



An
Bord
Pleanála

Inspector's Report

ABP-314247-22

Development	Construction of a dwelling etc
Location	Caulstown, Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	211762
Applicant(s)	Darren Orr.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Andrew and Mary Curtis.
Observer(s)	None.
Date of Site Inspection	24 th March 2023.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is in the rural townland of Caulstown in Co. Meath, c3km northeast of the settlement of Dunboyne, c4km north of Clonee, and c2km northeast of M3 at Junction 5. The site is located on a county road that joins with the N3 at Bracetown approximately 2.5km to the south and with the R155 (N3 to Ratoath Road) approximately 3km to the northwest. The road is narrow and winding and there is a narrow bridge and bad bend located approximately 250 metres to the south of the appeal site. This bridge is over the Pinkeen River, which is located within 40 metres of the appeal site at its closest point. Despite the narrow and winding nature of the road, there are a considerable number of dwellings accessing the road in the vicinity of Caulstown and the appeal site.
- 1.2. The site has a stated area of 0.3611ha and comprises part of a larger family landholding of c4ha (Lands outlined in Blue on site location map). The site is relatively flat and is currently in grass. An open drain traverses the site (north to south) before joining with the Pinkeen River to the south. The site benefits from c45m of road frontage and is served by an existing agricultural entrance c25m to the southeast of the site's southern boundary. A ditch extends along the northeast (roadside) site boundary, between the hedgerow and the verge and public road. The appellants' property is to the immediate north of the appeal site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey dwelling house, new wastewater treatment system and percolation area, new entrance from the public road and all associated site development.
- 2.2. Table 2.1 below provides a summary of the key aspects of the proposed development:

Table 2.1 – Development Details		
Site Area	0.3611ha	
Dwelling	Type / Design	4-bed, Single storey dwelling with projecting gables to front and rear elevations.

	GFA	177.2sqm (as stated)
	Height	5.988 meters (as stated)
	Finish	Slate or concrete roof tiles; render to external walls
Access	Access to the site is proposed via a new entrance onto the county road to the east of the site. The site layout plan submitted indicates sightline distance of 90m in both directions.	
Services	Foul:	New on-site wastewater treatment and disposal system
	Water supply	Connection to public mains
	Surface Water	Soakaway

2.3. Significant further information submitted on the 9th of June 2022 comprising:

- Revised Wastewater Treatment System Site Suitability Assessment Report.
- Revised Flood Risk Assessment (18/05/2022)

3.0 Planning Authority Decision

3.1. Decision

Meath County Council did by order dated 18th July 2022 decide to grant permission for the development subject to 17 conditions. The following conditions are of note:

Condition 4: states that no development shall take place, and ground levels shall not be raised in those areas designated as flood zones A and B as set out in the flood risk assessment dated the 18th of May 2022. It also requires that the watercourse which traverses the site be left open, that it shall not be culverted and that its conveying capacity shall not be decreased.

Condition 6: relates to the proposed development entrance and requires the submission for agreement of details of the piping of the roadside ditch required to facilitate the new entrance.

Condition 7(b): requires the submission of the pipe details for the proposed piping and filling of the existing open drain.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2nd of November 2021

- The initial report of the case planner has regard to the locational context and planning history of the site, relevant national and local policy and the third-party submissions and technical reports received.
- Having screened the development for appropriate assessment the case planner concludes that a Stage 2 Appropriate Assessment (NIS) is not required in this instance. It is also determined that subthreshold EIA is not required.
- The case planner is satisfied that the applicant has demonstrated a rural housing need and that the proposed dwelling accords with the Meath Rural House Design Guide.
- In relation to the proposed access, the proposed sightline distances of 90m to the nearside edge of the public road, from a 2.4m set back are considered acceptable; however, the proposed entrance gates are considered too close to the edge of the road. The case planner also notes the lack of detail in the proposals to pipe the existing roadside ditch at the location of the proposed entrance. Such issues can be addressed by way of condition.
- The proposed site is located c80m from Flood Zone A. The report has regard to the comments of MCC's Environment (flooding) Department and considers that further information is required to address the issues raised.
- The report concludes with a request for further information. The applicant is requested to submit a revised SSFRA and to address the concerns raised by the third-party.

