



An
Bord
Pleanála

Inspector's Report ABP- 313985-22

Development	Construction of part single/part double storey dwelling with detached garage and waste water treatment system.
Location	Hoardstown, Lobinstown, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21/1681.
Applicant	Gary White.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellant	Patrick Callan.
Observer(s)	None
Date of Site Inspection	12 th October 2022
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Hoardstown, Lobinstown, Navan, Co. Meath. The site has a stated area of c. 0.370ha. and is located on the southern side of the L-56023-0. The site comprises an agricultural field and is located directly to the east of an existing single storey dwelling (i.e. parents of Applicant). There is an existing agricultural entrance at the western end of the site's road frontage which provides access to existing agricultural buildings located to the site's south-east. Hedging forms the northern boundary of the site with the L-56023-0 and with the existing dwelling to the east. The western and southern boundaries comprise wire fencing. In terms of the site's topography, the site slopes uphill from the road frontage.
- 1.2.** The site is located c. 14km to the north-east of Navan, with the border of County Louth c. 2.5km to the east of the site. In terms of the site surrounds, lands are predominantly in agricultural use with examples of one-off rural dwellings on the surrounding road network. There are a number of national monuments located to the west of the appeal site within the Slieve Breagh archaeological complex

2.0 Proposed Development

- 2.1.** The proposal seeks planning permission for the construction of a new dwelling on site, along with a waste water treatment system (wwts), driveway, garage and associated site works.
- 2.2.** The split level dwelling has part single/part double storey form with a gable fronted pitched roof. The dwelling comprises 2 no. bedrooms, WC and plant room at lower ground floor level and 2 no. bedrooms, bathroom, utility, office, kitchen/living/dining room and front lounge at upper ground floor level. An elevated sun terrace is located on the southern side of the proposed dwelling and is directly accessible from the kitchen/living/dining room. In terms of the palette of materials and finishes, a combination of natural stone cladding and render is proposed for the principal elevations with a 'Blue Bangor' natural slate roof. A number of feature windows are proposed to be clad in standing seam zinc. A single storey garage with a mono-

pitched roof is also located on the eastern side of the proposed dwelling and its northern façade will be clad in natural stone.

- 2.3.** The existing agricultural entrance is proposed to be recessed c. 13m from the roadside boundary and it is proposed to provide a new gated vehicular entrance to the site. A permeable washed stone driveway will run in a west to east direction within the northern portion of the site, leading to the proposed garage and a parking area to the front (north of the dwelling). A portion of the existing hedge along the site frontage on either side of the existing agricultural entrance is proposed to be removed and replaced with a new timber post and wire fence set back from the existing road edge to provide adequate vehicular sightlines. The proposal includes the provision of a new hedging inside the fence using indigenous species.
- 2.4.** I note that the design of the dwelling was significantly modified at additional information stage, the details of which are discussed in further detail below.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted planning permission for the development subject to compliance with 16 no. conditions. Conditions of note included:

Condition No. 2 required the Applicant to enter into an occupancy agreement with the Planning Authority.

Condition No. 3 related to provision of adequate vehicular sightlines for the modified entrance.

Condition No. 4 related to the requirement for the Applicant to undertake an archaeological appraisal of the site prior to the commencement of development on site.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Reports forms the basis for the decision. The First Planning Report indicates that the Planning Authority was satisfied that the Applicant complied with the Meath Rural Housing Policy. However, concerns were highlighted with respect to the elevated and exposed nature of the site and the two storey element of the dwelling which they considered would dominate the site and surrounding area. It was considered that a single storey dwelling is more appropriate for the site and the Applicant was requested to redesign the dwelling and submit updated cross sections from to show the dwelling in the context of the public road and the dwelling to the east. The Applicant was also requested to submit a full family landholding map and folio details to clarify that no other sites are more suitable.

