



An
Bord
Pleanála

Inspector's Report

ABP-314037-22

Development	Permission consequent on the grant of outline planning permission (Reg. Ref. AA/191397) for construction of dwelling and all associated site works
Location	Old Garlow Cross, Lismullen, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22515
Applicant	Emily Davis
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	James Murphy.
Observer(s)	None.
Date of Site Inspection	14 th June 2023.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is in the townland of Lismullen, c4km southeast of Navan and c0.6km northeast of the M3 at Junction 7. The site is situated approximately 35m east of a 'y' shaped intersection of the L-1000-0 and L-5002-0 (Old Garrow Cross). The Hill of Tara is located c3km to the south.
- 1.2. The site itself has a stated area of 0.29ha, is currently undeveloped and slopes in a northeast /southwest direction. Site boundaries comprise mature evergreen hedging. Access to the site is currently provided via the L-5002 which abuts the sites southern boundary. The L-1000 forms the northern boundary of the site.
- 1.3. With respect to the site surrounds, the site is located within a cluster of one-off housing comprising a row of single storey dwellings to the east of the site and a mix of single, one and a half and two storey dwellings to the north, west and south. Existing dwellings vary in terms of design, style, and material finish. To the immediate west of the site is a public green space which is laid out with a mix of hard and soft landscaping and seating. The wider area is predominantly agricultural in use.

2.0 Proposed Development

- 2.1. This proposal is for permission consequent to the grant of permission (Reg. Ref. AA191397) and is for the construction of a storey and a half style dwelling (GFA193sqm), septic tank, percolation area, connection to public water and all associated site works including domestic garage (GFA 22.1sqm).
- 2.2. The dwelling is presented as a storey and a half style dwelling with single storey, flat roof element to its south elevation. The storey and a half element of the proposed dwelling is shown with a ground to ridge height of 7.3m. As detailed on the submitted drawings the ground floor comprises a combined kitchen and dining room, living room, 2no bedrooms, study, utility, and WC. The first-floor level comprises a master bedroom and snug. External finishes are shown to include sand and cement render with elements of timber cladding.

- 2.3. The detached garage is to be located to the northwest of the site. This structure has a pitched roof gable and a ground to ridge height of 4.36m. It is shown with a natural stone finish.
- 2.4. The application is accompanied by:
- An Architect's Design Report (Moore Architecture)

3.0 Planning Authority Decision

3.1. Decision

Meath County Council did by order dated the 10th of June 2022 decided to grant permission for permission consequent to the grant of outline permission (Reg. Ref. AA191397) for the construction of a dwelling etc at Old Garlow Cross, Lismullen, Navan, Co. Meath subject to 8 conditions, the following of which are noted:

C2: Requires the development to be carried out and completed in accordance with the conditions of AA191397.

C3: Restricts the use of the dwelling to the applicant for a period of 7 years.

C4: Omits the grass roof at the flat roof annex and internal first floor access to same and states that this area shall not be used as a private patio.

C6,7 and 8 require the payment of development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Case Planner forms the basis of the Council's Decision. The report has regard to the locational context and planning history of the site, to relevant planning policy and to the third-party submission and departmental reports received. Their Assessment includes the following:

- The proposed development for permission consequent, is considered to be acceptable in principle subject to adherence to the stipulated conditions attached to outline planning permission Reg. Ref: AA191397 and subject to normal planning and environmental considerations.

- It is considered that the design approach could be improved to better accord with recommendations contained in the Meath Rural Design Guide through the omission of Grass Roof and internal first floor access to same. (Condition 4 of the planning authority's decision relates).
- The report raised no substantial issues regarding proposals for access or wastewater treatment, subject to compliance with conditions attached to the grant of permission under Reg. Ref. AA191397.
- EIAR and/or Stage 2 Appropriate Assessment is not required.
- The report concludes with a recommendation to grant permission subject to 8no conditions as per Council decision.

