



An
Bord
Pleanála

Inspector's Report ABP-313385-22

Development	Construction of dwelling and all ancillary site works.
Location	Rattin , Kinnegad , Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	21654
Applicant(s)	Kevin Lynch
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Dermot and Ruth Nolan
Observer(s)	None
Date of Site Inspection	30/01/2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in a rural area in Westmeath, just south of the M6 motorway and 6.2km west of Kinnegad town. The Co. Meath boundary is in close proximity of the site.
- 1.2. The access road to the site is a minor county road which is narrow. It supports a number of agricultural holdings and one-off houses.
- 1.3. The site, 0.4034Ha is currently an agricultural field. There is a mature hedgerow along the roadside boundary (northern) , and the remaining boundaries are fenced off. The site is level with the road to the front of the site, but it dips considerably to the rear, circa 4metres, to the southern site boundary.
- 1.4. There is a field access to the site at the south-eastern extremity. In addition, there is an agricultural access from the site to a shed at the south-eastern extremity of the site.
- 1.5. Immediately to the east of the site are two dwellings. The third party appellant resides on the abutting site, they have a garage along the common boundary with the subject site. There is no screening between the properties and the appellants have a conservatory on the opposing elevation.

2.0 Proposed Development

- 2.1. A new dwelling with a detached garage is proposed on the site. The total floor area of the dwelling is 241sq.m. It is a four bedroomed dormer style dwelling. The ridge height will be 6.475m.
- 2.2. A proprietary wastewater treatment system is proposed with a tertiary treatment system.
- 2.3. On foot of the further information requested the applicant responded on 03/08/2023.
 - He owns non-productive sheep, with an occasional lambing ewe that needs to be placed in a temporary enclosure.
 - The applicant has multiple folios all attached.
 - Right of Way indicated. This will be relocated to the southwest of the boreen.

- The shed is used for storing fuel and will act as a fuel store for the dwelling.
- The dwelling will be the third dwelling along 250m so it is not considered to be ribbon development.

3.0 **Planning Authority Decision**

3.1. **Decision**

Westmeath Co. Co. **GRANTED** the proposed development subject to 13No. conditions.

The conditions were standard for a rural house relatively to development contributions, garage, Section 47 agreement, construction hours, access, surface water sewage treatment

3.2. **Planning Authority Reports**

3.2.1. ***Planning Report (7th of January 2021)***

- The applicant is a tradesman and part-time farmer, who owns land immediately adjacent to the site. He has lived all his life in Kinnegad. He needs to live beside his land for lambing. He also owns a business 'Kinnegad Pellet Stove'
- The house design and garage are considered to be acceptable.
- Noise and construction works will be temporary. Planting to be provided along the eastern site boundary to ensure privacy is maintained.

3.2.2. ***Other Technical Reports***

District Engineer requested further information.

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

An objection from the neighbours expressed the following concerns:

- There was a previous refusal on the site.
- Detrimental impact on their son who has a pre-existing condition, sensitive to loud noise.
- Water supply
- Loss of privacy
- Access to land at the rear, right of way, potential commercial activity

4.0 Planning History

4.1 *Planning reference 05/5473*

Andrew and Anne Marie Bracken applied for planning permission for a two-storey dwelling on the site with a septic tank and percolation. It was refused for one reason by An Bord Pleanála.

The area is under strong urban influence as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by DOE 2005 and outside of an existing settlement identified in the development plan for the area. The Board was not satisfied based on the information on the file that a local need was established on the site.

5.0 Policy Context

5.1 National Policy/ Guidelines

5.1.1 *Project Ireland 2040 - National Planning Framework*

The National Planning Framework (NPF) acknowledges that “rural areas have a major role to play in Ireland 2040 and encourages Local Authorities to ensure that connectivity gaps are addressed and that planning and investment policies support job creation in the rural economy”. Improved coordination of existing investment programmes dealing with social inclusion, rural development and town and village renewal are sought, as is planning for the future growth and development of rural

areas. In terms of rural housing, the NPF distinguishes between commuter areas and other rural regions throughout the Country. The NPF recognises the “significant pressures from urban generated pressures in commuter areas and highlights how commuter-generated housing in rural areas accessible to cities and towns, has affected the character and cohesion of some locations. It seeks to manage the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.”