The Second Planning Report notes that a revised design had been submitted which now provides a single storey dwelling with a layout that has had taken the contours of the site and the adjacent dwelling (family home) into consideration. The extent of cut and fill is shown on the submitted section diagrams, and it is stated that 1.5m to 2m of cut from the site is required to accommodate the proposed dwelling. The Planning Authority indicate that the revised design is acceptable subject to compliance with conditions. The report also acknowledge that no other suitable sites are available to the Applicant on the family landholdings and a grant of planning permission was recommended.

3.2.2. Other Technical Reports

Transportation: Report received stating no objection subject to compliance with conditions.

Conservation: Report received following the submission of additional information. The report notes that the proposed dwelling would have a negative impact on the setting, context and views of Rathbranchurch Ringfort and associated archaeological landscape and a refusal of permission was recommended.

3.2.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: Report received from the Development Applications Unit within the Department of Housing, Local Government and Heritage which outlines heritage related observations/recommendations. The report raises no concern with respect to the proposed development and suitable conditions have been recommended in the event of a grant of planning permission.

3.2.4. Third Party Observations

1 no. observation/representation was received following the submission of additional information. The submission noted the historical significance of the site and surrounds, and concerns were highlighted that the double storey dwelling would interfere with the skyline of this historical site.

4.0 Planning History

None.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

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.

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable 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.'

RPO 4.81 also notes that 'In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.'

5.1.3. Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

5.1.4. Sustainable Rural Housing Guidelines for Planning Authorities, 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. Circular Letter SP 5/08 was issued after the publication of the guidelines.

Under Map 9.1 of the Meath County Development Plan (CDP), 2021-2027, the site would appear to fall within a 'Strong Rural Area', proximate to the boundary of a 'Low Development Pressure Area'. In terms of 'Low Development Pressure Areas', the Guidelines state that these areas exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth. The Guidelines provide that the key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

5.1.5. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

The EPA CoP 2009 was revised in March 2021. The 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date.

5.2. Local Policy

5.2.1. Meath County Development Plan (CDP), 2021-2027.

As noted in Section 5.1.4 of this report, the site would appear to fall within a 'Strong Rural Area' (Area 2), proximate to the boundary of a 'Low Development Pressure Area' (Area 3), as per Map 9.1 of the current CDP. A 'Key Challenge' for Area 2 is 'To maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in the wider rural area.' Whilst for

Area 3, the 'Key Challenge' is 'To arrest population and economic decline'. Policies of relevance to the development proposal include:

RD POL 4 To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.

RD POL 5 To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

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

Section 9.4 (Persons who are an Intrinsic Part of the Rural Community) of the current CDP notes 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, 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;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son in law, or daughter in law of a long-established member of the rural community being a person resident rurally for at least ten years;
- Returning immigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and,

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

Section 9.5.1 (Development Assessment Criteria) also highlights that the Planning Authority will take into account the following matters in assessing individual proposals for one-off rural housing:

- The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 9.4 Persons who are an Intrinsic Part of the Rural Community;
- Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped;
- The degree of existing development on the original landholding from which the site is taken including the extent to which previously permitted rural housing has been retained in family occupancy. Where there is a history of individual residential development on the landholding through the speculative sale of sites, permission may be refused;
- The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan;
- The degree to which the proposal might be considered infill development.

Policy Objective RD POL 9 is relevant to the consideration of the application and seeks “To require all applications for rural houses to comply with the ‘Meath Rural House Design Guide’” included within Appendix 13 of the current CDP.

Other policy of relevance include Objective RD POL 43 of the current CDP which seeks “To ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside.”

Section 8.6 of the current CDP contains a number of relevant policies with respect to archaeological heritage, including:

HER POL 1 To protect sites, monuments, places, areas or objects...

HER POL 2 To protect all sites and features of archaeological interest discovered subsequent to the publication of the Record of Monument and Places, in situ (or at a minimum preservation by record) having regard to the advice and recommendations of the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht and The Framework and Principles for the Protection of the Archaeological Heritage (1999).