3.2.2. Other Technical Reports

Water Services: The development as propose broadly meets the requirements of Meath County Council Water Services section with respect to the orderly collection, treatment, and disposal of surface water. Conditions are recommended in the event of a grant of permission.

Transportation: Proposed sightlines of 53m to the north and 90m to the south of the proposed entrance to the nearside edge of the road from a setback of 2.4m are considered acceptable. No objection subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann: No object subject to condition

3.4. **Third Party Observations**

The Planning Authority received a submission from Mr James Murphy, the adjoining property owner to the east, and the Third-Party appellant in this case. The issues raised are noted and considered further in the context of this appeal.

A representation in support of the application was received from Helen McEntee, TD.

4.0 Planning History

ABP310462-21:

MCC Ref: AA201732:

Permission refused (2021) for the construction of a two-storey detached dwelling (GFA 193 sqm.), garage, upgrade to existing entrance, septic tank, percolation area and all ancillary works. The two reasons cited for refusal were (1) non-compliance with the housing need criteria as set out in the sustainable Rural Housing Guidelines and National Policy Objective 19 for a house at this location and (2) the proliferation of individual private treatment systems in the area.

Note: *This application was for permission and not permission consequent and therefore did not have the benefit of the grant of outline permission AA191397.*

MCC Ref AA191397:

Outline planning permission granted by Meath County Council in June 2020 for a storey and a half style dwelling, septic tank, and percolation area, subject to 13 conditions.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Meath County Development Plan 2021-2027 is the operative plan for the area.

5.1.2. **Zoning:** Rural Node (RN). The objective for this area is '*To provide for small-scale infill development including community facilities and supporting services serving local needs while maintaining the rural nature of the node*'.

Rural Nodes are intended to provide a viable alternative to settlement in the open countryside and to support small-scale infill development by providing the rural community with an opportunity to choose more rural-style housing than is provided

within villages and towns. Rural nodes are to develop as local centres for rural catchments, with growth appropriate to cater for local demand, by facilitating the development of small scale and home-based enterprise among members of the rural community. Residential is listed as a permitted use within RN zone subject to compliance with the Rural Settlement Strategy.

5.1.3. Rural Area Type: Rural Area under Strong Urban Influence

5.1.4. Landscape:

Table 5.1 Landscape Character Type	
Character Type / Area	LAC12 - Tara Skryne Hills
Value	Exceptional
Sensitivity	High
Importance	National/International

5.1.5. Section 9.5.4 relates to Rural Nodes.

5.1.6. The housing needs of those members of the rural community who are not part of the agricultural/horticulture community as set out at Section 9.4 will be facilitated in the extensive network of rural nodes. Rural nodes are designated for limited development at a sustainable scale for immediate local need through the development of clusters. It is anticipated that each rural node can cater for a small population increase from their current population base over the period of the Plan.

RD POL 8: To ensure that the provision of housing in all rural nodes shall be reserved for persons who are an intrinsic part of the rural community. In all cases applicants shall certify to the satisfaction of the Planning Authority that they have been a rural resident for a minimum of 5 years. The node shall be within 12 km of their current place of residence.

Objectives RD OBJ 01 to 15 (inclusive) relate to development within Rural Nodes. The following of which are of note:

RDOBJ 1: Seeks to support rural nodes located across the County in offering attractive housing options to meet the needs of the established rural communities.

RD OBJ 2 Seeks to ensure that new residential development in rural nodes is in accordance with ‘the Meath Rural Design Guide’ and is of a design and layout compatible with the character of its setting including the requirement to provide footpaths where appropriate.

RD OBJ 15 Requires a minimum site area of 0.2 hectares (0.5 acres) for each residential unit in rural nodes, where serviced by an individual wastewater treatment plant.

Note: The appeal site has a stated area of 0.29ha

5.2. Meath Rural House Design Guide, (2009).

5.2.1. The Meath Rural House Design Guide (2009) is set out within Appendix 13 of the County Development Plan. This document sets out design guidance for single house developments in rural areas with reference to site layout, building design, construction details, building types and sustainability.