5.1.2 Sustainable Rural Housing, Guidelines for Planning Authorities, 2005

The Circular letter PL2/2017, issued by the Department of Housing, Planning, Community and Local Government in May 2017, advised local authorities that the Sustainable Rural Housing Guidelines are currently being revised to ensure the rural housing policies and objectives contained in local authority development plans comply with Article 43 of the EU Treaty on the freedom of movement of citizens.

5.2 Development Plan

Westmeath County Development Plan 2021-2023

Chapter 2: Core Strategy

The aim is to support the desire of individual applicants with strong rural links to settle in that area and to encourage people with no such links to settle in the identified extensive network of towns or villages. Core Strategy Policy Objectives:

CPO 2.11: Support the sustainable development of rural areas in Westmeath by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

Chapter 9 Rural Development

Having regard to this, a rural typology has been undertaken for Co. Westmeath, which is consistent with national and regional policy. This typology is premised largely on two categories as follows:

- Rural Areas under Strong Urban Influence
- Structurally Weak Areas

Definitions of both areas are prescribed in Sections 2.14.1 and 2.14.2 of the Core Strategy.

The subject site is located in a ***Rural Area Under Strong Urban Influence***.

The Council will manage sustainable growth in designated 'Rural Areas Under Strong Urban Influence' and facilitate the provision of single houses in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, siting and design criteria for rural housing and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. The aim is to support the desire of individual applicants with strong links and a need to settle in that area and to encourage people with no such links to settle in the identified extensive network of towns, villages and rural nodes. Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

Section 9.4: Rural Settlement Strategy: Rural Housing Need Policy Objectives:

CPO 9.1: Areas Under Strong Urban Influence: To accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

Local Housing Need:

Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,

2. Members of farm families seeking to build on the family farm,
3. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
4. Persons employed locally whose employment would provide a service to the local community,
5. Persons who have personal, family or economic ties within the area, including returning emigrants,
6. Persons who wish to return to farming and who buy or inherit a substantial farmholding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers.

Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option. The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home

CPO 9.2: In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19.

Section 9.5: Environmental Capacity:

Rural Housing Criteria Policy Objectives:

CPO 9.8: Ensure that, in permitting one-off rural housing, key rural assets such as water, natural and cultural heritage and landscape quality are protected and maintained.

CPO 9.9: Protect the natural assets of the county including ground and surface water and ensure that physical standards are met including soil conditions suitable for effluent disposal and the avoidance of flood areas.

CPO 9.10: Protect the integrity of the landscapes as identified in the Landscape Character Assessment and protected views.

CPO 9.11: Seek that all proposed on-site wastewater treatment systems for single dwellings and extensions which will increase the population equivalent loading shall

comply with the EPA Code of Practice for Wastewater Treatment and disposal Systems serving Single Houses (2009) and any revision thereof.

CPO 9.12: Seek to ensure that wastewater treatment systems are installed by competent persons with regular monitoring and testing carried out on the treatment system, in accordance with the planning permission.

CPO 9.13: Have regard to the Department of Environment, Community and Local Government's Sustainable Rural Housing Guidelines 2005, and any subsequent amendment in the assessment of applications for rural housing

Section 9.5.1: Rural Housing Siting and Design Section

9.6 Development within the Hinterland of Settlements

The aim of policy in these areas is to avoid undesirable ribbon development on the approaches to settlements and to protect the fabric of settlements by restricting development on the outskirts of the regional centre, towns and villages. Provision will be made for farmers, members of farm families and people that have spent substantial parts of their lives as part of the established rural community building their first home.