HER POL 3 To require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, for development in the vicinity of monuments or in areas of archaeological potential. Where there are upstanding remains, a visual impact assessment may be required.

HER POL 4 To require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, where development proposals involve ground clearance of more than half a hectare or for linear developments over one kilometre in length; or developments in proximity to areas with a density of known archaeological monuments and history of discovery as identified by a suitably qualified archaeologist.

HER OBJ 2 To ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detracting from the monument or its setting.

HER OBJ 3 To protect important archaeological landscapes from inappropriate development.

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), c. 6.7km to the south of the site. The River Boyne

and River Blackwater Special Protection Area (SPA) (Site Code: 004232) is also located c. 6.7km to the south of the site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of a single house in an un-serviced rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party planning appeal has been submitted by Dr. Patrick Callan with an address in Portmarnock, Co. Dublin. The grounds of appeal can be summarised as follows:

- The appeal site is located on Slieve Breagh, and is the highest point in Co. Meath after Loughcrew. The Planning Authority have not applied its own high standards of due diligence as follows:
 - o They have failed to protect the landscape in this highly sensitive area.
 - o They have failed to protect this archaeological protected zone.
 - o There are some inaccuracies in their final decision.
- Concerns are raised within the respect to the siting and prominence of the proposed dwelling in the context of Slieve Breagh which contradicts the policy of the current CDP.
- The proposed dwelling should be classified as skyline development and the proposal fails to comply with the policy of the CDP which seeks to protect views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape.
- The proposal fails to provide a landscape and visual impact assessment which is required given the location of the site within an area of very high landscape value and of high landscape sensitivity.

- It is stated to construct a split level single storey dwelling on this very exposed hillside, on the perimeter of an archaeological cultural and the heritage site, conflicts with innumerable protections afforded by Meath County Council.
- It is stated that Meath County Council seems to have absolved itself of its own duties, by requiring an archaeological survey of a months duration as condition 4 to the planning approval. The appellant questions, how can a split level single storey dwelling at 205m, a few meters from the core of an archaeological zone, not be seen and not impact on the landscape views?
- The Strategic Environmental Assessment Report (as part of the CDP, 2021-2027), unambiguously contradicts the commentary within planning report that defines the site as being located within an area of moderate value sensitivity to development changes. This document states that the site is located in an area of very high landscape value and high landscape sensitivity. It is stated that this is a much more accurate description of the site and surrounds.
- It is contended that the submitted photomontages show only 50% of what should have been presented and should have been photographed from the peak downwards and northwards to indicate how incongruous the proposed dwelling would be in this landscape. Reference is included within the appeal submission to the planning history of the adjoining site (Applicant's father), where concerns were highlighted by the Planning Authority with respect to a double story extension. It is stated that the proposed dwelling is at a higher level than the family home. The Appellant does not contest the Applicant's housing need. However, they do contest the provocative position of the dwelling, c. 15m from the pinnacle of Slieve Breagh.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 2nd August 2022 which noted that they are satisfied that all matters outlined in the Third Party appeal submission were considered in the course of its assessment of the planning application as detailed in the planning officer's reports. The following was also noted:

- The site is located in the North Navan Lowlands Landscape Character Area and not in the Rathkenny Hills Landscape Character Area.

- The site is outside the archaeological zone for Rathbranchurch and associated national monuments.
- Under Condition 4, the Applicant is required to engage the services of a suitably qualified archaeologist prior to any development on site.

