a new entrance at this location, would impact negatively on the movement of traffic along the rural local road and the

proposed entrance arrangement provides for an additional 'pull-in' location for traffic on the rural local road to the front of the splayed entrance.

- 7.3.4. The grounds of appeal further highlight that the proposed entrance/exit to the site cannot provide adequate sightlines and does not afford a clear view when exiting the proposed entrance.
- 7.3.5. The proposed site layout plan drawing no. 21014 002A, submitted as part of the further information on 13<sup>th</sup> December 2021, indicates a sightline of some 85 metres to the northeast of the proposed vehicular entrance and a sightline of some 90 metres to the southeast of the proposed entrance.
- 7.3.6. Policy Objective, 'RD POL 43' of the Meath County Development Plan, 2021 – 2027, states that it is Council policy to the requirements of the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09, which relates to sight distances for individual houses in the countryside.
- 7.3.7. Following a site inspection and in noting that the County Council have no objection to the proposal, subject to conditions, and having reviewed the proposed drawings (proposed site layout plan drawing no. 21014 002A, submitted as part of the further information on 13<sup>th</sup> December 2021), which indicated that the proposed entrance has been designed to the requirements of TII publication 'DN-GEO-03060', I consider that the achievement these requirements, and those indicated in the Meath County Development Plan would not be necessary in this instance.
- 7.3.8. I am satisfied that given the comparatively lightly trafficked nature of the serving local road and the likelihood of reduced traffic speeds due to the overall condition, width and alignment, that adequate sightlines are available and therefore, the proposed development will not endanger public safety by reason of traffic hazard.
- 7.3.9. The appellant refers to Condition No. 15 of the Manager's Order to grant permission issued by the Council, and that the application of this condition is a realisation by the Council that sight lines are inadequate.
- 7.3.10. Condition 15 of the local authority grant of permission refers to maintaining adequate sight distance triangles and the requirement to keep such free from vegetation or other obstructors that could reduce visibility, I do not consider that the inclusion of

this condition by the planning authority establishes that the proposed sight lines are inadequate.

- 7.3.11. In the event that the Board considers that the proposed development should be granted, I consider that a similar condition in respect of maintaining sightlines should be included to allow for the enhances safe movement of traffic along the laneway.

#### **7.4. Planning Reference TA/1410657 (Bord Pleanála appeal PL 17.244636)**

- 7.4.1. Reference has been made in the appeal to planning reference TA/1410657, which comprised a detached dwelling, access, and associated site works, and was refused by An Bord Pleanála (PL17.244636), as highlighted in the relevant adjoining planning history above in Section 4.2.
- 7.4.2. The appellant stated that the inspectors report (PL17.244636), noted that much of the lane was unfit and substandard to accommodate additional traffic and the appellant highlights that nothing has changed since this application.
- 7.4.3. While I note that the condition of the lane appears to be similar to that as detailed in the planning inspectors report at the time of the previous assessment, the planning history referred to in the appeal, under planning reference TA/14 10657 (PL17.244636), pertains to a site located further along the laneway, some 200 metres further to the north of the subject site, in close proximity to the culmination of the laneway.
- 7.4.4. Additionally, it was determined that the development proposed under planning reference TA/1410657 (PL17.244636), could not achieve adequate sightlines without the removal of mature trees and hedgerows.
- 7.4.5. Notwithstanding this, each planning application is assessed on its own merits, having regard to the sensitivity of the receiving environment and the specifics of the proposed development. Having regard to the instant appeal site, I do not consider that the issues raised by the inspector during the assessment of planning reference TA/1410657 (PL17.244636) are applicable to this site and/or the development as proposed in the instant appeal.

#### **7.5. Hedgerows and Biodiversity**



- 7.5.1. Concerns have been raised in relation to the loss of hedgerows, trees, and the resultant loss of biodiversity. The appellant refers to the Meath County Development Plan, specifically the Heritage and Biodiversity policies contained therein.
- 7.5.2. As indicated on the proposed site layout plan (drawing no. 21014, submitted as part of the further information dated 12<sup>th</sup> December 2021), the proposed entrance will be in the same position as the existing farm entrance to the site. As such, there is no requirement to remove any existing hedgerow or existing trees to accommodate the proposed new vehicular entrance to serve the proposed dwelling.
- 7.5.3. In terms of impacting negatively on the existing biodiversity, the applicant has not proposed to remove any existing trees or hedgerows.
- 7.5.4. Therefore, I do not consider that the proposed development would result in a loss of or impact negatively on the existing hedgerow and would, as a result of the proposed planting, enhance the biodiversity in the area.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 7.7. **Other Matters**

### 7.7.1. **Rural Housing Policy**

- 7.7.1.1. Under the Meath County Development Plan 2021 - 2027, the site is shown as lying within the Rural Area under Strong Urban Influence. Under this policy, applicants must demonstrate that they have a rural generated housing need. To this end, the applicant submitted sufficient documentation to establish a rural housing need at this location and following further information the applicant demonstrated their links specifically to Killoome Lane.
- 7.7.1.2. I conclude that the applicant qualifies as a candidate for a rural dwelling house on the subject site due to their compliance with criterion of the Meath County Development Plan.

