



An
Bord
Pleanála

Inspector's Report ABP-313283-22

Development	Dwelling, wastewater treatment system and connection to a new on site well. To close an existing agricultural entrance and construction of a relocated domestic entrance, associated site works.
Location	Clonfane & Oakstown, Trim, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2252
Applicant(s)	Tom & Elaine Lynam.
Type of Application	Permission.
Planning Authority Decision	Refused
Type of Appeal	First Party
Appellant(s)	Tom & Elaine Lynam
Date of Site Inspection	19 th December 2022.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The proposed development site has a stated area of 0.65ha and is located in the townlands of Clonfane and Oakstown in Co. Meath. It is situated c2.5km to the northwest of the town of Trim and, c7.5km to the southeast of the N51 and the settlement of Athboy. The site is located on the southern side of the R154, the regional road between Athboy and Trim. The R154 is noted as a Strategic Route Corridor as per the Meath CDP 2021-2027.
- 1.2. The irregular shaped site forms part of a larger agricultural field of c10acres / 4 hectares and an overall landholding of c15 acres / 6 hectares. The appeal site is located centrally within the field, with c15m of road frontage. The land holding is served by a single agricultural entrance off the R154. This entrance (which is to be closed as part of the proposed works) is located c25m to the southeast and outside of the proposed development boundary (redline site boundary).
- 1.3. The roadside boundary comprises a hedgerow, a grass verge separating it and the public road; all remaining boundaries are open due to the sites central position within the field. The site and adjoining lands are of a gentle sloping nature. The field in which the proposed development site is located, is bounded alongside its roadside boundary by detached residential dwellings to the south and north.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey dwelling house with a stated gross floor area of 250sqm and a ground to ridge height of c5.42m. The proposed development works include:
 - The installation of onsite domestic wastewater treatment system (8PE Oakstown BAF) and polishing filter.
 - Connection to a new on-site well
 - The closure of the existing agricultural entrance on the R154.
 - The construction of a new / relocated domestic entrance on the R154 regional road.
 - All other site and ancillary works including landscaping.

2.2. Documentation provided with this application includes but is not limited to:

- A cover letter and planning compliance report
- A road report prepared by Frank Burke, Chartered Engineer
- Site Characterisation and Assessment report, prepared by Dr. Robert Meehan of EurGeol
- A completed Meath County Council – Local Need Form
- A Landscaping Plan prepared by Elaine Mangan

3.0 Planning Authority Decision

3.1. *Decision*

3.2. Meath County Council did by order dated 15th March 2022 decide to refuse permission for the development for three reasons, as follows:

- 1 Having regard to the site's location outside the boundaries of any settlement and proposed access via a new entrance off the R154, which is identified as a Strategic Corridor in the Meath County Development Plan 2021-2027, at a point where the maximum speed limit of 80km per hour applies, it is considered that the proposed development would give rise to additional traffic movements and interfere with the free flow of traffic on this heavily trafficked regional road, would compromise the level of services and carrying capacity of this road at this location and fail to protect public investment in the national and regional road network and would have the potential to endanger public safety by reason of traffic hazard by way of access and egress from the access, conflicting with other road users. For these reasons, the proposed development would conflict with relevant provisions of the Meath County Development Plan, which are considered reasonable, namely policy RD POL 38 which seeks to ensure that all development accessing off the County's Road network is located and carried out in a manner which would not endanger public

safety by reason of traffic hazard and RD POL40 which seeks to restrict new accesses for one-off dwellings where the 80km per hour speed limit applies in order to safeguard the specific functions of these roads and to avoid their premature obsolescence. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 It is a policy (RD38) of the Meath County Development Plan 2021-2027, *“To ensure that all development accessing off the County’s Road network is located and carried out in a manner which would not endanger public safety by reason of traffic hazard”*

Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays in accordance with the requirements, the local planning authority is not satisfied on the basis of the information submitted that safe visibility splays can be provided in each direction to the required standards. Accordingly, to permit the proposed development would endanger public safety by reason of a traffic hazard, contrary to the aforementioned policy provisions of the Meath County Development Plan 2021-2027, and thereby contrary to the proper planning and sustainable development of the area.

