



An  
Bord  
Pleanála

## Inspector's Report ABP-313531-22

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<b>Development</b>	Permission is sought for the construction of a dwelling house, garage, wastewater treatment system, new well, new entrance from public road and all associated works.
<b>Location</b>	Drumree, County Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	22264.
<b>Applicant</b>	Graham Jordan.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third-Party.
<b>Appellant(s)</b>	Michael Coughlan & Others.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> day of September, 2022.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.6406ha area and it is located in the Townland of Drumree, in rural south County Meath. The site is accessed via a restricted in width and poorly surfaced cul-de-sac lane (L22076) that provides connection to a number of one-off detached dwellings and agricultural fields. The site forms part of a larger agricultural field that is in grass with its road side boundary not containing any independent entrance onto the L22076. This roadside boundary consists of high landscaped embankment with a deep drainage. There are a number of semi-mature specimen trees planted thereon.
- 1.2. Access to the site is via an agricultural gate located to the north west of the site and from the north western corner of the roadside boundary the adjoining rural lane is situated c262m by road to the L22076 junction with the L-22082 (also referred to as the L-5047). The roadside boundary is situated to the east of the lane's change in alignment from running in a south easterly direction to a north easterly direction. The steadily trafficked L-22082 provides connection to the surrounding network of public roads including providing access to the settlement of Dunshaughlin which is situated c2.3km to the east as the bird would fly.
- 1.3. Behind the roadside boundary the topography of the site rises steeply and the field in which the site forms part of contains a mixture of indigenous hedgerows as well as a mixture of tree species.
- 1.4. The opposite side of the lane is characterised by a cluster of one-off dwellings of varying architectural styles and periods. Towards the lane's end there is new dwelling in the process of being constructed. Along either side of the lane roadside carriageway deep drainage ditches.
- 1.5. The site at its nearest point is situated c150m to the south of the river Skane.
- 1.6. Despite the rural location of the site the surrounding landscape contains a significant proliferation of one-off dwellings.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a detached single storey dwelling (Note: 265.6m<sup>2</sup>), detached garage (73.86m<sup>2</sup>), construction of a new wastewater treatment system and

percolation area, new well, new entrance onto public road together with all associated site works and services.

2.2. The documentation with this application includes a letter of consent from the landowner to the making of this application.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. On the 21<sup>st</sup> day of April, 2022, the Planning Authority **granted** permission for the proposed development subject to 17 no. conditions including:

Condition No. 2: Occupancy clause.

Condition No. 3: Material and finishes of the garage.

Condition No. 4: Sets out the requirements of the entrance.

Condition No. 5: Sets out the landscaping requirements. This includes but is not limited to the preservation of existing trees and shrubs on site except where required to facilitate sightlines.

Condition No. 6: Sets out the wastewater treatment requirements.

Condition No. 7: Sets out the surface water requirements.

Condition No. 13: Sets out the requirements for dealing with waste.

Condition No. 14: Restricts the use of the garage.

Condition No.s 15 to 17: Development Contributions.

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

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

The Planning Officer's report, dated the 21<sup>st</sup> day of April, 2022, is the basis of the Planning Authority's decision. It includes the following:

- It sets out the planning history of the site.
- It sets out relevant planning policy provisions and guidance.

- It provides a summary of Third-Party observations received.
- It sets out Technical Reports received.
- The documentation submitted with this application is considered to demonstrate that the applicant has a rural housing need at this location.
- No substantive objections are raised to the design, layout, and siting.
- No residential and/or visual amenity impacts arise.
- The access arrangements are considered to be acceptable.
- No substantive drainage or flooding issues arise.
- No AA or EIA issues arise.
- A calculation of applicable development contributions is provided.
- Concludes with a recommendation to grant permission.

### 3.2.2. **Other Technical Reports**

**Transportation:** No objection, subject to safeguards.

### 3.3. **Prescribed Bodies**

3.3.1. None received.

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

3.4.1. A number of Third-Party submissions were received. These mainly object to the proposed development based on drainage and flooding concerns. In addition, a submission was received from a local councillor supporting the proposed development on the basis of the applicant having a local need.