6.3. First Party Response

A response to the Third Party appeal has been received and prepared on behalf of the Applicant. A summary of the response is included as follows:

- The appellant's objection infers that the proposed dwelling would read as skyline development. It is stated that this is not the case as the proposed dwelling will be located below the skyline as demonstrated on the submitted section diagrams. The proposed dwelling is sited at a low level closer to the road and set into the hill where it can integrate into the landscape and is less visually intrusive. The proposed dwelling is single storey with a split level corresponding to the site contours that thus reducing the visual impact. Together with the proposed landscaping, the proposal will fully integrate into its surroundings.
- In response to the Third Party appeal, a report has been enclosed which includes a total of 6 viewpoints to determine how the local topography and landscape setting would be potentially impacted by the proposed development. The report concludes that the proposed development cannot be viewed or seen from any of the monuments noted in viewpoint 1 to 6 and the proposal will not have any visual or landscape effect upon any individual or collection of monuments.
- In terms of the agricultural buildings on site, the submission notes that the structures were built through the exempted development provisions. These exempted farm buildings are used solely for agricultural purposes and comply with the exemption conditions outlined in the Planning and Development Regulations. The Board is requested to concur with the decision of the Planning Authority to grant permission for the proposed development. Included as

appendices to the First Party response are site section drawings and an archaeological report for the proposed development.

6.4. Further Planning Authority Response

A further submission has been received from the Planning Authority dated 23rd August 2022 is response to the First Party submission which refers to the archaeological assessment that has been carried out by the Applicant. It is stated that the site cannot be viewed from the nearest Protected View 76 and cannot be viewed or seen from any of the monuments noted in viewpoints 1-6 and will not have any visual or landscape effect upon any individual or collection of monuments on the hillside nor upon its setting, context or local sighting. The Planning Authority note that they are satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the planning officer's reports on file.

6.5. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Siting, Dwelling Design & Visual Impact
- Archaeological Heritage
- Vehicular Access & Waste Water Treatment
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

Compliance with rural housing policy is a core consideration for any planning application for a one-off house in a rural area. Section 9.4 of the current CDP is

relevant to the consideration of the application and notes 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. On the basis of the information submitted in support of the application, it appears that the Applicant is seeking planning permission on the basis of the following qualification criterion:

- "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;"

7.1.1. In their assessment of the planning application, the Planning Authority provides a summary of the documentation that was submitted in support of the planning application, which included:

- Letter from the local National School confirming the Applicant's attendance.
- Letter from the local soccer club which states that the Applicant has been a member from 10 years old.
- A letter from the local Gaelic football club confirming that the Applicant played on underage teams and into early adulthood.
- Bank statements for a number of years confirming the Applicant's home address.
- Revenue correspondence for a number of years confirming the Applicant's home address.
- Bank statement from 2020 including the Applicant's home address.
- College letters for a number of years confirming the Applicant's home address.
- A Credit Union and EBS letter confirming the Applicant's home address.
- School and GAA photos from a number of years which identified the Applicant.

The covering letter supporting the application notes that the Applicant has demonstrated sufficient local housing need on the basis that he's originally from the rural area, is currently living in the family home adjacent to the subject site, has continuing close family ties to the community and is involved in the family farm helping

his father specifically on the subject site. The Planning Authority also refer to the site location map submitted with the application, indicating the location of the family home, aunt's home, grandparent's home and farms. On the basis of the information submitted at application stage, the Planning Authority was satisfied that the Applicant complied with the Meath Rural Housing Policy.

- 7.1.2. Whilst the site is located in a 'Strong Rural Area', I am conscious of the location of the site in the context of surrounding 'Low Development Pressure Areas'. I also note that the site is located a significant distance from a 'Rural Area under Strong Urban Influence' as per Map 9.1 of the current CDP. In terms of relevant regional and national planning guidance, Objective 4.81 of the RSES notes that in rural areas outside the Rural Areas Under Strong Urban Influence, local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation and facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. NPO 19 of the NPF also notes for rural areas outside areas under urban influence, policy should facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans. Having regard to the specific location of the appeal site and the documentary evidence submitted in support of the application, I am satisfied that the Applicant has demonstrated that they are an intrinsic part of the local community. I consider the proposed development in this instance to meet local through to national planning provisions and I am therefore satisfied that the Applicant qualifies for a rural house at this location. I also consider that an occupancy condition restricting occupancy of the house specifically to the Applicant should be attached to any grant of permission as set out in Policy RD POL 7 of the current CDP.