- 3 It is a policy (RD48) of the Meath County Development Plan 2021-2027, *“To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the Environmental Protection Agency ‘Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10)’ (2021) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes”* and Policy (RD POL 49) of the Meath County Development Plan 2021-2027 *“to require a site characterisation report to be furnished by a suitably qualified competent person. Notwithstanding this, the Planning*

Authority may require additional tests to be carried out under its supervision.

On the basis of the failure of the subject application to demonstrate that the proposed development meets the minimum standards as set out in “2021 Environmental Protection Agency Code of Practice”. The planning authority is not satisfied that the subject site can cater for the safe and effective treatment and disposal of effluent in accordance with the necessary standards and therefore would be prejudicial to public health.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The report of the case planner has regard to the locational context and planning history of the site, relevant national and local policy and interdepartmental report received.
- The case planner identifies the key planning considerations pertaining to this case as: Appropriate assessment, Environmental Impact Assessment, planning policy, design, layout and siting, access, and water services.
- Having screened the development for appropriate assessment the case planner concludes that a Stage 2 Appropriate Assessment (NIS) is not required in this instance. It is also determined that subthreshold EIA is not required.
- In relation to the applicants rural housing need, the case planner considers the planning history of the site, in particular MCC Ref: TA/201811, and the documentation submitted in support of the application. They consider, based on the information available (including an inspection of Land direct) that the subject site has not been in the family land holding.
- In relation to siting and design, the case planner raises concerns in relation to the overall frontage of the dwelling at 26.7m and its location on a slightly elevated position above the public road where it would be visible. However, as these issues were not cited as a reason for refusal in previous decisions by

either the planning authority or An Bord Pleanála, considers that on balance both the siting and design of the dwelling are acceptable in this instance.

- Access to the development is proposed directly via a new entrance onto the R154 regional road which is a protected route in the MCDP 2021-2027. A refusal is recommended on this basis.
- A site characterisation report (SCR) completed in accordance with the EPA Code of Practice 2009 was submitted with the application. It was determined that a SCR in accordance with EPA Code of Practice 2021 is required for assessment.
- The report concludes with a recommendation to refuse permission for three reasons as set out in section 3.2 above.

3.3.2. ***Other Technical Reports***

Transportation: The application does not comply with the policies of the Meath County Development Plan, in particular RD POL 39 and RD POL 40, and under the circumstances should be refused. If the applicant complies with the Development Assessment Criteria specified in Section 9.15.3, further information is required in relation to the provision of sightline distances and in relation to access for agricultural lands following closure of existing agricultural entrance.

3.4. **Prescribed Bodies**

TII No observations

3.5. **Third Party Observations**

None

4.0 **Planning History**

4.1. ***Appeal Site***

MCC Ref: TA/201811 Permission **refused** (2021) for dwelling, construction of new domestic access laneway to proposed dwelling with entrance onto existing private access laneway using existing entrance onto public road, WWTS etc. Two refusal reasons were cited: (1) as per ABP refusal reason under ABP Ref:306894-20 and (2) haphazard development / urban sprawl.

ABP Ref:306894-20/(MCC Ref: TA/200002) Permission **refused** (2020) for dwelling and stables (to be used as part of an equine business) etc for the following reason:

Having regard to the site's location on unzoned land outside the boundaries of any settlement and accessed via an existing agricultural entrance off the R154, which is identified as a Strategic Corridor in the Meath County Development Plan 2013-2019, at a point where the maximum speed limit of 80 kilometres per hour applies, it is considered that the proposed development would give rise to additional traffic movements and interfere with the free flow of traffic on this heavily trafficked regional road, would compromise the level of service and carrying capacity of this road at this location and fail to protect public investment in the national and regional road network and would have the potential to endanger public safety by reason of a traffic hazard by way of access and egressing from the access, conflicting with other road users. For these reasons, the proposed development would conflict with relevant provisions of the Meath County Development Plan, which are considered reasonable, namely policies RD POL 38 which seeks to ensure that all development accessing off the county's road network is located and carried out in a manner which would not endanger public safety by reason of a traffic hazard and RD POL 40 which seeks to restrict new accesses for one-off dwellings where the 80 kilometres per hour speed limit applies in order to safeguard the specific functions of these roads and to avoid their premature obsolescence. The proposed development would, therefore, would be contrary to the proper planning and sustainable development of the area

MCC Ref: TA/190339 Planning permission was **refused** (2019) for a 2-storey domestic dwelling, garage, WWTS, upgrade of an existing agricultural entrance to a

domestic entrance together with all associated site works and services, for two reasons: (1) traffic hazard / location of the proposed access on a 'Strategic Corridor' where the 80km speed limit applies and (2) The proposed dwelling would be visually obtrusive.