## 4.0 **Planning History**

### 4.1. **Site: Recent**

- **P.A. Ref. No. 211354:** Planning permission was **refused** for a dwelling house, garage, wastewater treatment system, well and all associated works for the following stated reason:

*“Owing to the absence of information submitted with the application to demonstrate that the proposed wastewater treatment system can adequately manage the disposal of wastewater from the site, or that adequate separation distances can be achieved from the proposed wastewater treatment system and neighbouring wells, it is viewed that the proposed development would be prejudicial to public health due to risk of pollution and would not be in accordance with the proper planning and sustainable development of the area”.*

Decision date: 11/11/2021.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The Meath County Development Plan, 2021-2027, is applicable. The site is located on un-zoned land and outside of any settlement boundaries.

5.1.2. The Meath Rural Settlement Strategy as set out in the Development Plan seeks 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.

5.1.3. The appeal site is situated within a Rural Area under Strong Urban Influence. The following Development Plan policies are relevant:

RD POL 1:           Ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL 2:           Facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

RD POL 3: Protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

5.1.4. Section 10.2 Rural Settlement Strategy - Policies include:

- RUR DEV SP 1: Adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types.
- RUR DEV SP 2: 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.

5.1.5. Section 10.4 in relation to persons who are an Intrinsic Part of the Rural Community it sets out the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

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

need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.

5.1.6. The Development Plan recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include:

- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside.

## 5.2. **Regional**

5.2.1. **Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031:** RPO 4.80 sets out that Local Authorities shall manage urban growth in rural areas under strong urban influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

## 5.3. **National**

5.3.1. **National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government, (2018):** Of relevance to this appeal case is National Policy Objective 19. This national policy objective refers to the necessity to



demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e., commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.3.2. **Sustainable Rural Housing Guidelines, (2005):** The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Of relevance to this appeal case is that the site is located in an area classified as an under **Strong Urban Pressure**.

5.3.3. **Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021.**

#### 5.4. **Natural Heritage Designations**

5.4.1. It is considered that there are no European Sites within the zone of influence of the subject project with the nearest European site being the River Boyne & River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) which are located c11.9km to the north west as the bird would fly at their nearest point.

#### 5.5. **EIA Screening**

5.5.1. The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which consists of the construction of a dwelling house, garage, provision of on-site water and foul drainage infrastructure, new well, new entrance onto the public road together with all associated site works, the absence of features of ecological importance within the site, together with the

nature and scale of the receiving environment I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

## 5.6. Built Heritage

5.6.1. There are several National Monuments located in close proximity to the site. The nearest are situated in close proximity to the rear boundary of the site along the R125 corridor. These are:

- ME04819 (Classification: KILN) situated c220m to the south east.
- ME04818 (Classification: FUF1) situated c235m to the south east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. On the 10<sup>th</sup> day of May, 2022, the Board received a Third-Party Appeal submission which can be summarised as follows:

- The appellants submissions to the Planning Authority in relation to the proposed development focus on the lack of adequate drainage measures to deal with surface water runoff.
- The site is elevated and slopes towards an open ditch and soil bank that adjoin the L-22076 which is described as a narrow cul-de-sac that connects to the L-5047. It is contended that this ditch connects to an extensive network of drains which work together to channel water flow from the site, the agricultural lands surrounding the site and the neighbouring house and a piped system to the river Skane.
- Historically this open ditch, which the appellants describe as being 1.2m wide and over 1m deep, has acted as an attenuation pond during heavy rains, holding the excess water until the water gradually released into the existing piped network. On occasions, however, it is contended that it has overflowed. With this causing flooding on both the road and neighbouring properties. Photographs to support this contention are provided.

- The proposed measures to deal with the additional surface water that would arise from the proposed development in the context of the site particularly in adverse weather conditions.
- No flood impact assessment was carried out. All of the neighbouring properties have wells and contamination from surface water would pose major health risks.
- The drainage and flooding issues raised in their submissions to the Planning Authority were not adequately considered.
- Procedural concerns in relation to the Planning Authority's handling of this application are raised.
- It is unclear from the information provided how surface water can be adequately dealt with within the confines of the site.
- The Development Plan sets out that the goal of rural settlement strategy is to ensure that rural generated housing needs are accommodated in the areas that they arise subject to satisfying good practice in relation to site location, access, and drainage. This application falls short of demonstrating this.
- The Board is requested to consider the impact of the proposed development on their properties and on their domestic water supply.