7.2. Siting, Dwelling Design & Visual Impact

- 7.2.1. The Meath Rural House Design Guide, as included within Appendix 13 of the current CDP, sets out guidelines on rural housing in County Meath, for example, from orientation and site layout to building design. The Guide recommends positioning a dwelling on a site having regard to existing shelter, topography and vegetation and

design which draws from traditional forms of development and good design practice. Although I acknowledge the Third Party appellant's commentary with respect to the landscape characterisation of the site and surrounds, I note that the appeal site is in fact located within the North Navan Lowlands Landscape Character Area (Map 01), and is of 'Moderate Value' (Map 02) and 'Moderate Sensitivity' (Map 03) as per the Landscape Character Assessment (Appendix 5) which forms part of the current CDP.

7.2.2. Notwithstanding this, the appeal site occupies a prominent elevated position on a sloped site which commands extensive views to the north, north-west and north-east, and as such is visible from certain vantage points within the surrounding road network. In their initial assessment, the Planning Authority raised significant concerns with respect to the scale and visual prominence of a double storey dwelling at this location. The proposed dwelling was entirely redesigned at additional information stage to provide a single storey, split level dwelling. The site section diagrams illustrate the extent of cut required to ensure the dwelling follows the sloped topography of the appeal site. The redesigned dwelling comprises 2 distinct elements. Bedrooms are contained within the northern block which displays vernacular features such as a pitched roof form. The rear (southern) portion of the dwelling comprises the main living areas and has a more contemporary architectural expression with a mono-pitched roof form. The site section diagrams submitted at additional information stage and appeal demonstrate that the ridge height of the dwelling only marginally exceeds (c. 100mm) the ridge height of the existing dwelling to the east (Applicant's family home). In addition, Site Section A-A shows the proposed dwelling in the context of the public road to the north and demonstrates that the ridge of the dwelling is positioned below the level of the existing agricultural access road located uphill to the south of the appeal site.

7.2.3. The Third Party appellant has raised significant concerns within their submission with respect to the visual impact of the proposed development on the receiving landscape. In terms of 'Views & Prospects', Protected View 76 is located c. 1km to the south-west of the appeal site as per Map 8.6 of the current CDP. This Protected View is described as 'Rathkenny Hills View from Creewood in south eastward direction'. In support of

the planning appeal, the Applicant has provided photomontages which demonstrate that the appeal site is not visible from this vantage point. I confirmed this to be the case when inspecting the appeal site and surrounds as the site is not visible from this viewpoint. Although I acknowledge that the dwelling will be visible from certain vantage points, particularly from the north, I am satisfied that the redesigned dwelling has been the subject of a carefully considered architectural response which has responded to the characteristics of the site. The proposed dwelling has been designed to follow the site contours and will be nestled into the existing landscape. The proposal also includes comprehensive landscaping proposals which will further integrate it into this setting. Overall, I am satisfied that the Applicant has demonstrated that the proposed dwelling would not read as skyline development and is a design response which accords with Policy RD POL 9 of the current CDP which seeks 'To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'. The proposal is therefore considered to be acceptable having regard to the visual amenity of the site and surrounds and I recommend that planning permission be granted for the proposed development.

7.3. Archaeological Heritage.

- 7.3.1. I note that the surrounds of the appeal site display a rich archaeological heritage given its location relative to the zone of archaeological potential established around the barrow and hutsite complex at Slieve Breagh, located to the west and south-west of the appeal site. This is a sensitive archaeological landscape with a number of archaeological monuments dating from the Early Bronze Age. I note that there is a report on the planning file from the Development Applications Unit of the Department of Housing, Local Government and Heritage who have reviewed the application and have raised no concerns with the proposed development. However, they have recommended a number of conditions to be attached, in the event of a grant of planning permission. The Planning Authority have attached Condition No. 4 to a grant of permission which requires the Applicant to engage the services of a suitably qualified archaeologist to carry out pre-development testing at the site. I note that significant concerns have been raised by the Third Party appellant with respect to the impact of the proposed development on these protected monuments and it is

contended by the Appellant that the Planning Authority has failed to protect this archaeological protected zone.