5.3. National Planning Policy / Guidance:

The following documents are noted in respect of this appeal:

- The Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), EPA 2021

5.4. Natural Heritage Designations

The site is not located within or directly adjacent any Natura 2000 sites. The following sites are located within 15km of the site:

- River Boyne and River Blackwater SAC (Site Code 002299), c2.5km to the west
- River Boyne and River Blackwater SPA (Site Code 004232). c2.5km to the west

5.5. EIA Screening

Having regard to the nature, scale and limited extent of the proposed development, the fact that the site is not in nor does it adjoin any Natura 2000 site, and the absence of any direct connectivity to any sensitive location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and the need for environmental impact assessment can, therefore, be excluded at preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted by John Callaghan Civil Engineer on behalf of Mr. James Murphy. The following provides a summary of the grounds of appeal:

- The site location map submitted with the application does not accord with the requirements of Article 22(2)(b)(ii) of the Planning and Development Regulations 2001 as amended, which requires the site location map clearly identify *'any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue'*. This is considered relevant as an alternative location with more suitable sub-soil and water table might be available to the applicant.
- It is submitted that the house design falls into the category of two storey House defined by Appendix 15, page 34 of the Meath County Development Plan 2021-2027. As a 'two-storey house' is outside the permitted envelope of the grant of outline permission, it is submitted that it is open to the Board to refuse this application. Reference is made to legal precedents in this regard.
- The Planning Authority prohibited the use of the roof of the single storey element as a patio. This intervention logically is compatible with interpreting the proposed building as a full two storey structure.
- The proposal is insensitive to neighbouring dwellings and protected views from the Tara Complex. A two-storey house will be more intrusive in the

landscape than a single storey house which would keep a pitched ridge line under 5 meters.

- A two-storey dwelling with living accommodation at first floor level is not sensitive to the amenity and privacy of the third-party appellant. The appellant is concerned that the proposal to include a first-floor patio will return.
- Access could have been accommodated from the roadway on the north boundary which would have left more space to lay out living space with dual aspect rooms.
- EPA records indicate a 'Poor' water status for the nearby stream. The Water Framework Directive requires that pollution is abated, and that Good Status is achieved.
- The design of the wastewater disposal system (percolation area) does not accord with the EPA Code of Practice which demonstrates that the Ground Protection Response is predicated on a minimum of 1200mm to 2000mm of unsaturated undisturbed subsoil being above the water table or bedrock and the bottom of the percolation trench. This will lead to effluent ponding and migrating to surface waters.
- The existing density of septic tanks in the area is high, the area is overdeveloped.
- There is no basis to draw the conclusion that no adverse impact on surface water quality will arise.
- There is a pattern of successive one-off housing in the vicinity of the proposed development which is urbanising the area without organised planning approach or development of a sewerage system.
- The applicant has not demonstrated a work history or economic activity in the agricultural or natural resource Sector that would justify a grant in accordance with national policy.
- The proposed site is within the catchment of the River Boyne and River Blackwater SAC and SPA. The Planners report concluded that the site was not hydrologically connected to the Boyne system despite mottling of the trial

hole profile and in the absence of appropriate year-round ground water monitoring.

- The criteria set out in Schedule 7 of the 2001 Regulations (as amended) must be considered in the determination of whether a proposed development would or would not be likely to have a significant environmental effect.

6.2. Applicant Response

The applicant's response to the third-party appeal is set out in correspondence received on the 5th of August 2021 and can be summarised as follows:

- The submission refers to the planning history of the site and the extant Outline planning permission under MCC Ref: AA191397 and to Sections 36 (4) and (5) of the Planning and Development Act 2000 (as amended) which relate to applications for permissions consequent.
- The development granted by Meath County Council under Ref: 22515 (the subject of this application) accords fully with outline planning permission.
- A design statement to demonstrate compliance with Meath's Rural Design Guide was submitted with MCC Ref: AA191397, at further information stage.
- The height of the proposed dwelling, at 7.3m, is in accordance with Meath's Rural Design Guide. The Council consider the design and siting to be acceptable.
- The proposal is consistent with the aims and objectives of national and regional planning policy in terms of local need and housing in the countryside.
- The proposed dwelling has been designed to accord with the policies and objectives of the Meath County Development Plan and the Meath Rural Design Guide regarding appropriate form and scale and most importantly accords with the outline planning permission.