Chapter 10: Transport, Infrastructure & Energy:

Section 10.13.1: Wastewater Treatment and Disposal Systems Serving Single Houses Wastewater Policy Objectives: CPO 10.100: Ensure that private wastewater treatment plants, where permitted, are operated in compliance with EPA's Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (PE. ≤10) (EPA 2009), as may be amended.

Chapter 16: Development Management Standards:

Section 16.3.7: Rural Housing:

Notwithstanding an applicants' demonstration of compliance with the rural housing criteria as set out at Chapter 9, it is important to note that applicants are also required to meet overriding sustainable planning practices in terms of visual impact, design standards, environmental and traffic safety issues. The design of rural housing development requires careful design consideration to ensure that all new development sensitively integrates into the landscape. This requires specific focus on site selection, design, scale and form of the proposed development. The most

successful designs subtly integrate with the receiving landscape by selecting naturally sheltered and screened sites and the development of a simple built form complimented with the use of materials that are reflective of traditional vernacular.

Development Management Standards Policy Objectives - Rural Housing: CPO 16.32
– CPO 16.34

5.1. Natural Heritage Designations

The nearest Natura 2000 site is Mount Hevey Bog SAC located 5.6km from the site. There are no direct hydrological links to the site arising from the proposed works alone or in combination with other plans/ projects.

5.2. EIA Screening

Having regard to the nature and scale of the proposed development, comprising of a domestic dwelling there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

Dermot and Ruth Nolan who reside on the neighbouring site to the east have taken this third-party appeal against the planning authority's decision to grant planning permission for the proposed development. A summary of their grounds of appeal is as follows:

6.1.1 ***The applicant does not sufficient legal interest in the land to carry out the proposed development.***

The landowner Andrew Bracken has given his consent for the planning application. The proposal will be erected on his current right of way to his land and shed. As per the response of further information, the applicant has stated that the right of way will be wholly encompassed by the proposed development and a request will be

submitted to the Property Registration Authority to have the right of way removed from Folio 2954F. The proposed solution is to use a second access to land owned by Andrew Bracken. This has not been supported by evidence that Andrew Bracken is amenable to this solution and to allow access across his land.

6.1.2 *The applicant has not established or substantiated a rural housing need for a dwelling at this location*

The site is located in a Rural Area Under Strong Urban Influence. The need is stated on file to look after his sheep. The shed is to be used for lambing ewes. The shed is primarily used as a fuel store. The applicant draws a significant amount of turf to the shed in summer. There is no room for lambing ewes during November, January and February as stated by the applicant. The turf storage is more on a commercial scale. The applicant has not demonstrated a genuine reason to live at this location.

As residents of the area since 2012 they have observed:

- A farmer renting the land or a shepherd employed by the applicant, who frequently attends the land/ sheep. They have not seen the applicant engage in farming activities.
- Contractors who trim the hedge
- Drawing of large volumes of turf during the summer months. Transport of a conveyor to fill the turf
- A van and trailer drawing turf from the shed during the winter.

The main activities associated with the applicant are the storage and distribution of turf. The applicant is proceeding to establish a new commercial enterprise to support his business in Kinnegad, he outsources farming activities, and it will be illegal to sell or distribute turf from September 2023. The applicant is unable to fulfil sufficient local needs requirements.

6.1.3 *The proposed development would have a negative impact on their son's health and amenity*

Their 8year old son has Oculocutaneous Albinism. He has severe visual impairment. Any interference on or across their property would represent a hazard

to their son and it is totally unacceptable. This has not been addressed in the planning application, and there will be a likely requirement for an electricity pole required on their land to provide service to the proposed site.

6.1.4 *The proposed development would give rise to serious concerns for their son's health and wellbeing*

Sudden loud or unexpected noises can frighten and cause anxiety for their son. The proposed development is directly in line with their main living areas that includes a double door into the kitchen and clear double doors into the living room. There is no border between their house and the new dwelling. The building works will cause him stress. The list of conditions does not include a visual screen or noise barrier between the properties.