MCC Ref: TA/181182 Planning permission was **refused** (2018) for a development consisting of the construction of a 2-storey detached dwelling, garage, WWTS and new site entrance, together with all associated site works and services. The reasons for refusal correlate with those given for P.A. Reg. Ref. No. TA190339 as indicated above.

4.2. ***Sites In the Vicinity:***

The case planner, in their report, sets out an overview of several planning applications in the immediate vicinity for developments relating to the provision of one-off dwellings. The majority of applications cited were refused. I note that the reasons for refusal included similar road concerns to those cited in the reasons for refusal for MCC Ref: TA190339 and MCC Ref: TA181182. Other concerns that formed the basis of reasons for refusal for the developments cited include: concerns relating to the proliferation of wastewater treatment systems; the excessive density of development in un-serviced rural area served by a poor road network; the developments being contrary to the planning authority's policy of securing comprehensive urban development of the settlement of Trim as well as various visual amenity concerns.

4.3. ***Application Cited by Applicant:***

The applicants in their grounds of appeal refer to the 2018 decision of Meath County Council to grant permission under MCC Ref: TA/180101 for a dwelling with a new entrance off the R154 regional road (works include the removal / blocking up of existing agricultural entrance). They consider that this decision sets a precedent for their proposed development.

5.0 Policy Context

5.1. National Planning Policy Provisions

5.1.1. National Planning Framework – Project Ireland 2040:

The NPF in relation to rural housing includes objective 19-

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

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

5.1.2. Sustainable Rural Housing Guidelines for Planning Authorities, (2005)

The Sustainable Rural Housing Guidelines require planning authorities to differentiate between rural housing demand arising from rural housing need and housing demand arising from proximity to cities and towns. Additionally, development plans should distinguish rural areas under strong urban influence, stronger rural areas, structurally weak rural areas, and areas with clustered

settlement patterns. Development management policy should be tailored to manage housing demand appropriately within these areas.

Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and persons working full time or part-time in rural areas.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations.

These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located, and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.4 is concerned with Access and restriction of such on National Primary and Secondary Roads. Regard is also had to Roadside Boundaries. Section 4.5 is concerned with Protecting Water Quality and Site Suitability issues.

5.2. Development Plan

5.2.1. The Meath County Development Plan 2021-2027 (MCDP) is the operative plan for the area.

5.2.2. Zoning: The site is in the rural area, outside of designated settlements

5.2.3. Landscape:

Table 5.1 Landscape Character Type	
Character Type / Area	West Navan Lowlands
Value	Moderate
Sensitivity	Medium
Importance	Local

5.2.4. Meath Rural Settlement Strategy

5.2.5. The goal of the Meath Rural Settlement Strategy as set out in the CDP is to ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process.

5.2.6. A tailored approach is taken to rural housing in the county, in which three types of rural area are identified with corresponding policies for each. Map 9.1 of the MCDP indicates that the proposed development site just within the boundary of the Low Development Pressure Area (Area 3) of Kilbride, proximate to the rural area “under strong urban influence” (Area 1) that surrounds the settlement of Trim. The following policy is relevant:

RD POL 6 To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

5.2.7. Section 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.
- 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.

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 the following:

- 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, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home or is suited to rural locations such as farm hands or trades-people and who have a housing need.

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

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

5.2.9. Section 9.15.2 - Regional and County Roads

It is vitally important that new housing in rural areas that is located along non-national routes is located in such a manner as to avoid endangering public safety by way of a traffic hazard. There are a number of regionally and locally important functions of certain regional and county road type routes that act as particularly important transport links that traverse Co. Meath.

RD POL 38 To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard.

RD POL 39 To identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and ultimately the function of the road.