6.3. Planning Authority Response

The Planning Authority's response to the grounds of appeal is set out in correspondence received 9th of August 2023 and can be summarised as follows:

- The Planning Authority is satisfied that all matters outlined in the grounds of appeal were considered in the course of the assessment of the planning application as detailed in the planning officers report.
- Regard is had to Section 36(5) of the Planning and Development Act, 2000 (as amended). The Board is obliged to dismiss any aspect of the appeal which has already been decided upon in the grant of outline permission.
- The proposed development as presented is considered to be consistent with the proper planning and sustainable development of the area and permission should therefore be granted.

6.4. **Observations**

None

7.0 **Assessment**

7.1. Having regard to the nature of the proposed development and the details submitted with the planning application and appeal documents, I conclude that issues arising for consideration should be addressed under the following headings:

- Procedural Issues:
- Compliance with Outline Permission.
- Impact on Residential Amenity
- Impact on Visual Amenity
- Environmental Impact Assessment
- Appropriate Assessment

7.2. **Procedural Issues:**

7.2.1. At the outset, I note that the third-party appellant has raised concerns regarding the validity of site location map submitted with the application. It is the contention of the appellant that the site location map does not accord with the requirements of Article 22(2)(b)(ii) of the Planning and Development Regulations 2001 as amended, as it does not clearly identify '*..land which adjoins, abuts or is adjacent to the land to be*

developed and which is under the control of the applicant or the person who owns the land which is the subject of the application, in blue'.

- 7.2.2. Whether or not the content of a planning application complies with the requirements of Article 22 of the Planning and Development Regulations is a matter of validation, which in my opinion is, generally, the responsibility of the Planning Authority. I note that in this instance the Planning Authority took the view that the information / documentation submitted with the application satisfies the regulatory requirements. Furthermore, the Board will note that this application is for permission consequent on the grant of outline planning permission (MCC. Reg. Ref: AA/191397) and as such the principle of the construction of a rural dwelling on this site has been established (subject to compliance with the terms of the outline permission). Therefore, the question of whether the owner of the site has control over adjoining lands, would not in my opinion have a significant bearing on the assessment of this application.
- 7.2.3. I have reviewed the information/documentation submitted with the application and appeal and I am satisfied that sufficient detail is available to assess the proposed development and to make a determination.

7.3. Compliance with Outline Permission

- 7.3.1. This application is for permission consequent on the grant of outline planning permission (MCC. Reg. Ref: AA/191397) for the construction of a storey and a half style dwelling, septic tank, and percolation area. In this regard, I refer the Board to Section 36(4) of the Planning and Development Act, 2000 (as amended) which states that:

Where an application for permission is made to a planning authority consequent on the outline permission, the planning authority shall not refuse to grant permission on the basis of any matter which had been decided in the grant of outline permission, provided that the planning authority is satisfied that the proposed development is within the terms of the outline permission.