7.3.2. The Applicant has submitted a report prepared by ACS Archaeological Consultancy Services Unit in response to the following statements within the Third Party appeal:

- The site is located within the zone of archaeological potential of monuments of National significance.
- The proposed dwelling will have a negative visual impact archaeological monuments in the environs of the site.

The submitted report acknowledges the significance of the National Monument sites located within the surrounds of the appeal site. However, Section 4.1 of this report confirms that the appeal site is not located within the archaeological complex or the zone of archaeological notification, and the location of the appeal site in the context of same has been identified within the report. In terms of the potential impact of the proposed development on landscape views as expressed by the Appellant, the report also includes a visual and landscape assessment of the proposed development. This includes an assessment of 6 viewpoints from within the archaeological complex with the impact of the proposed development from each viewpoint being described as imperceptible.

7.3.3. Given the location of the appeal site outside the archaeological complex and the zone of archaeological notification and having regard to the archaeological report and supporting landscape and visual impact assessment which accompanied the appeal response, I am satisfied that the proposed development accords with Policies HER POL 1 and HER POL 2 of the current CDP. I consider it appropriate to include the conditions as recommended by the Department of Housing, Local Government and Heritage which requires the Applicant to engage the services of a suitably qualified archaeologist to carry out pre-development testing at the site. Subject to compliance with these conditions, I am satisfied that the proposal is acceptable having regard to the archaeological sensitivity of the site and surrounding area.

7.4. Vehicular Access & Waste Water Treatment

- 7.4.1. The proposal seeks planning consent to modify the existing agricultural entrance so that it is recessed c. 13m from the roadside boundary. A separate recessed and gated vehicular entrance is also provided to the appeal site. A permeable washed stone driveway will run in a west to east direction within the northern of the site, leading to the proposed garage and a parking area to the front (north of the dwelling). In order to provide 90m sightlines in each direction from the modified site entrance, a portion of the existing hedge along the site frontage on either side of the existing agricultural entrance is proposed to be removed. This is proposed to be replaced with a new timber post and wire fence set back from the existing road edge. I note that a report is on file from the Planning Authority's Transportation section. This report has recommended a number of conditions to be attached to a grant of permission, including a requirement for the sightlines to be setback 3m from the road edge given it is a combined domestic and agricultural entrance. I therefore recommend the inclusion of a condition which shall require the design and layout of the proposed vehicular entrance to comply with the requirements of the Planning Authority, the details of which shall be submitted for written agreement, prior to the commencement of development on site.
- 7.4.2. Section 9.18.3 of the current County Development Plan relates to 'Wastewater Disposal' and there are a number of policy objectives that are directly applicable to the development proposal given the reliance of the proposal on an on-site wastewater treatment facility. The following policy objectives of the current CDP are noted:
- **RD POL 47:** To ensure that the site area is large enough to adequately accommodate an on- site treatment plant and percolation area.
 - **RD POL 48:** To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)' (2021) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes.
 - **RD POL 49:** To require a site characterisation report to be furnished by a suitably qualified competent person. Notwithstanding this, the Planning Authority may require additional tests to be carried out under its supervision.

- **RD POL 50:** To ensure a maintenance agreement or other satisfactory management arrangements are entered into by the applicant to inspect and service the system as required. A copy of this must be submitted to the Planning Authority.
- **RD POL 51:** To ensure that direct discharge of effluent from on site waste water disposal systems to surface water is not permitted.
- **RD POL 52:** To ensure wastewater treatment plants discharging into the Boyne catchment or to coastal Natura 2000 sites are suitably maintained and upgraded in advance of any additional loadings beyond their capacity in order to protect water quality, as required.
- **RD POL 53:** To promote good practice with regard to the siting and design of septic tanks and the maintenance of existing tanks. A high level of scrutiny will be placed on applications within 2km of watercourses in the Boyne catchment. Proposals in this area shall not have an adverse impact on local water quality that could affect the qualifying interests of the cSAC and SPA.