RD POL 40 To restrict new accesses for one-off dwellings where the 80km per hour speed limit currently applies in order to safeguard the specific

functions and to avoid the premature obsolescence of identified regional and important county link roads (see Map No 9.2.) through the creation of excessive levels of individual entrances and to secure the investment in non-national roads.

5.2.10. Section 9.15.3: Development Assessment Criteria

Exceptions to the above policies relating to regional and county roads will be considered on their merits in the following circumstances:

- For those who have a location specific rural housing need on family-owned lands and cannot provide access onto any other non-identified regional or county road and therefore need to access one of the regional or county roads identified on Map No. 9.2. In this circumstance, the applicant will be encouraged to maximise the potential of an existing entrance. The onus shall be on the applicant to demonstrate that they have no other access or suitable sites within their landholding, and.
- Where an existing dwelling with a vehicular entrance that is not considered to constitute a traffic hazard, is to be demolished and replaced with a new dwelling.

New development proposals onto certain regionally and locally important county road type routes that act as particularly important transport links that traverse Co. Meath shall be assessed having regard to:

- Avoiding unnecessary new accesses, for example where access could be provided off a nearby county road.
- Ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided.
- Avoiding the premature obsolescence of regional roads in particular, through creating excessive levels of individual entrances.

5.2.11. Natural Heritage Designations

The proposed development is not located in or proximate to any designated site. The following Natura 2000 sites are within the wider area:

- Special Area of Conservation: River Boyne and River Blackwater SAC (Site Code: 002299) is located c2km to the southwest at its nearest point.
- Special Protection Areas: River Boyne and River Blackwater SPA (Site Code: 004232) is located c2km to the southwest at its nearest point.
- Special Area of Conservation: Girley Bog SAC (Site Code: 002203) is located c12.5km to the northwest at its nearest point.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal lodged by the applicants, Tom and Elaine Lynam, against the decision of Meath County Council to refuse permission for their proposed development at Clonfane & Oakstown, Trim, Co. Meath. The grounds of appeal can be summarised as follows:

- The applicants, Tom & Elaine Lynam, own 15 acres of land in the townlands of Clonfane & Oakstown, Trim, Co. Meath (Lands within the applicant's ownership are outlined in blue on the site location map, Drawing No.2020-ABP-002).
- Of this 15-acre holding, 10 acres were purchased by the applicants in March 2018, prior to the lodgement of their first planning application, MCC Ref TA/181182.

- The remaining five acres were purchased separately by the applicants (c2021). This five-acre plot originally formed part of the Lynam family landholding, having been purchased by the applicant, Tom Lynam's, grandparents c1964. The lands were subsequently transferred to the applicant's uncle, MP Lynam, before being sold with the family business, Oakstown Concrete Ltd.
- Therefore, 1/3 of the applicants 15-acre holding was previously held in family ownership.
- The land holding can only be accessed via the R154. An alternative means of access, via a private laneway to the southeast, was proposed under MCC Ref: TA201811. This access arrangement was deemed to be unacceptable due to the long driveway required to access the site and lack of sightline distances at the existing access point onto the R154.
- Under this application, the applicants are proposing to relocate the existing agricultural entrance and to change its use to domestic. Sightlines distances at the relocated entrance will extend beyond current recommendations.
- The R154 is not a highly trafficked road. Reports from Frank Burke, Chartered Engineer, dated 25/02/2019 and 05/07/2021 indicate 'medium' traffic volumes on the R154.
- As an example of precedence, the applicants refer to a previous decision of Meath County Council, under MCC Ref: TA180101, whereby permission was granted for a new dwelling and entrance onto the R154. The lands in question, were not in the applicant's family ownership but purchased after planning permission was received. There would appear to be a high discrepancy in how MCC approve planning permissions.
- The documentation submitted in support of this appeal includes, but is not limited to:
 - Land Registry documentation (folios and maps)
 - Solicitors' letters, proof of stamp duty certificate receipt payment, land registry application form. Deed of transfer and map and email from land

registry to confirm the sale of the five-acre site to Thomas and Elaine Lynam

- Documentation to verify the applicants 'local need'
- A revised site characterisation report (2022), to the standards set out in the EPA Code of Practice 2021.
- A report from Frank Burke and Associates, Chartered Engineers (2019)

6.2. Planning Authority Response

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

- The correspondence and the content of the first-party appeal have been noted. All matters raised therein have previously been addressed in the Executive Planners report dated 15th March 2022 and the planning authority wishes to rely on the content of same in response to the appeal
- The planning authority requests that An Bord Pleanála uphold their decision to refuse permission in this case.