- 7.3.2. It is the contention of the third-party appellant that this application is for a two-story dwelling rather than a storey and a half style dwelling as permitted under MCC. Reg. Ref: AA/191397, and therefore does not come within the terms of the outline planning permission. It is submitted that the Board is open to refuse permission on this basis.
- 7.3.3. The grant of outline permission is for a storey and a half style dwelling [emphasis added]. The dwelling proposed has a ground to ridge height of 7.3m which, I note is the anticipated height for a storey and a half house as per Meath's Rural Design Guide (Page 40). The upper floor of the proposed dwelling is served by contemporary square or box type dormer windows to the front and rear elevation. I have reviewed the proposed house plans, elevations and sections, and had regard to Meath's Rural Housing Guide (Appendix 13 of the MCDP 2021-2027). In my opinion the proposed dwelling in terms of its form, height, and design features (dormers) is of a style that is representative of a storey and a half house and would therefore come within the terms of the outline permission. I therefore do not recommend that permission be refused on this basis.
- 7.3.4. Outline Permission MCC Reg. Ref: AA/191397 was granted in June 2020 and was subject to 13 conditions, many of these conditions are standard for the construction of a one-off house in the countryside. Condition 3 requires that the design of the dwelling comply with the Meath Rural House Design Guide. A Design Statement prepared by More Architecture was submitted with the application. This document sets out the design strategy behind the proposed development. In my opinion, the design of the dwelling, due to its simple form, architectural styling, and material pallet (comprising a mix of render and stone and blue/black roof slates), represents a contemporary interpretation of a traditional rural house that adequately reflects the character of existing development in the area and that accords with the guidance set out within Meath's Rural Design Guide. The design of the dwelling as presented to the Planning Authority, incorporates a green roof covering (heather sedum) over the single storey flat roof element to the south. The Planning Authority in their assessment and decision considered that the design of the dwelling could be improved to better accord with the recommendations of the Meath Rural Design Guide, through the omission of the 'grass roof' (Condition 4 is relevant in this

regard). However, in my opinion, the provision of a 'green roof' is acceptable as it will aid the assimilation of the dwelling into the rural landscape. Furthermore, I am satisfied that 'green roof coverings' are supported by Meath's Rural Design Guide which states on page 49 that such features aid water attenuation and act as an insulant. Overall, I consider the design of the proposed dwelling to be acceptable and in accordance with Meath's Rural Design Guide. The impact of the proposed dwelling on the amenities of adjoining properties and on the visual amenities of the area is considered later in this report.

- 7.3.5. Condition 7 as attached to the ground of outline permission, restricts the use of the dwelling to the applicant, Emily Davis, for a specified period of 7 years. This is to ensure compliance with Meath's 'Local Needs' policy for housing in the rural area. I recommend that the Board attach a similar condition in the event of a grant of permission.
- 7.3.6. The grant of outline permission includes for access to the site via the L-5002, subject to compliance with the requirements of Condition 4 and for the provision of an on-site domestic wastewater treatment and disposal system (DWWTDS), subject to compliance with the requirements of Condition 8. The third-party appellant, as set out in the grounds of appeal, supports the provision of an alternative access via the L1000-0 to the north and has raised concerns regarding the design of the DWWTDS and the density of DWWTDS in the area. I note the observations and concerns raised by the third-party appellant and the previous decision of the Board under ABP Ref: 310462-21 (MCC Ref: AA201732) to refuse permission for the development of this site, in part, due to the proliferation of individual private treatment systems in the area; however, as arrangements for site access and on-site wastewater treatment were decided in the grant of outline permission, it is my opinion that the Board is now precluded from reassessing these issues at consequent on the grant of outline permission stage. I refer the Boards to Section 36(5) of the Planning and Development Act which states:

No appeal may be brought to the Board under section 37 against a decision of a planning authority to grant permission consequent on the grant of outline permission

in respect of any aspect of the proposed development which was decided in the grant of outline permission.