## 6.2. Applicant Response

6.2.1. On the 7<sup>th</sup> day of June, 2022, the Board received the applicant's response to the grounds of this appeal. It can be summarised as follows:

- It is sought that the appeal is invalidated by the Board.
- 100% of all surface water generated by all the hard standing areas on site will be attenuated and discharged to groundwater on site.
- The applicant's documentation supports their rural housing need.
- The Planning Authority raised no issues with the design, layout and siting of the proposed development.
- No objection was raised by the Planning Authority's Transportation on the new entrance proposed.
- The Planning Authority raised no wastewater concerns.

- The appellants raise no objection to the principle of a dwelling house.
- The proposal only seeks the removal of the roadside hedge, not ditch, to facilitate sightlines.
- Two new surface water attenuation cells are proposed together with a new open stone drain running along the entire roadside boundary which has been designed to intercept all surface water runoff from the site.
- They would welcome a condition that sought the retention of the existing open ditch or the upsizing of the attenuation areas and interceptor to the open stone drain along the roadside boundary.
- The Planning Authority raised no flooding concerns.
- It is sought that the decision to grant permission is upheld.
- This response is accompanied by a number of attachments. The content of which I have noted.

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

6.3.1. On the 7<sup>th</sup> day of July, 2022, the Planning Authority submitted a response to the grounds of appeal that included the following comments:

- They are satisfied that all matters outlined in the appellants appeal submission have been considered during their determination of this application.
- The Board is referred to their Planning Officer's Report.
- This proposal is considered to be consistent with the Development Plan.
- The Board is requested to uphold its decision.

### **6.4. Further Responses**

6.4.1. The Appellants further response can be summarised as follows:

- The Board has accepted their appeal as valid.
- Irrelevant comments are made by the applicant in their response received by the Board to discredit the appeal.

- Reference is made to a previous planning application P.A. Ref. No. DA50172 that was refused. It is noted that with this application made no amendments to the existing drainage network or ditch which are subject of their substantive concerns.
- Drainage concerns are raised, and concerns are raised that the existing drainage ditch would be removed to facilitate the proposed development. The latter would be required to achieve the requirements set out under Condition No. 4 of the Planning Authority's notification to grant permission. In addition, the ditch would have to be removed to achieve sightlines.
- The existing embankment prevents the field water run-off entering into their properties with the exception of the opening on the north east side of the site and the south west where water flows over the agricultural entrance. Photographs dating to 2016 appear to show surface water from the site entering onto the road and adjoining properties.
- Concern is raised that the Councils Environment and Water Services Sections did not inspect or appraise the site and the proposed development.
- The proposed development would result in increased surface water flow from the site onto its setting and due to the gradient will flow into their properties as well as the lane. (Note: dated 22/06/2022).

6.4.2. The Planning Authority's further response advises the Board that they have no comments of make. (Note: dated 24/06/2022).

## 7.0 **Assessment**

7.1. Having inspected the site and its setting, examined the application details and all other documentation on file, including the submission received in relation to the appeal from the Planning Authority, and having had regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal case relate to the two reasons given by the Planning Authority to refuse planning permission for the development sought under this application. They can be summarised as follows:

