



An
Bord
Pleanála

Inspector's Report ABP- 314422-22

Development	Construction of a dwelling, an on-site wastewater treatment system and all associated site works.
Location	Grange, Bective, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21/1677.
Applicant	Carl Finlay & Mima Augustinova.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellant	<ol style="list-style-type: none">1. Damien Traynor.2. Paul and Sinead Mallon
Observer(s)	None
Date of Site Inspection	12 th September 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Grange, Bective, Navan, Co. Meath. The site has a stated area of c. 0.175ha. and is located on the northern side of the L-80341-0, c. 1km to the west of the M3. The site and surrounds have a rural character and are situated c. 5km to the south of the town of Navan. The site currently comprises a portion of an agricultural field which is currently under grass and has a relatively flat topography. There are existing detached dwellings located to the east and west of the site and there is no formal northern boundary. The southern roadside boundary comprises a dense hedgerow and trees which completely screen the site from the L-80341-0.
- 1.2.** In terms of the site surrounds, there is a pattern ribbon development on either side of the L-80341-0. The remainder of the surrounding lands are predominantly in agricultural use with further examples of one-off rural dwellings on the surrounding road network.

2.0 Proposed Development

- 2.1.** The proposed development originally sought planning permission for the construction of a 1.5 storey dwelling with a single storey 'granny' flat on its eastern side. The main dwelling had a gable sided pitched roof form and comprised an entrance hall, utility, office, bathroom, kitchen and a living/dining room at ground floor level with 2 no. bedrooms, a study and a bathroom at first floor level. The single storey 'granny' flat had a gable fronted pitched roof and comprised an open plan kitchen/living/dining room, 2 no. bedrooms, storage and a bathroom.
- 2.2.** The dwelling had a stated floor area of c. 197sq.m. and a maximum height of c. 7.4m. In terms of the palette of materials and finishes, the dwelling has a render finish for the principal elevations with a black tile/slate roof. A total of 3 no. roof lights and solar panels are proposed on the proposed dwelling's southern roof slope.
- 2.3.** The appeal site is to be accessed via a recessed vehicular entrance at the eastern end of the roadside boundary. A driveway will run along the eastern boundary leading to a surface car parking within the dwelling's front setback. The dwelling is proposed

to be served by a domestic wastewater treatment system and percolation area which is to be located within the rear amenity space. The trees and hedgerow along the site's roadside boundary are proposed to be removed and a new timber post and rail hedge, back planted with a native hedgerow will form the new roadside boundary.

- 2.4.** I note that the design of the dwelling was modified at additional information stage following concerns raised by the Planning Authority. The modifications comprised the omission of the proposed 'granny flat' to now provide a 1.5 storey dwelling with a single storey boot room which extends to the rear. The modified dwelling has a stated floor area of c. 146sq.m. with a maximum height of 7.7m.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted planning permission for the development subject to compliance with 15 no. conditions. Conditions of note included:

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

Condition No. 3 requires the Applicant to implement the mitigation measures outlined in the submitted Natura Impact Statement.

Condition No. 6 relates to the requirement to provide adequate sightlines for the proposed vehicular entrance.

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 Applicant is intending to purchase the site, subject to obtaining planning permission. The Planning Authority was satisfied that the Applicant has established a local need to build in this area close to the family home. However, concerns were raised to the degree of sites sold from the landholdings in

recent months. Further information was requested with respect to the following matters:

- The submission of information to enable the Planning Authority to identify if the development is likely to have direct, indirect or 'in combination' impacts on Natura 2000 sites.
- The submission of land registry details for the Applicant and their family.
- The submission of land registry details of Mr Eamon Corley (landowner) to show the full extent of landholdings and details of the planning history to same and the relationship between the landowner and any applicants on the land.
- The submission of a revised Site Layout Plan showing adequate sightlines.
- A rationale for the proposed 'granny' flat.
- A response to the concerns raised in the Third Party submissions.

In support of the additional information response, the Applicant submitted an NIS for the proposed development and amended the design of the dwelling to address the concerns of the Planning Authority. The Planning Authority deemed the response to be acceptable and a grant of planning permission was recommended subject to conditions.