- 7.3.7. Condition 6(b) requires the submission of a landscaping plan at consequent on the grant of outline permission stage. A landscaping plan has been submitted with this application. Following consideration, of same I am satisfied that the proposals contained therein are sufficient for the nature and scale of development proposed.
- 7.3.8. In conclusion, I am satisfied that the development as presented, would accord with the terms of the outline permission.
- 7.3.9. **Impact on Residential Amenity**
- 7.3.10. It is the opinion of the third-party appellant, as expressed in the grounds of appeal, that the proposed dwelling would have a negative impact on the residential amenity their property by way of overlooking / loss of privacy because of the proposed first floor accommodation and the potential for the use of the adjoining flat roof as a patio / viewing platform.
- 7.3.11. The appellant's dwelling is located to the east of the site and comprises a single storey detached dwelling. As detailed on the proposed site layout plan (Drawing No. PP01 Rev B), the finished floor level of the appellants dwelling is 72.425, c1.17m above that of the proposed dwelling (FFL of 71.22 as stated). The storey and a half element of the proposed dwelling is set back c.14m from the eastern site boundary and is over 20m from the adjoining dwelling to the east. The Proposed Landscaping Plan (Drawing no. PP05) illustrates that the existing boundary treatment to the east and south comprises a 3m high hedge, which is to be maintained. Only one first floor window opening is proposed on the eastern elevation, this window serves an ensuite and is to be fitted with opaque glazing. There are two first floor south facing windows; however, I consider that overlooking of the appellant's property and private open space from these windows is negated by the separation distance between the proposed house and the adjoining property to the east, elevational differences, the orientation of the house and the existing boundary treatment.

7.3.12. The proposed landscape plan (Drawing No. PP05) illustrates that the flat roof above the first-floor element will have a 'Heather sedum' roof covering. There is no indication that this space is proposed as a roof patio or terrace. Condition 4 attached to the Planning Authority decision requires that '*this area shall not be used as a private patio*' and I recommend that the Board attach a similar condition in the event of a grant of permission.

7.3.13. In conclusion, I do not consider that the proposal would result in undue overlooking of the appellants dwelling or private open space. Nor do I consider that the proposal would have a significant negative impact on the residential amenity of the adjoining residential property to the east or any other residential properties in the vicinity.

7.4. Impact on Visual Amenity

7.4.1. The site is located within the Tara, Skryne Hills Landscape Character area which is designated as an area of exceptional value and high sensitivity. There are a number of protected views in the surrounding area. The site lies within the path of Protected View no. 44 – Hill of Tara as identified within the Meath County Development Plan. It is the contention of the third-party appellant that the house is designed with an upstairs living space to avail of views from the site and that it is obvious, having regard to the principle of intervisibility, that a two-storey house will be more intrusive in the landscape than a single storey house.

7.4.2. The Board will note that a valid outline planning permission exists for the proposed development and that therefore, the principle of the construction of a storey and a half house on this site has been established. There are houses of various heights and design to the north, south, east and west of the appeal site, and I consider that the proposed dwelling would form a cluster with these existing structures thereby limiting its impact on the visual amenities of the area. The inclusion of a heather sedum covering over the single storey flat roof element to the south, would I consider further aid the assimilation of the dwelling into the rural landscape.

7.4.3. In conclusion, I do not consider that the development of this site as proposed would have a significant negative impact on the visual amenities or character of this rural area or that it would detract to any significant degree from protected views.

7.5. Environmental Impact Assessment

7.5.1. Concerns are raised within the third-party appeal in relation to the requirements for an EIAR to accompany the application. An Environmental Impact Assessment Screening report was not submitted with the application.

7.5.2. The proposed development falls within the category of an 'Infrastructural Projects' within Schedule 5 (10)(b) where mandatory EIA is required for the construction of more than 500 dwelling units. The proposal is for a single dwelling in the rural area. The proposed development falls significantly below the development threshold and mandatory EIA is therefore not required.

7.5.3. As per section 172(7)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Planning Authority determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

7.5.4. I have given consideration to whether sub-threshold EIA is required. The site is located on lands zoned 'RN' Rural Node in the Meath County Development Plan 2021-2027, residential is listed as a use that is permitted in principle within this zoning (subject to compliance with the Rural Settlement Strategy). The site is adjoined by existing residential development and the proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ

from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water of Irish Water, upon which its effects would be marginal. The proposed dwelling is to be served by a domestic wastewater treatment and disposal system permitted under MCC Ref: AA191397. The DWWTDS is to be constructed in accordance with the recommendations contained in the EPA Code of Practice (2009). The site is not within a European site and any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.