- Servicing
- Appropriate Assessment

- 7.1.1. Outside of the concerns in relation to the fact that the site that is located in a rural landscape setting that is designated as being an 'Area Under Strong Urban Influence' as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Environment, Heritage and Local Government, 2005. This fact is also recognised in the Meath County Development Plan, 2021-2027, by way of the site being designated as located within a 'Rural Area Under Urban Influence'.
- 7.1.2. With this locality being situated in close proximity to Junction 6 of the M3 motorway (Note: c0.7km as the bird would fly). The M3 motorway which is easily accessible from the city, and I noted during my inspection of the site that the traffic on this national route was audible from it. This motorway provides easy access for commuters to places of employment, services and the like. Including the centre of Dunshaughlin which is located c2.3km to the east; Ashbourne centre which is located c11.6km to the east and Dublin city centre, which is located c28km to the south east, all as the bird would fly. Alongside is a rural landscape setting that despite its predominant function being agriculturally based has over recent decades seen a significant proliferation of one-off dwellings aligning its network of rural roads.
- 7.1.3. I am not satisfied that the Board would in these circumstances based on the information provided on file have reached the same conclusion as the Planning Authority that the applicant has demonstrated that the principle of the proposed development which effectively consists of another rural dwelling house is acceptable. On the basis that the National Planning Framework states that: "*it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e., the commuter catchment of cities and large towns*" with this being subject to site and design considerations.
- 7.1.4. In keeping with this National Policy Objective 19 of the National Planning Framework in relation to such applications that Planning Authority's: "*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 areas and siting*

*and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”.*

- 7.1.5. In addition, National Policy Objective 3a of the National Planning Framework, sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and National Policy Objective 33 seeks the prioritisation of the provision of new homes at locations that can support sustainable development at an appropriate scale of provision relative to location.
- 7.1.6. In addition, Policy RD POL 2 of the Meath County Development Plan, seeks to facilitate the housing requirements of the rural community, as identified, while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.
- 7.1.7. Further, Policy RD POL 1 of the Development Plan states that it is policy 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.
- 7.1.8. Section 9.4 of the Development Plan refers to '*persons who are an intrinsic part of the rural community*' and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas subject to meeting specified criteria.
- 7.1.9. Against this context I consider that the principle of the proposed development needs further consideration with the matters of drainage, flooding the like being secondary issues for consideration thereafter.
- 7.1.10. Alongside the concerns raised in relation to whether or not the principle of the proposed development is acceptable I also raise another concern to the Board in relation to the proposed development. This concern relates to the substandard nature of the cul-de-sac lane upon which access to the site and the local road network is dependent upon. With the latter being also dependent upon that cul-de-sac's lane intersection with what I observed was a steadily trafficked local road (L22082) at a point where a 60kmph speed limit applies and where the sightlines are deficient in an easterly direction. This restricted in width laneway also serves several one-off dwellings and parcels of farmland.

- 7.1.11. I therefore raise concerns to the Board that despite the low volume of traffic the proposed development would generate at construction and operational phases that this lane does not have additional safe capacity to cater for the proposed one-off dwelling sought under this application and, if permitted, it would give rise to further potential for traffic hazards to arise on this poorly surfaced lane where there are significant stretches of deep drainage ditches bounding the roadside carriage and where the width is not sufficient to safely allow two vehicles to pass one another. The latter potential for vehicle movement to be obstructed I experienced when accessing the site on the day of my inspection.
- 7.1.12. This matter I consider to be a **new issue** in the context of this appeal case.
- 7.1.13. Nonetheless it adds to the concerns raised in relation to the overall appropriateness of the proposed development and this rural location's capacity to absorb one-off rural dwellings on unzoned and unserviced agricultural land.
- 7.1.14. Outside of these two issues I do not consider that this appeal case gives rise to any other substantive issues that would warrant detailed examination in my assessment below and that could not be dealt with by way of condition were the proposed development to be permitted.
- 7.1.15. Prior to commencing my assessment below, it is also important in my view to draw the Boards attention to the appeal submission which raises concerns questioning the robustness of the Planning Authority's determination of this application. Particularly on the matters of drainage, flooding through to the potential for this development to adversely impact on their properties that are dependent upon proprietary wells to meet their potable water supply needs. They also raise concerns in terms of errors contained in the Planning Authority's reports which were the basis of their decision.
- 7.1.16. In relation to these concerns raised by the Appellants, for clarity I note that the Board does not have an ombudsman role on such concerns which in my view are procedural matters. With the Boards remit in this appeal case is the *de novo* consideration of the proposed development in accordance with the proper planning and sustainable development of the area.
- 7.1.17. I also note that the Applicant in their response to the grounds of appeal seek that the Board invalidate this appeal on the basis that the appellants having made individual submissions to the Planning Authority should have individually appealed the Planning



Authority's decision to grant permission as opposed to making a combined appeal. They also raise an additional concern that one of the Parties to the appeal have not signed the appeal submission.