## 7.7.2. **Wastewater**

7.7.2.1. The applicant is proposing to install a wastewater treatment system and percolation area. The “t” value obtained was 15.75. The “p” value was 34.67. The applicant has submitted a site characteristic report. As such, I consider that the wastewater treatment system and percolation area to be acceptable.

## 7.7.3. **Landscaping**

7.7.3.1. A landscaping plan has been submitted for the site which details the planting to the site boundaries, and the proposed internal landscaping to the site. The proposed landscaping plan for the site, includes various native species.

7.7.3.2. I also note that new hedging comprising a mix of “whitethorn, beech, ash, blackthorn and field maple”, is proposed to the site boundaries. In addition to planting of native species deciduous trees to the northeastern site boundary including ‘Green Beech’, and ‘Copper Beech’.

7.7.3.3. I consider that the siting, size, and design of the proposed dwelling house within the context of the proposed landscaping plan would ensure that this dwelling house would be capable of being accommodated in a visually satisfactory manner within the landscape.

7.7.4. I note the requirement of a condition to be attached in respect of the Archaeological Test Trenching report, in the event that the Board considers that the proposed development should be granted, a condition should be included in this regard.

7.7.5. Having regard to the location of the subject site along a single rural local road, which is a cul-de-sac, in the event that the Board considers that the proposed development should be granted, a condition regarding a construction management plan for the proposed development should be included, which details construction traffic, waste material, etc.

## 8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## 9.0 Reasons and Considerations

9.1. Having regard to the zoning which applied to the site under the Meath County Development Plan, 2021 – 2027, under which residential development is stated to be generally acceptable in principle, subject to the conditions set out below the proposed development would be an appropriate form of development, would not seriously injure the character and visual amenities of the area, would not seriously injure the amenities of residential property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 13<sup>th</sup> day of December 2021 and on the 22<sup>nd</sup> day of December 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of</p>

	<p>at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The proposed domestic garage shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial or residential use shall be established therein.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of properties in the vicinity.</p>

5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
7.	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) the establishment of a hedgerow along all side and rear boundaries of the site, and</p> <p>(b) the planting of trees at intervals along the [western, southern, and northern] boundaries of the site.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only, the colour</p>

	<p>of the ridge tile shall be the same as the colour of the roof. The use of dry dash, brick or reconstituted stone shall not be permitted.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
10.	<p>(a) The proposed entrance shall be constructed as per the proposed site layout plan drawing no. 21014 002A, submitted on 13<sup>th</sup> December 2021.</p> <p>(b) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
11.	<p>The proposed site shall be laid out in accordance with the recommendations of the Archaeological Text Trenching Report and the proposed site layout plan drawing no. 21014 002A, submitted on 13<sup>th</sup> December 2021.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority [on the 4<sup>th</sup> day of June, 2021], and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p>

	<b>Reason:</b> In the interest of public health.
13.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction parking, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Emma Nevin  
Planning Inspector

21<sup>st</sup> November 2023



## Appendix 1 - Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-312724-22	
Proposed Development Summary	Construction of a detached dwelling, detached domestic garage, provision of a new entrance and driveway and the installation of a new proprietary wastewater treatment system and polishing filter and all associated site works.	
Development Address	Kiltoome, Trim, Co. Meath	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	Proposal for a dwelling on residential zoned land located in a rural area. However, the proposal is not considered exceptional in the context of the existing environment.  No, the proposal will be serviced by a new proprietary wastewater treatment system.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing and/or permitted projects?	Site measuring 0.272 ha. with a proposed floor area of 234 sq. m. (excluding detached garage at 56.21 sq. m.). This is not considered exceptional in the context of the existing environment.  There are no other developments under construction in the proximity of the site.	No
Location of the Development		No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No, there are no natural heritage designations in the vicinity of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p>Conclusion</p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA not required.</b></p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)