7.5.5. Having regard to the scale of the proposed development comprising only 1 no. residential unit and the location of the site outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore consider that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment

7.6.1. Concerns are raised within the third-party appeal in relation to the impact of the proposed development on water quality in the area and associated impacts on designated sites.

7.6.2. The site is not located within or directly adjacent any Natura 2000 sites. The River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SAC (Site Code 002299) are both located within 2.5km of the site (as the crow flies). The following table provides a summary of European sites Conservation Objectives; Qualifying Habitats and Species:

Table 7.1 - summary of European sites		
Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species
002299 The River Boyne and River Blackwater SAC	2.5km	To maintain or restore the favourable conservation condition of the Annex I habitat(s)

		<p>and/or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> • Alkaline fens [7230] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* [91E0] • River Lamprey (<i>Lampetra fluviatilis</i>) [1099] • Salmon (<i>Salmo salar</i>) [1106] • Otter (<i>Lutra lutra</i>) [1355] <p><i>* denotes a priority habitat</i></p>
004232 The River Boyne and River Blackwater SPA	2.5km	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <ul style="list-style-type: none"> • Kingfisher <i>Alcedo atthis</i> [A229]

7.6.3. There is no direct link or connection between the appeal site and the above sites. I note the reference within the grounds of appeal to the poor water status of the nearby stream. This is located approximately 52m to the west of the site and is separated from the site by an existing road and residential property.

7.6.4. The proposed dwelling is to be served by wastewater treatment and disposal system permitted under MCC Ref: AA191397. This system was designed in accordance with EPA guidelines on the treatment of domestic wastewater (EPA's 2009 Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses) and is adequately removed from existing watercourses. For reference I note that current EPA guidance (EPA Code of Practice 2021) requires, under Table 6.3, a minimum separation distance of 10m between DWWTS and a watercourse / stream, the distance available in this instance exceeds 50m. Consequently, deleterious effects on either surface or groundwater in the vicinity of the site, or at distance from it, are unlikely. Notwithstanding this, in the absence of any mitigation measures, having regard to the effect of dissipation, dilution and biodegradation, of potential pollutants in their movement through soil/water at a distance of c.2.5 km from the River Boyne and River Blackwater SAC and SPA, significant adverse effects on water quality in the European site are unlikely.

7.6.5. Taking into consideration the nature and scope of the proposed development, the distance from designated sites, the lack of a direct hydrological link between the appeal site and designated sites, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the nature of 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.

8.0 Recommendation

8.1. I recommended that planning permission consequent on the grant of outline planning permission be granted for the proposed development, subject to compliance with the following conditions:

9.0 Reasons and Considerations

Having regard to the terms and conditions attached to the grant of outline planning permission associated with the subject site, Meath County Council Reference No: AA191397, the provisions of the current Development Plan, and the nature of the existing pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the general, residential or visual amenities of the area, would not pose an unacceptable risk of environmental pollution and would otherwise be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning
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	<p>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 interests of clarity</p>
2.	<p>The development on site shall be carried out and completed in accordance with the terms and conditions attached to the grant of outline planning permission, Meath County Council Reference No: AA191397.</p> <p>Reason: In the interests of Clarity and proper planning and development.</p>
3.	<p>(a). The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, and shall remain so occupied for a period of at least seven years thereafter. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b). Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>

4.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed house and garage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
5.	<p>(a) The roof of the dwelling shall not be used as a balcony or roof terrace.</p> <p>(b) The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.</p> <p>Reason: In the interests of residential amenity and proper planning and development</p>
6.	<p>(a) Existing hedgerows and trees along site boundaries shall be retained, preserved, and maintained except where removal of same is required for the provision of the entrance and adequate sightlines.</p> <p>(b) The site shall be landscaped in accordance with the “Proposed Landscaping Plan” drawing No. PP05 submitted to the Planning Authority on the 19th of April 2022.</p> <p>(c) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p>

	<p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála 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, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

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

Lucy Roche
 Planning Inspector

13th July 2023