7.1.18. In relation to these particular concerns in my view it is clear from the information on file that the combined response relates to Third Parties who have all made submissions to the Planning Authority during the course of their determination of the subject planning application. It is not uncommon for Third Parties to make joint submissions to the Board where shared concerns arise to a proposed development. It also reduces the costs involved in making an appeal to the Board for those parties who share similar concerns. The appellants have provided evidence of the fact that they participated in the public participation phase of the Planning Authority's determination of this application and that their submissions were accepted as valid.

7.1.19. Further, the Board having assessed and screened the appeal submission has determined that this Third-Party Appeal as being valid based on it meeting the legislative requirements for making of an appeal to the Board. The concerns raised by the applicant together with the information provided by them do not in my view support otherwise. I am therefore not satisfied based on the information on file that there is substantive evidence and basis to declare this appeal as invalid.

## **7.2. Principle of the Proposed Development and Compliance with Planning Provisions**

7.2.1. By way of this application permission is sought to construct a single storey detached dwelling house, a detached garage, a new wastewater treatment system and percolation area, a new well, a new entrance onto a public road together with all associated site works and services on a rural unzoned site in the Townland of Drumree in County Meath for which the applicant has provided a letter of consent for the making of this application from the landowner. With the site forming part of a larger agricultural field, in a location that is identified as being under strong urban influence in the Development and as previously noted in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Environment, Heritage and Local Government, 2005.

7.2.2. The documentation submitted in support of the application outlines that the applicant has resided at the family home located in the settlement of Kiltale County Meath all of

his life. They indicate that the distance between his family home is 6.9km and that they have been looking for a site to construct a dwelling house for the past two years. I note that having journeyed the route from the site to the location stated as the family home that this distance is c8km and over c8.7km depending on which route one takes on the local road network.

7.2.3. It indicates that the applicant does not own now or in the past his own dwelling house. No affidavit setting out this fact is provided. The documentation provided with addresses thereon are not uncommon types of addresses for important personal documentation to have coming to the family home even when one may be living for temporary periods of time elsewhere and in themselves do not support without doubt the applicants full time residence at the family home.

7.2.4. Section 9.4 of the County Development Plan sets out that the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

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

- *“Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the activity, by*

*reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required”.*

- 7.2.5. It would appear from the information provided that the applicant is making their application on their purported work in the Bloodstock/Equine Industry. Alongside on the basis that Section 9.4 of the Development Plan sets out 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. For the purposes of this policy section, persons local to an area are considered to include” ... “Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”.*
- 7.2.6. The applicant sets out in the documentation that there are no nearer sites available to his family home, which I note is identified under the Development as a Rural Node, and that they have been looking for a site for the last two years to build a one-off dwelling.
- 7.2.7. In relation to Rural Nodes, Section 9.5.4 of the Development Plan sets out that whilst the majority of rural nodes comprise largely of unserved rural areas with limited social and community infrastructure they are also designated for limited development at a sustainable scale for immediate local need with each rural node anticipated to be able to cater for small population increase from their current population base over the period of the Plan.
- 7.2.8. Additionally, the site is also located outside of the rural node of Drumree, with Drumree located c7.7km by road from Kiltale.