3.2.2. Other Technical Reports

Transportation: Report received requesting additional information with respect to the provision of adequate sightlines for the proposed vehicular entrance. Second report on file stating no objection subject to conditions.

Environment Flooding: No concerns raised with respect to flooding.

Environment: No objection subject to conditions.

3.2.3. Prescribed Bodies

None

3.2.4. Third Party Observations

Two (2) no. observations were received at application and additional information by the Third Party appellants (i.e. Damien Traynor and Paul and Sinead Mallon). The issues raised are similar to those raised in the appellant's grounds of appeal which are discussed in detail in Section 6 of this report.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Local Policy

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

As per the Meath County Development Plan (CDP), 2021-2027, the appeal site falls within a 'Strong Rural Area' (Area 2), 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.'

Policies relevant to the consideration of the appeal 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.

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 guidance with respect to ribbon development is contained within Section 9.5.2 (Ribbon Development) of the Plan.

Policy RD POL 9 is relevant to the consideration of the proposal which 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.

Another policy of relevance note is Policy RD POL 43 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'.

5.2. National Policy

5.2.1. 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. 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.

5.2.2. 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.

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

5.2.4. 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.

5.2.5. 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.

5.3. 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) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 400m to the south of the appeal 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 application was the subject of 2 no. Third Party planning appeals. The appeals were prepared by Paul and Sinead Mallon and Damien Traynor, with each appellant having an address at Grange, Bective, Navan, Co. Meath. The appellants reside within dwellings to the west and east of the appeal site respectively and their grounds of appeal can be summarised as follows:

Paul and Sinead Mallon

- *Traffic Hazard*

The appeal submission refers to the initial report of the Planning Authority's Transportation Department which noted that consent from adjoining landowners would be required to achieve appropriate sightlines for the proposed vehicular entrance. It is also noted that this requirement was confirmed in a submission from another Third Party (i.e. Damien Traynor) who engaged the services of ABL Surveyors. This report indicated that the removal of trees and hedgerows on lands outside the appeal site would be necessary to provide the necessary sightlines. The second report on file from the

Transportation Department makes no reference to the report by ABL Surveyors and does not explain why the Transportation Department had changed their mind and how they had now no objection to the development subject to conditions in their second report on file. The appeal submission refers to Condition No. 6 of the permission which requires the entire roadside boundary to be removed and set back. However, it is highlighted that sightlines in accordance with the requirements of TII will not be achieved and concerns are also raised with respect to the ecological impact of removing the full extent of hedgerow. It is contended that the proposed development would therefore constitute a traffic hazard given the sightlines cannot be achieved.

- *The Development is not compliant with National Planning Guidelines*

It is contended that the Applicant does not come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines and the proposed development would be contrary to the National Planning Framework and the proper planning and development of the area. The proposed development would exacerbate ribbon development with the proposed dwelling being the seventh dwelling from west to east within a 250m continuous road frontage.

- *Proliferation of domestic wastewater treatment systems in this rural area.*

The appeal submission refers to the commentary of the Planning Authority with respect to the presence of ribbon development along either side of the public road. This also means that the site is in an area where there is a proliferation of domestic wastewater treatments systems. It is stated that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would give rise to a risk of groundwater pollution and this risk is even greater on a site that is prone to flooding as evidenced in the photographs of the site that are contained within the submissions and observations to the application.

- *Speculative development.*

The appeal submission refers to the concerns raised by the Planning Authority in terms of the number of sites taken from the overall landholding and it has highlighted that the Applicant clearly did not comply with the further information

response. The failure to respond to the Planning Authority's request shows that there was an attempt to hide the true extent of the massive speculative development on the current landholding to non-family members. Despite this very unsatisfactory response from the Applicant, the Planning Authority still granted planning permission even though they were aware the response from the Applicant was not accurate.

- *Other Issues*

The appeal submission also raises concerns with the proposal in terms of the scale and mass of the proposed development on a small site, concerns regarding the submitted drawing which lack basic contiguous elevations, the potential impact of the proposal on the residential amenity of their property and concerns with respect to landscaping and flooding on the appeal site.