6.3. Observations

None

7.0 Assessment

7.1. Introduction

7.1.1. This appeal relates to the construction of a house on lands at Clonfane and Oakstown, Trim, Co. Meath. This is the fifth application submitted by the applicants for a dwelling on these lands, all previous applications having been refused by the planning authority and in the case of MCC Ref: TA/200002, by An Bord Pleanála on appeal (ABP Ref:306894-20). The planning history of the site is set out in further detail in Section 4.0 above.

7.1.2. Having examined the application details and all other documentation on file, (including the submissions received in relation to the appeal), and inspected the site,

and having regard to relevant local/regional/national policies and guidance, and the planning history of the site, I consider that the main issues in this appeal are those cited in the refusal reasons. Compliance with Meath County Council's rural housing policy and appropriate assessment also merit consideration.

7.1.3. I intend to address these issues under the following headings:

- Compliance with Rural Housing Policy
- Access
- Precedent Cases
- Wastewater Treatment and Disposal
- Appropriate Assessment

7.2. Compliance with Rural Housing Policy

7.2.1. The proposed development site is located within the rural area of County Meath and as such compliance with the county's rural settlement strategy is required. It is a strategic policy of the Meath County Development Plan (MCDP), RUR DEV SP2 to ensure that individual house development in rural areas satisfy the requirements of persons who are an intrinsic part of the rural community in which they are proposed.

7.2.2. The MCDP identifies three rural area types and states that applications for rural dwellings will be assessed on the basis of the policies set down for each area type and the criteria set out in Section 9.4 of the plan.

7.2.3. The three rural area types are identified on MCDP Map: 9.1. Following consideration of Map 9.1, it would appear to me that the proposed development site is located within the Low Development Pressure Area (Area 3) of Kilbride. This would correspond with the opinion of the planning authority's Planning Officer. MCDP policy RD POL 6 relates to Low Development Pressure Areas and seeks "*To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas*".

7.2.4. Section 9.4 of the plan sets out the definition of persons who are an intrinsic part of the rural community. This policy section supports proposals for individual dwellings on suitable sites in rural areas relating to natural resource related employment while also recognising the interests 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. Please refer to Section 5.2.7 of this report for further details. The criteria relating to “*members of established rural communities*” and “*persons, whose employment is rurally based*” are I consider of relevance to this application.

7.2.5. The applicants have submitted various documentation to verify their housing need, including:

- Bank and credit union statements (2010-2021)
- Utility (mobile phone) Bills (2004 – 2022)
- Car Insurance Documentation (2021)
- Letters from the schools attended by Tom Lynam
- A letter from Tom Lynam employer, O'Reilly Oakstown Ltd and associated documents
- Copies of Elaine Mangan's qualifications in Horticulture
- A letter from Sherry Fitzgerald, regarding the applicants purchase of lands at Clonfane.
- A letter from the applicant's mother, Maura Lynam in support of the application along with a letter from her GP.
- A letter from Kilbride National School, attended by the applicants' daughters.
- A letter from Trim GAA confirming that Tom Lynam and his daughters are active within the club
- A Letter from Trim Medical Centric Health
- Letter from Eblana Beekeeping association confirming Elaine Lynam as a member
- Various Land Registry documentation