The applicant lives in an urban area, Kinnegad, 6km from the site. And the proposal should be refused.

6.2. Applicant Response

The applicant currently resides with his mother, 6.8km east of the subject site in a rural area. He operates a small farm holding on a part time basis immediately south of the proposed development. There is an agricultural shed on his landholding, its use is flexible in nature depending on activities and seasons. The topography of the land is different and the shed is located on a lower slope than the proposed dwelling, (4m lower).

- The applicant has the consent of the landowner Mr. Andrew Bracken Appendix 1)
- The applicant owns approximately 18 acres of farmland to the south of the site. The landholding comprises of 12 acres of grassland and 6 acres of bog. The land does not have any road frontage, so the applicant approached the local farmer for a site. The applicant owns multiple folios purchased between 1997-2005 highlighted in blue on Fig 1.1 of the appeal submission.
- CPO 9.1 Areas Under Strong Urban Influence in the Westmeath County Development Plan 2021-2027. Mr Lynch qualifies under the local need policy as follows:

- He has been engaged in part-time agriculture for 25 years. He has kept different types of livestock over the years and Appendix 4 outlines his herd number. He has cut turf from the bogland part of his property, and has engaged in sheep farming but he is disadvantaged due to the distance from his house. The cut turf is for his own family's domestic use. He complies with the local needs policy.
- Mr Lynch operates a wood pellet stove business from the family home in Kinnegad. The diversified farming activities help to maintain his income.
- As regards the appellant's sons' health, the construction activities are short terms in nature. There will be mature native hedging provided in the first planting season following the grant of permission. The applicant is also willing to erect a 2 metres fence along the front between the two properties.
- The Planning Report assessed the details of the proposal in depth and considered the overall scale and design to be acceptable in terms of amenity.
- The applicant is willing to erect a 2 metres fence along the boundary between the front of the two properties. A buffer would be created by planting the hedgerow and associated trees, which would mitigate against perceived negative impacts.
- The application was assessed in the Planner Report against the relevant Planning policies and objectives. The proposed principle, design and sightlines were considered to be acceptable.

6.3. Planning Authority Response

None.

7.0 Assessment

7.1 From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy

- Overall design / visual impact
- Traffic implications
- Wastewater treatment & disposal
- Appropriate assessment

7.2 The Principle of the Proposed Development / Rural Housing Policy:

7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance to note that the proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' and that the detailed identification of the various rural area types at a county level shown on Map No. 9.1: '*Rural Typology Co. Westmeath*' of the Westmeath County Development Plan, 2021-2027 similarly indicates that the site is located in a 'Rural Area under Strong Urban Influence'.

The Guidelines state that such 'Areas under Strong Urban Influence' will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Mullingar, Tullamore & Athlone Town) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing them (e.g. the N52 National Road and the M6 Corridor).

Notably, within these 'areas under urban influence', the National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for applicants to demonstrate 'a functional economic or social requirement for housing need' (with *National Policy Objective No. 19* stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements). The Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

- 7.2.2. There is no particular proliferation of one-off rural housing developments in the wider area as noted during the course of my site inspection. The location is in close proximity to Kinnegad, therefore the surrounding area is indicative of an 'Area under Strong Urban Influence'. Accordingly, it is necessary to consider whether the applicant satisfies the relevant eligibility criteria, with particular reference to **Objective CPO 9.1** of the current Development Plan (cited above under Section 5 of this Report) which seeks to accommodate individuals for permanent residential development in 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations. More specifically, it must be established whether the applicants meet the 'local housing need' provisions by reference to one of 6 No. qualifying criteria (with the local area for the purpose of this policy defined as the area generally within a 10km radius of the applicant's family home).
- 7.2.3. Notably, provision is to be made for 'farmers, members of farm families and people that have spent substantial parts of their lives as part of the established rural community building their first home' within the 'hinterland of settlements' stated in the development plan, and all such proposals, except for reasons of traffic safety, design or other environmental consideration, are required to be clustered with the existing family home or, if farm buildings are isolated from the family dwelling, consideration can be given to grouping with farm structures.
- 7.2.4. In addition, it is appropriate to have regard to the provisions of the '*Sustainable Rural Housing, Guidelines for Planning Authorities*' which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas or persons who are an 'intrinsic part of the rural community' which are defined as follows: 'Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes.'
- 7.2.5. From a review of the available information, including the completed copy of Westmeath County Council's 'Local Need Questionnaire' and the various supplementary information provided on appeal, it can be ascertained that the