- 7.2.9. The applicant works full time as an account executive for a firm that is based in Baggot Street in Dublin. They contend that they work remotely from home with his portfolio including a large number of clients in the Bloodstock and Equine Industry. It is contended that in 2013 he worked in the bloodstock sector and that he assists at weekend for a stated former employer. It is also contended that the applicant worked remotely prior to Covid 19. A letter from the applicant's employer appears to support the applicants remote working status and that his residence in Kiltale is strategically placed to deal with clients situated in the general rural area.
- 7.2.10. A further letter stating that the applicant 'has been employed' in both a part time and full-time capacity in the daily care of thoroughbred race horses and that they travel to race meetings when required. An additional letter also indicated that the applicant "was a fulltime employee" from the same stables.
- 7.2.11. Account statements provided in support of the applicant's residence at Kiltale do not support recent full or part time employment in local bloodstock and equine based agri-business. Nor does the documentation show that the applicant's current full-time employment is intrinsically linked to bloodstock and equine based agri-businesses in this locality. Nor does the statements provided by clients of their company support any intrinsic link with this rural location, with for example addresses in London. I do not consider that the information provided by the applicant demonstrates that there is sufficient robust evidence to demonstrate firstly their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and in turn a demonstratable need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment.
- 7.2.12. Moreover, I am not satisfied that the documentation provides robust evidence of an existing and into the short, medium through to long term intrinsic links with the functional operations of any equine or bloodstock enterprise in this or any other rural locality that would justify their application for a one-off dwelling in a rural locality diminished by a proliferation of one-off dwellings, with no services, a substandard public road to access the public road network, remote from amenities and services synergistic to their residency and occupation, through to being in a rural location identified as being under strong urban influence for this type of development.

- 7.2.13. Secondly, I further do not consider that the applicant has demonstrated local need that arguably requires a dwelling house in an unzoned and unserviced site remote from the rural node in which they are purported to currently reside. With such rural nodes having more capacity to absorb in a more sustainable manner one-off dwellings than a rural landscape that has been eroded by the *ad hoc* proliferation of this form of development.
- 7.2.14. On this point I note that the Development Plan specifically outlines that: *“the housing needs of those members of the rural community who are not part of the agriculture/horticulture community as set out in Section 9.4 will be facilitated in the extensive network of rural nodes”*. The policies and objectives of the Development Plan seek to provide more sustainable formats of development within the rural area through supporting the vitality of designated rural Nodes and existing local community facilities in offering attractive housing options to meet the needs of the established rural communities.
- 7.2.15. Further, the housing settlement strategy for rural Meath as provided for in the Development Plan and the direction of rural housing to nodes like Kiltale is supported through the following policies and objectives: RD POL 8, RUR DEV SO 5 and RD OBJ 1.
- 7.2.16. A rural node, like Kiltale albeit modest in its size is better served by social and physical infrastructure than this un-serviced rural site and also the rural node of Drumree. For example, it includes a pre-school, a petrol station with convenience store, Parish Hall, church through to GAA pitch. Moreover, location at such rural settlements complies with local and national policy due to it according with channelling future residential developments at appropriate locations in a sustainable and more compact manner.
- 7.2.17. I therefore raise a concern that to permit the proposed development would be contrary to National Policy Objective 33 which states: *“prioritise the provision of new homes at locations that can support sustainable development at an appropriate scale of provision relative to location”*.
- 7.2.18. The information provided do not in my view fully substantiate the applicants demonstratable economic or social need to live in a rural area and that this need cannot be met in a rural node or larger settlements within this locality.

7.2.19. Moreso, they appear to support the applicants desire for a rural dwelling which is significantly different to having a demonstratable economic or social need for a dwelling at this rural location in Drumree, County Meath.

7.2.20. I therefore consider that to permit the proposed development would be contrary to National Policy Objective 19 which I have mentioned as a concern under Section 7.1 of my assessment above in that applications in rural areas under urban influence shall be based on the core consideration of demonstrable economic or social need to live in a rural area alongside having regard to the viability of smaller towns and rural settlements.

7.2.21. In addition to the above concerns, compliance with the rural settlement strategy is further added to by an examination of the proposed development against Section 9.5.1 of the Development Plan. This Section of the Development Plan sets out the assessment criteria that the Planning Authority shall also have regard to in assessing individual proposals for one-off rural housing. The criteria include:

- The housing background of the applicant in terms of employment, social links to rural area and immediate family.
- Local circumstances and the degree to which the area surrounding area has been developed.
- The degree of existing development on the original landholding from which the site is taken.
- 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.

7.2.22. In relation to the first criteria. As previously discussed in this section of my assessment the housing background of the applicant in terms of employment, social links and immediate family this has not been demonstrated by the applicant in this case to support their economic and social need for a dwelling house at this rural location.