- 7.2.6. The information / documentation submitted in support of the application indicates that both applicants currently reside with Tom Lynam's mother, at the Lynam family home in Oakstown Glebe and have done so for a period in excess of the requisite five years, Tom Lynam, having resided at this address for a stated period of 31 years. This property, which is owned by the applicant's mother, Maura Lynam, is located c0.6km to the southeast of the proposed development site. The Lynam family have resided in the rural area of Oakstown / Clonfane since the 1960's, Tom Lynam represents the third generation of his family to do so.
- 7.2.7. There is no affidavit to support that neither applicant own a home nor have done so in the past; however, I note from the applicants 'Local Need Form' submitted as part of the application that the lands at Clonfane / Oakstown have been identified as the only property within their ownership.
- 7.2.8. While neither applicant has demonstrated a genuine need for a dwelling based on their involvement in agriculture or their significant employment in the bloodstock, and equine industry, forestry, agri-tourism, or horticultural sectors, I note that Tom Lynam's employers, O'Reilly Oakstown Ltd, are based in the rural area, c0.25km to the south of the proposed development site and that he has been employed on a full time at this location since 2004. Elaine Lynam, a qualified horticulturist, is currently employed as a full-time mother to their three children.
- 7.2.9. I am satisfied, based on the information / documentation submitted, that the applicants meet the criteria for persons who are an intrinsic part of the rural community as set out in Section 9.4 of the MCDP.
- 7.2.10. In relation to national policy, I consider that there are locational factors that would support that the proposed development site is located within an area under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005. These include: the prevalence of one-off residential development in the area; the proximity of the site to the settlement of Trim (c2.5km) and its location within a commutable distance to the strong urban structures of Navan, Ashbourne, Drogheda, and Mullingar and to Dublin City.

7.2.11. 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. In this case, I am satisfied that the applicant Tom Lynam's long term employment in the rural area, c0.25km from the proposed development site together with his social links to this rural area are sufficient in this regard.

7.3. Access

7.3.1. Access to the site is proposed via a new entrance off the R154 regional road. This proposed entrance will replace the existing agricultural entrance serving the applicants landholding (in which the appeal site is located). The existing entrance would then be closed off. While this would mean that there would not be an additional entrance created on the R154, it would, I consider, result in an intensification of use of the proposed replacement entrance, as an entrance serving only grazing land generates notably less traffic turning movements than one serving a dwelling house.

7.3.2. Regard is had to Section 9.15.2 of the Meath County Development Plan which relates to Regional and County Roads and which states that it: *"is vitally important that new housing in rural areas, that is located along non-national routes, is located in such a manner as to avoid endangering public safety by way of a traffic hazard"*.

7.3.3. Section 9.15.2 also sets out a number of policies including RD POL 38 which seeks: *"to ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard"*; RD POL 39 which seeks: *"to identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and, ultimately, the function of the road"*; and RD POL 40 which seeks: *"to restrict new accesses for one-off dwellings where the 80km per hour speed limit currently applies in order to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads (see Map No. Map 9.2) through*

the creation of excessive levels of individual entrances, and to secure the investment in non-national roads”.

- 7.3.4. The R154 regional road is identified as a strategic corridor on Map 9.2 of the Meath County Development Plan 2021-2027. The proposed development comprises a one-off dwelling which is to be accessed via a new entrance off the R154 at a point where the 80kph speed limit applies and therefore comprises a type of development which would be contrary to RD POL 40. Non-compliance with RD POL 40 was cited as part of the Council’s first reason for refusal.
- 7.3.5. I note that the applicants have included as part of their first party grounds of appeal, a report from a chartered engineer. This report has regard to the proposed entrance onto the R154 and the ability of the R154 to accommodate additional traffic movements. This report considers the existing traffic volumes on the R154 to be ‘medium’ in the context of non-national roads; that the addition of the traffic associated with a dwelling will have vertically no effect on either the capacity or the current level of service experienced by users of the County Road, and that the R154 will be under capacity for well into the future, premature obsolescence is not an issue.
- 7.3.6. The R154 at the location of the appeal site comprises a long straight section of road with no hard shoulder or pedestrian facilities. I inspected the site around midday on the 19th of December 2022 at which time I observed a steady flow of both commercial and private vehicles, travelling at high speed.
- 7.3.7. While I accept that the R154 may have the capacity to accommodate additional traffic, the proposed development would, in my opinion, give rise to additional and unnecessary traffic turning movements at the location of the proposed entrance and would interfere with the free flow and safety of traffic on this regional road which would in turn undermine the importance and function of the R154 as a strategic corridor. The proposal development would therefore be contrary to MCDP policy relating to accesses to regional and county roads.