- The second report of the case planner (15th July 2022) has regard to the further information received by the PA on 9th of June 2022, the third-party submission and the interdepartmental report received.
- In respect of flood and the revised SSFRA the report has regard to the comments and recommendations made by MCC's Environment (flooding) Department and recommends the attachment of conditions to address the issues raised.
- The report concludes with a recommendation to grant permission subject to 17no conditions as per MCC decision.

3.2.2. Other Technical Reports

Transportation: No objection subject to condition

Environment (Flooding):

- Email dated the 2nd of November 2021: - further information requested including the submission of a revised SSFRA that establishes the critical flood levels and flood zones to an acceptable degree.
- Email dated the 15th of July 2022: - No objections subject to condition. The revised SSFRA is considered to be appropriately detailed. The development on site is proposed to take place within Flood Zone C only, the open drain is to be left open and the development passes the justification test.

Water Services:

29th Sept 2021: No objection subject to condition including that prior to the commencement the applicant shall submit pipe details for the proposed piping and filling the existing drain.

3.3. Prescribed Bodies

Dublin Airport Authority: No objection subject to condition requiring the provision of noise sensitive insulation, having regard to the location of the site within Noise Zone B. Condition 8 of the planning authority's' decision relates.

Irish Water: No objection subject to condition.

3.4. Third Party Observations

The Planning Authority received third-party submissions from Mary and Andy Curtis, adjoining landowners, and the appellants in this case. The issues raised in the submissions can be summarised as follows:

- The history of refusals on site.
- Concerns raised with respect to flooding. The proposed development site is prone to flooding. The proposed development undermines all natural features that project the observer's property, will result in the flooding of their property, and will exacerbate the flooding events that already take place.
- The piping and filing of the drainage ditch on site would result in flooding, as has happened previously, and would result in the loss of habitat for local wildlife.
- This is an area under strong urban influence, the proposed development will erode the rural nature of the area.
- Concerns are raised regarding the design and layout of the proposed on-site wastewater treatment system and its proximity to the observers well, garden and fishpond. Possible noise and odour emissions from the WWTS is also raised as a concern.
- The proposed house would impact on the residential amenities of the observer's property by way of overshadowing. The planning of large trees will result in a loss of light.

The planning authority also received representations from Cllr. Damian O'Reilly in support of the application.

4.0 Planning History

4.1. The Appeal Site:

MCC: RA191543 Permission refused (2019) for dwelling etc. The reason for refusal relating to flood risk and the lack of information submitted with the application and the presence of a drain on site which flows into the adjacent Pinkeen River.

MCC: DA70494 Permission refused (2008) for dwelling etc. two refusal reasons were cited: (1) public health and (2) rural housing need (limited information provided)

ABP PL17.209206 (MCC Ref: DA40300). Permission refused (2005) for dwelling etc. The decision of ABP cited three refusal reasons: (1) public health – ground water pollution; (2) flooding and (3) ribbon development.

4.2. Surrounding Area:

MCC RA160470 Permission granted (2016) for dwelling and effluent treatment systems (ETS). Appropriate period extended to 2016 under MCC RA201158.

MCC 21882 Permission granted (2021) for dwelling and ETS.