7.2.23. In relation to local circumstances. As previously raised in the preliminary comment of my assessment the substandard laneway on which the site would be dependent upon for access to the road local network contains a proliferation of one-off dwelling houses despite its modest length and being unzoned as well as unserved. Within the wider

setting outside of the rural node of Drumree there is also a proliferation of one-off dwellings which have cumulatively eroded the visual amenities of the open countryside as well as cumulatively diminished available agricultural land within a county where agriculturally based activities is an important economic driver. As such the capacity to absorb further one-off *ad hoc* residential dwellings, particularly where demonstratable economic and social need has been substantiated, would further erode the ability of this land which is already at capacity to accommodate any future genuine rural housing needs as well as crucially agri-related developments.

- 7.2.24. In relation to the degree of existing development on the original landholding from which the site is taken. In my view there is insufficient information available with this file to assess this matter. With the site outside of the applicant's legal interest and with the owner of the site actual landholding through to the extent of it accommodating sites in the past not clear. What is, however, likely is that the site relates to speculative development of rural dwellings on established rural land for persons unrelated to that land. At the time of inspection, a for sale sign was located on the lane side boundary of the site.
- 7.2.25. In relation to the suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this Plan. The matter of access I have already raised concerns on. I propose to comment on the matter of wastewater disposal and water supply separately in my assessment below. In general, on the basis of the information the fundamental principle of a dwelling house has not been demonstrated by the applicant in this case with these other matters even if demonstrated not sufficient in their own right to overcome this concern.
- 7.2.26. In relation to the matter of the degree to which the proposal might be considered as infill development. I consider that whilst the opposite side of the road appears to be suffering from linear development. With any development on this site potentially further adding to a suburban character to this modest and substandard rural lane. I do not however consider that the proposal could be considered infill development as the site forms part of a larger field. With agriculture land bounding it on all sides.
- 7.2.27. In conclusion, on the basis of the above, I consider that the principle of the proposed development is not acceptable by virtue applicant not satisfactorily demonstrated that the proposed development meets the core consideration of demonstratable economic

or social need to live in a rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **7.3. Servicing**

- 7.3.1. The Appellants in this case raise drainage and flooding concerns that the proposed development, if permitted, has the potential to give rise to adverse residential amenity impact due to the fact that their properties are served by property wells, which have the potential to be contaminated in adverse weather events that cause flooding, that the area has in the past been adversely impacted by flooding, the site is elevated relative to their properties through the proposal includes inadequate surface water drainage measures alongside includes the removal of a substantive drainage ditch. Photographs supporting flooding of the road and overspilling of the drainage ditches in the immediate vicinity of the site are provided in support of their concerns. I therefore do not consider their concerns to be unfounded.
- 7.3.2. In relation to these particular concerns, I did observe that the site in comparison to the appellants properties that are situated on this lane. Particularly directly opposite the site and at the corner of the lane which is located in close proximity to the north west of the site. That they occupy much lower ground levels in comparison with the site itself which is situated on an elevated site that appears to steadily slope in a northerly direction to the road side boundary with the lane. At the point where the site meets the lane there is a substantial earthen planted ditch that also accommodates drainage. There is a significant difference in ground level of the site in comparison to the adjoining lane and the properties on the opposite side of the lane. With the non-residentially developed land in the vicinity characterised by deep open drainage ditches that in places have evidence of water loving plants and patches of ponding. Whereas for the most part the one-off dwellings opposite appear to have culverted the drains.
- 7.3.3. An examination of flooding maps does not support that the site and its immediate vicinity have any reported flood events there on. Notwithstanding, flooding events to the north associated with the river Skane are indicated to have occurred on the OPW Flood Maps.
- 7.3.4. This river at its nearest point is situated c150m to the south of the river Skane with drainage ditches directed in the locality of the site towards this watercourse.