- 7.3.8. Section 9.15.3 of the MCDP provides the Development Assessment Criteria which include exceptions to the policies relating to accesses to regional and county roads. This includes an exemption for those persons who have a location specific rural housing need on family-owned lands.
- 7.3.9. As previously discussed in this assessment I am satisfied that the applicants have demonstrated a rural housing need; however, it is evident from the details submitted in support of this application, that the proposed development site and the 10acre plot of land on which it is located, was purchased by the applicants (c2018) for the purpose of building a one-off rural dwelling. This c10 acre plot of land lies adjacent to and is accessed off the R154 regional road.
- 7.3.10. I note from the documentary evidence submitted in support of the application, that the applicants' grandparents and uncles previously owned lands at Clonfane & Oakstown (proximate to the proposed development site) and that the applicants recently (c2021) bought back c5 acres of this former land holding. However, as previously noted the site on which the proposed dwelling is located did not form part of this landholding. The purchase of lands for the purpose of building a rural dwelling does not in my opinion meet with the spirit of the exemption set out under section 9.15.3.
- 7.3.11. Having regard to the above, I am satisfied that the development of this site as proposed would be contrary to the provisions of the MCDP, in particular, policies RD POL 38 and RD POL 40 and that the exemptions to these policies as set out in Section 9.15.3 of the plan to not apply in this case.
- 7.3.12. In relation to the Council's second reason for refusal which relates to MCDP Policy RD POL 38 and the failure of the application to demonstrate that safe visibility splays can be provided at the proposed entrance. Regard is had to the revised site layout plan, Drawing No:2020-APB-001, submitted with the applicant's grounds of appeal. This plan details that sightline distances of c215m, from a 3.0m set back, can be provided in both directions. This would exceed the required minimum sightline distance of 160m.

7.3.13. The plan indicates that no evasive trimming or removal of hedgerow is required to achieve sightline distances; however, the maintenance / trimming back of c40 of hedgerow to the northwest of the proposed entrance is required. Following consideration of the site layout plan and road report submitted with the appeal and following site inspection I am satisfied that adequate sightline distances can be provided at the proposed entrance. This would however require the setting back / relocation of the existing roadside utility poles.

7.4. Precedent Cases

7.4.1. The applicants as part of their first party appeal refer to a previous decision of Meath County Council (MCC REF: TA180101) whereby permission was granted for a new dwelling and entrance onto the R154 (in lieu of an existing agricultural entrance), c800m to the northwest of the proposed development site. MCC REF: TA180101 was lodged with the planning authority in 2018, c6 months prior to the applicants first planning application under MCC Ref: TA181182.

7.4.2. The applicants contend that the land, the subject of MCC Ref: TA180101, was not at the time of the application, held in family ownership. They query how two similar applications on the same road, lodged around the same time, can be treated completely differently and they state that they feel that they have been discriminated against.

7.4.3. While I note that there are similarities between the development permitted under TA180101 and the development proposed by the applicants under TA181182, there are also variances. I note, for example, that the development proposed by the applicants under MCC Ref: TA181182 included proposals for a new additional entrance onto the R154 regional road, rather than a replacement entrance as proposed under TA180101.

7.4.4. In respect of the development proposal currently before the Board, I consider it appropriate that the application be determined on the merits of the case presented, as to utilise a previous grant of permission to set a precedent for one off dwellings with direct access onto a Strategic Route Corridor, is not I consider a desirable trend to be pursued in the interests of the proper planning and sustainable development of

the area. In this regard, the case presented by the applicants does not in my opinion justify a grant of permission.

7.5. Wastewater Treatment and Disposal

- 7.5.1. The appeal site is located in un-serviced rural area. The proposed development is to be served by a new wastewater treatment system and polishing filter located to the northwest of the proposed dwelling. A new well is to be located to the east of the dwelling and c70m southeast of the polishing filter. This is well outside the minimum separation distance for an alongside well, having regard to the groundwater flow direction.
- 7.6. A site characterisation Report in accordance with standards set out in the EPA Code of Practice 2009 was submitted with the application. However, as the EPA Code of Practice 2009 has been replaced by the EPA Code of Practice 2021, the planning determined that a site suitability assessment in compliance with the 2021 EPA Code of Practice would be required. Refusal reason 3 relates.
- 7.7. In response to this issue the applicants have submitted a revised site characterisation report in accordance with standards set out in the EPA Code of Practice 2021. This report includes the following details:

Table 7.1 - Details from Site Characterisation Report	
Soil type	Gleys of the Street Series
Subsoil	Till derived chiefly from Lower Carboniferous limestones
Aquifer Category	Locally Important
Vulnerability	High
Past Experience in the Area:	Soils are generally poor draining, with pockets of heavy Clay soil dominating, but with better drainage on hills and ridges. In the locality in general infiltration dominates over runoff on the hills and, runoff and ponding occurs in lower areas

Groundwater Protection Response	R1	
Groundwater flow Direction	Northeast to southwest	
Potential targets at risk	Surface water, groundwater, and wells (with surface water most likely at risk)	
Slope	<p>The site itself is shallow (1:5 – 1:20)</p> <p>The slope in the location of the polishing filter is relatively flat (<1:20)</p>	
Percolation Test	Surface (p-Test)	15
	Subsurface (T-Test)	20.25

- 7.8. The revised site characterisation report outlines the results of the trial hole assessment which was carried out in July 2018. Bedrock was encountered at c1.45m - 1.55m, the water table was not reached. Mottling was observed in the subsoil.
- 7.9. The trial holes encountered silt loam topsoil for the upper 0.1m-0.13m which is described as ‘very dark greyish brown and compact’; this is underlain by dark yellowish brown, subangular blocky, sandy SILT with abundant gravels to a depth of c0.53m - 0.61m and slightly sandy SILT/CLAY with abundant gravels and occasional cobbles to a depth of 1.1m-1.14m. The assessor indicates that these levels are permeable and unmottled. Beneath this and extending to bedrock, is a layer of sandy SILT with an abundance of gravels and occasional cobbles and boulders. Mottling in this layer indicates saturation for part of the year.
- 7.10. The assessor concluded that the site was not suitable for a conventional septic tank, which requires 1.2m of permeable, unsaturated soil and subsoil above bedrock and the water table but may be suitable for a mechanical aeration system and discharge to ground subject to surface and subsurface percolation values.
- 7.11. In relation to the percolation characteristics, a surface value of 15 and a sub-surface value of 20.25 was recorded.
- 7.12. The conclusions of the site characterisation examination are that the site is suitable for either a secondary treatment system and soil polishing filter or a tertiary treatment

system and infiltration / treatment area. Consistent with this, the applicant proposes discharging foul water from the site into an O' Reilly Oakstown, 8PE, biological aeration filter (BAF) and soil polishing filter. The applicant's Site Plan (Drawing 2020-APB-001) indicates that the proposed wastewater treatment system will be situated centrally within the field and will achieve adequate separation distances e.g. from watercourses/open drains, site boundaries, trees and dwelling houses etc.

7.13. Having regard to the foregoing I am satisfied that the arrangements for the disposal of foul water will not give rise to pollution of ground or surface water.

7.14. Appropriate Assessment

7.14.1. Having regard to the nature and scale of the development involving the construction of a single dwelling house in the rural area, the nature of the receiving environment and the location of the development relative to European sites, I consider it is reasonable to conclude on the basis of the information on file, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

8.0 Recommendation

8.1. I recommend that permission for the proposed development be refused for the reason outlined in Section 9.0 below.

9.0 Reasons and Considerations

1.	Having regard to the site's location outside the boundaries of any settlement and proposed access via a new entrance off the R154, which is identified as a Strategic Corridor in the Meath County Development Plan 2021-2027, at a point where the maximum speed limit of 80km per hour applies, it is considered that the proposed development would give rise to
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	<p>additional traffic movements and interfere with the free flow of traffic on this heavily trafficked regional road, would compromise the level of services and carrying capacity of this road at this location and fail to protect public investment in the national and regional road network and would have the potential to endanger public safety by reason of traffic hazard by way of access and egress from the access, conflicting with other road users. For these reasons, the proposed development would conflict with relevant provisions of the Meath County Development Plan, which are considered reasonable, namely policy RD POL 38 which seeks to ensure that all development accessing off the County's Road network is located and carried out in a manner which would not endanger public safety by reason of traffic hazard and RD POL40 which seeks to restrict new accesses for one-off dwellings where the 80km per hour speed limit applies in order to safeguard the specific functions of these roads and to avoid their premature obsolescence. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
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Lucy Roche
Planning Inspector

16th January 2023