5.0 Policy Context

5.1. Local Policy – Development Plan

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

5.1.2. Zoning and Designations:

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

Landscape:

Table 5.1 Landscape Character Type	
Character Type / Area	Ward of lowlands

Value	Low
Sensitivity	High
Importance	Regional

Other:

- The site is located within Zone B of the Fingal Dublin Airport Noise Zones as per the Fingal Development Plan 2023 to 2029

5.1.3. Meath Rural Settlement Strategy:

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

A tailored approach is taken to rural housing in the county, in which three types of rural area are identified with corresponding policies for each. Map 9.1 of the MCDP indicates that the proposed development site is within a Rural Area Under Strong Urban Influence. The following policies are relevant:

- RD POL 1 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.
- RD POL 2 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 3 To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

Section 9.4 - Persons who are an Intrinsic Part of the Rural Community

The Sustainable Rural Housing Guidelines outline that Planning Authorities in formulating policies recognise the importance to rural people of family ties and ties to a local area such as parish, townland or the catchment of local schools and sporting clubs. It also delivers positive benefits for rural areas and sustains rural communities by allowing people to build in their local areas on suitable sites.

The Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

- Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture.
- Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment.

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

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

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

- The housing 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.

5.1.4. Section 9.5.2 Ribbon Development

Ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage. (Please note that in all instances where ribbon development is referred to in this Development Plan, the example contained in Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities as published by the DoEHLG in April 2005 shall apply). Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant.
- The degree to which the proposal might be considered infill development.
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

Meath County Council will endeavour to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.

5.1.5. Section 9.18.3 Wastewater Disposal

It is the policy of the Council: RD POL 46 To ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites prone to extremely high-water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided.

5.2. **National Policy**

5.3. Regard is had to the following:

- Project Ireland 2040: The National Planning Framework (NPF), which sets out the planning strategy for Ireland until 2040.
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031. RSES
- Sustainable Rural Housing Guidelines for Planning Authorities, (2005)
- Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021
- The Planning System and Flood Risk Management- Guidelines for Planning Authorities, 2009.

5.4. **Natural Heritage Designations**

The appeal site is not designated for any nature conservation purposes. The closest designated sites are:

- RYE Water Valley / Carton SAC approx. 9km to the southwest

- Royal Canal pNHA, approx. 7km to the south,
- Malahide Estuary SPA & SAC located approx. 16km to the east and
- Rogerstown Estuary SPA & SAC located approx. 18km northeast of the site.

The appeal site is not directly connected to these conservation sites.

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity and the absence of connectivity to any sensitive 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

This is a third-party appeal lodged by Andrew and Mary Curtis, owners of the adjoining property to the north of the appeal site, against the decision of Meath County Council to grant permission for development at Caulstown, Dunboyne, Co. Meath. The issues raised in the grounds of appeal can be summarised as follows:

- Flood Risk: - The proposed development is situated in an area prone to flooding. The area provides a buffer zone between the appellants property and the Pinkeen River. The development of these may alter the natural defences that protect the appellant's home. The significant variance in results of the various 1% AEP & 66% Blockage Test Fluvial Flood Model Tests is raised as a concern.
- Procedural Issues / points of clarification: -
 - Concerns are raised regarding the planning authority's handling of a letter and the information contained therein, which was submitted to them by the applicant on the 04/0/2021 in response to the further request. The

appellants claim that the letter contains comments which they have refuted in their letter to the planning authority dated 04/07/2022.

- The applicant, in his submission of the 06/06/2022, included letters from local people stating that the lands have never flooded. This testimony is negated by the evidence of flooding shown in the photographs submitted by the appellants and the Hydraulic modelling results in the SSFRA's. There are no observations in the report of the planning authority regarding the letters received or the evidence of flooding provided in the photographs and SSFRAs.
- Flooding shown in the photograph submitted by the appellant would have resulted from an accumulation of the usual flow of water that passes through the ditch and not water from a burst pipe as detailed in the planning report.
- It is stated in the planning report (02/11/2021) that the site is located c100m from the Pinkeen River, while this is true for some parts of the site others are under 50m from the site.
- It is stated in the planning report (02/11/2021) that the proposed site is located c80m from Flood Zone A however the revised SSFRA (18/05/022) states that the proposed development is indicated to be partially in Flood Zones A and B.
- Drainage Ditch: - The decision of the planning authority includes contradicting conditions (Conditions 4(b) and 7(b)) regarding the watercourse/open drain that traverses the proposed development site. The appellants are concerned that the piping filling in of this drainage ditch will lead to flooding.
- Wastewater treatment and Impact on Wells: - The applicants Site suitability Assessment Report, dated 14/04/2022, states that no wells are identified within 100m of boundaries however the appellants' well is located only 2.8m from the boundary. Water pressure, at least at the lower end of Caulstown, can be poor. The three houses on the opposite side of the road are particularly affected. While the appellants water pressure is reasonable, they

revert to the well for certain jobs. This does not appear to have been taken into account in the planning report.