- 7.3.5. The Site Characterisation Form sets out under Section 2.0 that the soil type consists of surface water gleys, ground water gleys with the subsoil till derived from limestone underneath which is Dinantian Upper Impure Limestones. It further indicates the presence of a locally important aquifer with high vulnerability, an R1 source protection area and a past experience of high-water table.
- 7.3.6. Section 3.0 of this document describes the landscape position as a perched site with neighbouring houses being within 100m to the north west, 60m to the north west, 40m to the north west, 85m to the north and 112m to the north.
- 7.3.7. Of concern it notes that there are no watercourses/streams within 250m. As set out above this is not the case.
- 7.3.8. Section 3 identifies ground water as potential at risk and the potential well on site.
- 7.3.9. Of concern it does not identify wells within the immediate vicinity associated with the identified dwellings within the immediate setting of the site.
- 7.3.10. Section 3 of the report also identifies that trial holes were stopped at 1.8m below ground level due to the ground level becoming unstable with the water table observable at 1.1m below ground level. Alongside mottling observed up to 0.9m below ground level.
- 7.3.11. A T-test result and a P-value of 24.78 is recorded.
- 7.3.12. This document concludes that the site is suitable for a secondary treatment system and soil polishing filter with discharge to ground water for a house with a maximum capacity of 6.
- 7.3.13. Of concern the drawings submitted with this application show that four double bedrooms are proposed. Therefore, the dwelling house based on its design has 8 bedspaces. Thus, a population equivalent of 8 which is above that of the maximum capacity of the secondary treatment system and soil polishing filter proposed.
- 7.3.14. I also note that limited surface water drainage systems are proposed, and that the documentation provided does not demonstrate a safe as well as sustainable potable water supply.
- 7.3.15. While I am cognisant that drainage and servicing of the site was not raised as an issue by the Planning Authority, having regard to the concerns raised above alongside to the Sustainable Rural Housing Guidelines for Planning Authorities published by the

Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the site's proximity to a cluster of such existing as well as under construction one-off dwellings with these dwellings served by proprietary waste water treatments systems and wells as well as located to the north of the site on lower ground levels and forming part of the landscape between the site and the River Skane, the geology of the site, the high-water table, the vulnerability of ground water and the high vulnerability of the aquifer at this location, together with the under sizing of the wastewater treatment system to serve the proposed dwelling, I am not satisfied on the basis of the information on file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. Based on these considerations, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **7.4. Screening for Appropriate Assessment**

- 7.4.1. The closest Natura 2000 site to the appeal site is the River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) which are located c11.9 km to the north-west of the site as the bird would fly. Taking into consideration the nature, extent and scope of the proposed development; the significant lateral separation distance between the site and the nearest Natura 2000 sites; the wastewater treatment system proposed to serve the dwelling; the details provided on the site characterisation form; the existing residential and agricultural development in the immediate vicinity, I am of the 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.

#### **7.5. Other Matters Arising**

##### **7.5.1. Landscaping:**

Should the Board be minded to grant permission an appropriate condition seeking the protection of existing natural boundary treatments, particularly along the road frontage of the lane, save with the exception of that required to facilitate sightlines from the new

entrance proposed, should be imposed in the interests of visual amenity; biodiversity; and safeguarding existing drainage features in the landscape.

#### 7.5.2. **Archaeology:**

Should the Board be minded to grant permission given the archaeological sensitivity of the site setting as identified under Section 5.6 of this report above an appropriate condition should be included to facilitate the protection of archaeological materials or features which may exist within the site in the interests of conserving 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. This matter is a **new issue** in the context of this appeal case.

### 8.0 **Recommendation**

8.1. I recommend refusal based on the following reasons and considerations. Reason and Consideration No. 3 relates to a **new issue**.

### 9.0 **Reasons and Considerations**

1. Having regard to the location of the site within an Area Under Strong Urban Influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005, National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, the Board could not be satisfied on the basis of the information on the file that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in absence of any identified demonstrable local based economic or social need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area and would militate

against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area, the high level of the water table on site, the location of the site above an aquifer classified as locally important with groundwater vulnerability indicated as being high and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. The proposed development is located along minor cul-de-sac laneway which is inadequate in width, alignment and structural conditions and would, therefore, endanger public safety by reason of traffic hazard.

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Patricia-Marie Young

Planning Inspector – 28<sup>th</sup> day of October, 2022.