applicant is acquiring the subject site from an unrelated third-party landowner, Mr Andrew Bracken, who has given his consent for the planning application. Access to the applicant's existing shed to the rear of the proposed dwelling will be via the applicant site. In terms of local Housing Need and compliance with Policy CPO 9.1:

(a) *A person actively engaged in agriculture and peat industry*

The applicant, Mr Kevin Lynch, owns 18 acres of farmland to the south of the subject site, 12 acres is grassland and 6 acres is bogland. The applicant has included multiple land folios he owns in the general vicinity of the subject site. He is originally from the town of Kinnegad and he currently resides at his mother's house. He has engaged in part-time agriculture for 25 years. He also cuts turf, dries it and stores it in his shed adjacent to the site for domestic purposes only. He has engaged in the REPS schemes over the years

(b) *A landowner that has owned the land for over five years*

The applicant does not own the subject site, he has owned the adjoining land for more than 25 years, he has established links to the area for over five years.

(c) *Persons locally employed whose employment would serve the local community.*

The applicant trained as a carpenter and has a pellet stove and chimney business.

(d) *Persons who have a personal, family or economic tie to the area.*

The applicant's family live 6.8 km from the site.

Mr. Lynch is also a part-time farmer and owns the land beside the site. He has no road frontage to his land, therefore he is hoping to purchase the site off the third party landowner. It would seem evident that the proposed dwelling house is intended for his own occupation as a principle and permanent place of residence.

7.2.6. On the basis of the available information, I would accept that the applicant has established a long-term social / land ownership links to the immediate locality. He has not clearly demonstrated he has 'strong links to the area' and is 'an intrinsic part

of the rural community' because he was born reared, educated in Kinnegad town. However, he has stated the distance from his landholding, 6.2km, has prevented him from having livestock. It is my opinion, given the extent of the landholding, the existing agricultural shed adjacent to the site, that the applicant satisfies the eligibility criteria set out in Objective No. CPO 9.1 of the Development Plan.

7.2.7. However, in assessing the merits of the proposal and whether the applicant could be held to satisfy the relevant eligibility criteria in terms of having a 'functional economic or social' housing need requirement to reside at the location proposed as per National Policy Objective No. 19 of the NPF, I would suggest that further consideration must be given as to whether there is any specific locational need for the applicant to reside on the lands in question.

7.2.8. The applicant has his own business in Kinnegad, and he cuts turf from his lands at Rattin. He claims to own non-productive sheep, and he has a flock number. He states the shed is used for the occasional lambing ewe. I am satisfied that this amounts to a demonstrable need to reside at the rural location proposed since he owns a considerable portion of land at this location.

7.3 Overall design / visual impact

7.3.1. The proposed design is for a modest dormer bungalow of similar height (6.9m) and building line to the immediate dwelling to the east. The detached garage is ancillary in design to the main dwelling.

7.3.2 Having regard to the concerns expressed by the third party appellants regarding their son who has a pre-existing condition, I consider a 2metre boundary fence screening both dwellings should be erected and screen planting provided along the eastern site boundary.