6.2. Applicant Response

No response received within the appropriate period.

6.3. Planning Authority Response

The planning authority's response to the issues raised in the third-party appeal is set out in correspondence received on the 29th of August 2022 and can be summarised as follows:

- Flooding Section has noted the revised Flood Risk Assessment submitted as part of the further information response and note that the actual development is in Flood zone C only. Flooding Section has no objection to the proposed development subject to conditions. The conditions include that the water course which traverses the site shall be left open, it shall not be culverted, and its conveying capacity shall not be decreased.
- The appellant has indicated a contradiction and the conditions attached. Condition 6 relates to piping of the roadside ditch not the watercourse which traverses the site.
- The applicant responded to the submission received and in response to the observer responded to the applicant's response. All issues raised were considered in the planning report.
- A public water main is located in the area.

6.4. Observations

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal can be addressed under the following headings:

- Flood Risk
- Wastewater Treatment and Ground Water Protection
- Compliance with Meath's Rural Housing Policy
- The Capacity of the Area to Absorb Further Development (New Issue):
- Other Matters
- Appropriate Assessment

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise.

7.2. Flood Risk

- 7.2.1. The main issue raised in the third-party submissions and appeal relates to flood risk. It is the contention of the appellants that the proposed development is situated in an area prone to flooding. They believe that the area of land on which the proposed development is to be built creates a buffer zone between their property and the Pinkeen River, and they fear that the building of the development at the proposed location may alter the natural defences that protect their property. The appeal submission refers to photographs, previously provided by the appellants, which they say show flooding in the field in which the proposed development is located, c2002.
- 7.2.2. A site-specific flood risk assessment (SSFRA), including a Stage 3 - detailed flood risk assessment, for the proposed development site was submitted with the application. This document was updated at further information stage to address deficiencies identified by planning authority in the original document and to reflect the decision of the applicant to retain the open drainage ditch traversing the site rather than to have it piped and filled as originally proposed. For clarity it is this revised document (18/05/2022) that will form the basis of this assessment. I am

satisfied that the information contained within this document is robust and of adequate detail.

- 7.2.3. The SSFRA identifies fluvial flooding from the Pinkeen River as the main source of flood risk to the site. There is an existing open drainage ditch which flows to the rear of the existing houses and the appellants property, to the north of the appeal site. This ditch traverses the appeal site before connecting with the Pinkeen River upstream of a road bridge. The SSFRA indicates that flooding of the Pinkeen River in the vicinity of the site may lead to back-up flows into this ditch. An existing culvert on the ditch, downstream of the appeal site, has been identified as a significant obstruction to the flood flow in the ditch and a large contributor to flooding in the field south of the development site and at the development site itself. The proposed development site is therefore partially within Flood Zone A and B.
- 7.2.4. The historic flood events, detailed in photographs provided by the third-party appellant, are considered in Section 4.12.2 of the SSFRA. The SSFRA accepts the photographs as an indication that shallow fluvial flood events have occurred in the past and suggest that flooding was likely caused as a result of significant rainfall with relatively shallow gradients and saturated ground conditions.
- 7.2.5. The SSFRA considers the proposed development site to be at risk of fluvial flooding during the 1% AEP and 0.1% AEP, flood events. However, as the proposed house, driveway, entrance, wastewater treatment system and stormwater system are all located within Flood Zone C, the SSFRA considers it unlikely that they would be impacted by flooding. Notwithstanding, I note that the development has been subject to a Justification Test, in accordance with The Planning System and Flood Risk Management Guidelines (2009).
- 7.2.6. Section 4.14.3 of the SSFRA sets out mitigation measures to protect against fluvial flood threat. The measures proposed provide for suitable freeboard (300mm+) to predicted flood levels. It is stated in the SSFRA that there is no predicted risk of exacerbation of flooding to any other property caused by the proposed development as there will be no construction in the flood plain and as the existing open drainage ditch is to be retained.