7.4.3. Assessment of the wastewater treatment element of a rural one-off house is a standard consideration. The site is in an area with a poor aquifer of extreme vulnerability. The Site Characterisation Form notes that groundwater was not encountered in the 1.6m deep trial hole. Bedrock was encountered at a depth of 1.6m. The soil was silt/clay with humus and pebbles in the upper 300mm and silty sandy gravel with silt increasing with depth below 300mm. Table E1 (Response Matrix for DWWTSSs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, identifies an R2¹ response category i.e. Acceptable subject to normal good practice. Where domestic water supplies are located Nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised.

7.4.4. The T-test (sub-surface) result was 2. A P-test (surface) was also carried out giving a result of 9.33. I consider the results to be consistent with the ground conditions observed on site. Section 3.2 of the Site Characterisation Form states that the trial

hole displayed very good pre-draining soil and subsoil. Though the trial hole and percolation test holes were filled in, the site comprises an agricultural field with no indication of, for example, water ponding, outcrops etc. Table 6.4 (Percolation Values) of the Code of Practice states that, based on the T-test result, the site may be suitable for the development Secondary treatment system and soil polishing filter. Section 5.0 (Recommendation) of the Site Characterisation Form recommends that an O'Reilly Oakstown Effluent Treatment system and soil polishing filter with a minimum area of c. 45sq.m. The report notes that as a percolation value of less than 3 was recorded, imported soil is necessary as detailed in the submitted cross section diagram. Overall, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. I recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent \leq 10 (2021).

7.5. Appropriate Assessment

- 7.5.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), which are both located c. 6.7km to the south of the site. I note the un-serviced nature of this rural location which means that the site does not benefit from access to public mains drainage or water supply. I also acknowledge the prevalence of agricultural activities in the immediate vicinity. Despite these factors, I am nonetheless of the opinion that taking into consideration the modest nature, extent and scope of the proposed development and based on best scientific information alongside having regard to the documentation on file which includes a Site Characterisation Report, 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. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to Project Ireland 2040: The National Planning Framework, the provisions of the Meath County Development Plan, 2021-2027, and the specific characteristics of the site and surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not read as skyline development, is a design response which accords with Policy RD POL 9 of the Meath County Development Plan, 2021-2027, is acceptable having regard to the archaeological sensitivity of the site and surrounding area and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application on 30/08/2021, 19/04/2022 & 16/05/2022 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>a. The Applicant is required to engage the services of a suitable qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the of the archaeologist without his/her express consent.</p> <p>b. The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to</p>

	<p>the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a license carry out the work.</p> <p>c. The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.</p> <p>d. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and Department of Housing, Local Government and Heritage for consideration.</p> <p>e. Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required by the Department of Housing, Local Government and Heritage who will advise the applicant with regard to these matters.</p> <p>f. No site preparation or construction work shall be carried out until after the archaeologist report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Housing, Local Government and Heritage.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>a. The final details and external finish of the dwelling and garage shall be as detailed on the drawings submitted 19/04/2022 and shall consist of napped plaster, render, natural stone or as otherwise agreed in writing with the Planning Authority prior to the commencement of development. The use of brick or reconstituted stone shall not be permitted.</p>

	<p>b. The roof of the dwelling shall be dark brown, dark grey, blue black or other color agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The design and layout of the modified vehicular entrance shall comply with the requirements of the Planning Authority, details of which shall be submitted to the Planning Authority for written agreement prior to the commencement of development on site.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
6.	<p>Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing backplanted with hedgerow of species native to the area. Planting shall commence no later than the first planting season prior to the commencement of development on site.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
7.	<p>The design and installation of the proposed waste water treatments system shall comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 1pm hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
7.	<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 and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning</p>

	<p>authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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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Enda Duignan
Planning Inspector

15/12/2022