7.3.3 The proposed development site is located in a typically rural area where the surrounding countryside is generally characterised by a gently undulating rural landscape interspersed with piecemeal housing, farmsteads, and linear-type development. Although views over the wider area are available from certain vantage points, the prevalence of mature trees and dense hedgerows along the roadside and intervening field boundaries in the immediate surrounds of the application site serves to lessen more expansive views of the bog to the south.

- 7.3.4. The site itself is north facing with a significant dip at the rear (southern) site boundary. Notably, a dwelling house of a comparable size and design is to the east of the subject site. The common boundary is exposed and the neighbouring conservatory is visible from the site. The basic design of the dwelling house adheres to the basic design principles set out in Objective CPO 16.32 of the Development Plan in that it has sought to evoke a contemporary interpretation of the traditional vernacular through its use of features such as, vertically emphasised fenestration, steep roof pitches, chimney stacks positioned over the ridge line, and a palette of external finishes that includes render, stone, and natural roof slates.
- 7.3.5 Having regard to the foregoing, I am satisfied that the overall design and siting of the proposed development is generally acceptable and will not unduly detract from the visual amenity or scenic quality of the surrounding rural landscape, subject to conditions, including the reinforcing of the roadside boundary ditch and the implementation of appropriate landscaping along the residual site boundaries.

7.4 Traffic Implications:

- 7.4.1. Following a review of the available information, and having conducted a site inspection, I am satisfied that adequate sightlines can be achieved from the proposed entrance given the comparatively lightly trafficked nature of this rural roadway and the likelihood of reduced traffic speeds due to its overall condition, width and alignment. Furthermore, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development without detriment to public safety or the obstruction of road users.

7.5 Wastewater Treatment & Disposal:

- 7.5.1. It is proposed to install a proprietary wastewater treatment system with a tertiary percolation area and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. In this respect, I would refer the Board to the Site Characterisation Form submitted with the application on 09/12/2021 which indicates that the appeal site overlies an area of low groundwater vulnerability. The site is an R1 Protection Response which is acceptable. Results from the percolation tests yield a Subsurface Value of 13.5min/ 25mm and a surface value of 7.47min/ 25mm. The site can cater for an individual treatment system in line with EPA standards.

7.6 Appropriate Assessment:

- 7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to grant planning permission for the dwelling house be upheld.

9.0 Reasons and Considerations

Having regard to the provisions of the National Planning Framework, and the Westmeath County Development Plan 2021– 2021 and that the site is located in an area that falls within the category 'Area Under Strong Urban Influence', as set out in the *Sustainable Rural Housing Guidelines for Planning Authorities, 2005*, and the current development plan for the area, it is considered that the applicant satisfies the relevant policies and guidelines for a rural dwelling in this area, and that, subject to the conditions set out below, the proposed dwelling on this site would be compatible with the amenities of the area, would not give rise to a traffic hazard, and is consistent with the relevant design and siting requirements. 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 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>Reason: In the interest of clarity.</p>
2.	<p>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 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>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is</p>

	appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.
3.	<p>The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.</p>
4.	<p>(a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, with details which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. 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) A screen fence, 2m in height, shall be placed along the eastern site boundary from the roadside boundary to the rear building line of the proposed dwelling. An indigenous hedge shall be planted inside of the fence in the first planting season following commencement of the proposed development.</p> <p>Reason: In order to screen the development and in the interest of residential amenity.</p>
5.	<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.</p> <p>Reason: In the interest of visual amenity.</p>

6	<p>The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
7	<p>(a) The entrance gates [cattle grid at the entrance] to the proposed house shall be set back not less than four metres and not more than [six] metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.</p> <p>Reason: In the interest of traffic safety.</p>
8	<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 the 9th day of December, 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, 2009. 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> <p>Reason: In the interest of public health.</p>
9	<p>The developer shall pay to the planning authority a financial contribution 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</p>

	<p>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>Reason: 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>
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Caryn Coogan
Planning Inspector

23rd of February 2023