- 7.2.7. Flooding is likely on the local road serving the site, in the vicinity of the bridge, c150m to the southeast during all modelled flood events; however, access to the site can be maintained from the northwest.
- 7.2.8. The SSFRA deems the proposed development to be appropriate and to comply with Flood Risk Assessment and Management Plan for the Meath County Development Plan 2021-2027 and the “Planning System and Flood Risk Management – Guidelines for Planning Authorities.
- 7.2.9. I note the contents and findings of the SSFRA. Having regard to the location of the proposed development within Flood Zone C and the mitigation measures proposed, I am satisfied, on the basis of the information available, that the development of this site as proposed, would be unlikely to have a significant impact the existing flood regime in the area, or to exacerbate the risk of flooding on adjoining properties.

7.3. Wastewater Treatment and Ground Water Protection

- 7.3.1. The proposal entails the installation of a domestic wastewater treatment system (DWWTS) to serve the new dwelling. A public mains water supply is available in the area and the applicant is proposing to connect to same; however, it would appear from the information provided by the third-party appellant that private wells are used by some properties in the area to supplement supply.
- 7.3.2. In relation to wastewater disposal, it is the policy of the Meath CDP 2021-2027 (RD POL46) to ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites prone to extremely high-water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided. The guidelines for Sustainable Rural Housing (2005) make the point that wastewater treatment facilities in rural areas should be located, constructed, and maintained to the highest standards to ensure minimal impacts on water quality and particularly groundwater quality.

7.3.3. A Site Suitability Assessment Report including site characterisation form was submitted with the application. This document was updated at further information stage to address the applicants stated intention to retain the open drainage ditch traversing the site rather than to have it piped and filled as originally indicated. The proposal to retain the open drainage ditch necessitated amendments to the layout of the DWWTS to ensure compliance with the minimum separation distances set out in Table 6.2 of the EPA Code of Practice 2021. However, I note that the site layout plan submitted with the application was not amended to reflect these changes. Therefore, should the Board be minded to grant permission for the proposed scheme, I would recommend the inclusion of a condition requiring the submission of a revised site layout plan detailing compliance with the minimum separation distances, as set out in Table 6.2.

7.3.4. The updated Site Suitability Assessment Report includes the following details:

Table 7.1 - Details from Site Characterisation Report		
Soil type	Gravel derived from Limestones	
Subsoil	GLs Glaciofluvial sands and gravels	
Aquifer Vulnerability	High	
Groundwater Body / status	Nany-Delvin; Poor	
Groundwater Protection Response	R1 Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).	
Slope	Side of gentle slope – shallow to relatively flat	
Groundwater flow Direction	Northwest to Southeast (estimated)	
Ground Condition	Firm ground underfoot following wet weather spell	
Potential targets at risk	Groundwater and surface water	
Trial Hole Depth	2.1	
Percolation Test	Surface (p-Test)	34.00
	Subsurface (T-Test)	44.00

7.3.5. The revised Site Suitability Assessment Report outlines the results of the trial hole assessment which was carried out in October 2019. The trial hole was dug to a depth of 2.1m. The water table was encountered at a depth of 1.4m below ground

level, with mottling observed at a depth of 1.1m, indicating saturation for part of the year. Percolation test results indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The report recommends a secondary treatment system and polishing filter with discharge to ground. The report stipulates a requirement for 0.9m of unsaturated soil above the water table / mottled layer.

- 7.3.6. On the date of inspection, which occurred during a period of rainfall, I noted that the ground throughout the site including that in the vicinity of the trail holes and proposed percolation area, was soft underfoot and heavily waterlogged. I consider this to be an indication of poor drainage. In addition to the ground conditions observed on site, I noted what I consider to be a proliferation of houses in the area surrounding the site. I count approximately 11 houses within 250m of the appeal site which I assume, in the absence of a public sewer, all discharge to groundwater. A further two dwellings with individual on-site wastewater treatment systems have been permitted to the north and within 250m of the site. The application provides no element of assessment of the cumulative impact on groundwater of this collection of houses. Therefore, notwithstanding the proposal to use a proprietary wastewater treatment system on site, I cannot be satisfied, on the basis of the information available and my observations, that the impact of the proposed development in conjunction with existing/permitted wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. I recommend that permission be refused on this basis.

7.4. Compliance with Rural Housing Need Policy

- 7.4.1. The applicant is seeking permission for the construction of a new dwelling in the rural area of County Meath and as such compliance with the county's rural settlement strategy is required. I note that the application was originally assessed by the planning authority under the Meath County Development Plan 2013-2019, which has since been superseded by the Meath County Development Plan 2021-2027 (MCDP

2021-2027), however the county's rural housing policy is substantially unchanged in terms of its structure and criteria.

- 7.4.2. It is a strategic policy (RUR DEV SP1) of Meath County Council to adopt a tailored approach to rural housing within the county, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types. Three rural area types have been designated in the county; the appeal site is shown to be located within Area 1 – a rural area under strong urban influence.
- 7.4.3. Policy RD POL 1 seeks to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed. Section 9.4 of the plan sets out the definition of persons who are an intrinsic part of the rural community. This policy section supports proposals for individual dwellings on suitable sites in rural areas relating to natural resource related employment while also recognising the interests of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas.
- 7.4.4. In this instance the applicant is seeking permission to build in the rural area based on 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;'

I note that the planning authority in their assessment deemed the applicant eligible for rural housing on this basis. The information / documentation submitted with the application, that informed the planning authority decision, includes:

- Letters from Dunboyne Senior Primary School attended by the applicant from 1980 to 1982; (2007 and 2019)
- Letters from the Parish of Dunboyne; (2007 and 2019)

- Various correspondence from Dunboyne Credit Union (2015- 2020)
- Various correspondence from banks and insurance providers
- Land registry documentation confirming that the application site has been in the applicant's family ownership since 1985.

7.4.5. The information / documentation submitted in support of the application indicates the applicant currently resides with his parents, William and Marie Orr, at the Orr family home in The Mayne, Clonee, Co. Meath, and that he has done so since 1980. The Orr family home is shown to be in the rural area, c2.7km to the southeast of the application site, just outside the development boundary for Dunboyne/Clonee/Pace as detailed on Sheet No:13(a) Land Use Zoning of the MCDP. The application site and the adjoining lands are shown to have been in family ownership since 1985 and it is stated that these are the only lands in family ownership. The information provided in the applicants 'local need form' confirms that the applicant does not own, nor has he previously sold property; that he is self-employed as an English teacher catering to foreign nationals and that his employment is based in Clonee, Dunboyne, Dublin, between 3km and 12km from his current place of residence.

7.4.6. It would appear from the information available that the applicant has spent a substantial period of his life (in excess of the mandatory five-year period) living in the rural close in proximity to the appeal site and that he does not own and has not previously owned a dwelling. I am therefore satisfied that the applicant comes within the scope of the rural housing need criteria of the Meath County Development Plan 2021-2027.

7.5. **The Capacity of the Area to Absorb Further Development (New Issue):**

7.5.1. Section 9.5.1 of the MCDP 2021-2027 sets out various development assessment criteria also to be considered in the assessment of proposals for one-off rural housing. The criteria listed includes:

- local circumstances, such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped, and

- the degree to which the proposal might be considered infill development.

Section 9.5.2 of the MCDP 2021-2027 refers to ribbon development.

- 7.5.2. As previously noted, the appeal site is located within a “Rural Area Under Strong Urban Influence”. In accordance with the Sustainable Rural Housing Guidelines 2005 these areas exhibit characteristics such as ‘*..proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network*’. In the case of the appeal site, I note that it is located within easy access of the M3 motorway and is within a commutable distance to a number of strong urban centres including Dublin City Centre (c15km).
- 7.5.3. From my inspection of the appeal site and the surrounding hinterland, I observed what I consider to be a high concentration of rural dwellings within the vicinity of the site, with development occurring mostly in a linear fashion on both sides of the public road. There are currently 4 no. houses located on the eastern side of the Caulstown road and within 250m of the appeal site (not including the dwelling permitted under RA160470), if permitted the current proposal would increase this number to five over the same distance and would therefore give rise to ribbon development. As the proposed dwelling would be located at the southern end of this linear row of housing, the proposal could not be considered as infill development. The Board will note that ribbon development was cited as a refusal reason under ABP.PL17.209206. The applicant addresses the issue of ribbon development in his response to the further request issued by the planning authority on the 3rd of November 2021, noting that 17 applications have been granted planning permission within a 500m radius of the application site since his initial application in 2004. The applicant considers the refusal of his previous applications goes against the run of planning permissions in the locality.
- 7.5.4. While I note the applicants’ connections with the rural area and the fact that he is proposing to build on land within his family ownership, the development of an

additional dwelling at this location would, in my opinion, undesirably contribute to ribbon development and to the suburbanisation of the rural area and I recommend that permission be refused on this basis.

- 7.5.5. While ribbon development was cited as a refusal reason in a previous decision relating to this site (ABP. Ref: PL17.209206) it was not raised as an issue in the appeal and therefore could be considered a new issue and the Board may wish to seek the views of parties. However, having regard to the other substantive reasons for refusal set out below, it may not be necessary to pursue the matter.

7.6. **Other Matters:**

- 7.6.1. Condition 4(b) of the planning authority's decision requires that the watercourse which traverses the site, be left open etc. This condition is, I consider reasonable, having regard to the flooding issues associated with the proposed development site. However, as noted by the third-party appellants, Condition 7(b), which requires the submission of details relating to the piping and filling of the existing open drain, would appear to conflict with the requirements of Condition 4(b). Therefore, should the Board be minded to grant permission, I would recommend that the requirements of Condition 7(b) not be included in the decision.
- 7.6.2. I note the concerns raised by the third-party appellants regarding the information submitted by the applicant on the 6th of June 2022 in response to the further information request, which they contend contains untruths, and the concerns raised in relation to the planning authority's handling and assessment of this information. As the function and responsibilities of the Board do not extend to the role of Ombudsman, the board is not in my opinion, in a position to comment on or to make a determination on issues relating to the Council's handling of an application. I wish to clarify that the above assessment represents my de novo consideration of all planning issues material to the proposed development.

7.7. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the distances available between the proposed development and designated European sites, it is considered 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 European site.

8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

9.0 Reasons and Considerations

1.	Notwithstanding the proposal to use a proprietary domestic wastewater treatment system on the site, having regard to the location of the site within an area identified as being at risk of flooding, the ground conditions observed on site during inspection, <i>the high-water table</i> recorded in the site Characterisation Report, to <i>the proliferation of domestic wastewater treatment systems in this rural area</i> , and to the policies of the Meath County Development Plan 2021-2027, namely Policy RD POL 46 which seeks to ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites prone to extremely high-water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2.	Having regard to the proliferation of one-off housing in this rural location, the location of the proposed site within an area designated as an 'Area under Strong Urban Influence' in Meath County Development Plan, 2021-

	<p>2027 and the provisions of “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, it is considered that the proposed development would undesirably contribute to ribbon development and to the suburbanisation of the rural area, would seriously injure the visual amenities of the area and militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
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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 September 2023