Damien Traynor

- *Compliance with Rural House Test*

The Board is requested to consider whether the Applicant satisfies the rural housing test, with particular emphasis on his actual need for a house in the open countryside, as distinct from a town or village. In this regard, the Board is requested to consider whether the applicant complies with National Policy Objective 19 of the National Planning Framework. The submission notes that the Applicant spent ten years living in the UK and that the Applicants both work in Navan. It is questioned whether the Applicants actually have a rural housing need, in terms of social and/or economic considerations, that cannot be met through the acquisition of a property in the town with which they have developed connections. The Board is respectfully invited to refuse planning permission based on the Applicant's ineligibility for a rural house and a suggested refusal reason is provided. It is contended within the appeal submission that the settlement strategy in the Council's development plan seeks to direct new housing away from the open countryside and into towns and villages. It is suggested that it would be both reasonable and lawful for the Board to deny consent for the proposed dwelling on this basis.

- *The Built Environment.*

It is contended that the surrounding area has already reached a watershed in terms of its ability to accommodate additional housing and the Board is requested to conclude that the capacity of this area to accommodate extra dwellings has been exhausted. It is stated that this is especially obvious in the context of ribbon development and examples are given of where applications have been refused on similar grounds. In terms of the Planning Authority's inference that the site could be considered as infill development, an example is provided where this argument was not accepted by the Board.

- *Technical/engineering arrangements.*

Although the subject site fronts onto a road which is linear in alignment, its front boundary is demarcated by vegetation which is not set back off the carriageway. Before turning to issues of visibility, it is instantly apparent that this entire line of trees would have to be removed to facilitate the proposed development and the proposal is therefore contrary to the relevant policies of the County Development Plan which highlights the importance of retaining trees and hedgerows (Section 11.4.4). Although 90m sightlines were identified on the Applicant's original documentation, the lines of visibility clipped the vegetation which is growing on the front boundary of the 2 no. properties which flank the appeal site. The revised plans at additional information stage show the sightlines as an originally proposed and no evidence of land ownership consent to trim back the foliage on the adjoining sites had been provided. It is therefore instantly apparent that the sightline cannot be created. The appeal submission also questions the accuracy of the survey data on the latest drawings and it is questioned whether the X distance of 2.4m can be provided in the manner shown and if this would be taken from a different roadside point, this would further reduce the Y distance sightlines. Having reviewed the documentation on file, the appeal submission notes that they cannot find any critical evaluation of the Applicant's response to the Planning Authority's request for further information on this issue.

In terms of flooding, it is stated that the subject site is potentially flood prone and photographic examples are provided as part of the appeal submission. The

appeal submission refers to advice provided in the Heather Hill judgment where the High Court overturned the Board's decision to grant planning permission on the basis of the inadequacy of the flood related research and analysis which had taken place prior to the issue of the Board's Order. It is the appellant's view that the County Council, in not properly considering whether this is a flood prone site and then not fully applying National Planning Policy, erred in its approach and this matter should be treated with caution. The Site Characterisation Report notes that the lands exhibit good percolation characteristics of the surface material which is at variance with the photographic evidence submitted in support of the appeal. It is contended that the flood prone land cannot accommodate septic tanks or secondary treatment systems and there are concerns if the proposal proceeds as planned.

6.2. Planning Authority Response

A response has been received from the Planning Authority which noted that they are satisfied that all matters outlined in the Third Party appeals were considered in the course of its assessment as detailed in the planning officer's reports.

6.3. First Party Response

A response to the Third Party appeal has been received and prepared on behalf of the Applicant. The response provides a description of the site and surrounds, the planning policy context and the planning history of the area. A response to the grounds of appeal is included as follows:

- *The proposed development is contrary to National Planning Policy*

The response highlights that the Applicant has provided evidence to the County Council that there is indeed a genuine need the Applicant to live at this rural location. The Planning Authority have evaluated the proposed development and additional information was requested with respect to a number of items. However, none of these matters related to rural housing need. It is stated that the Planning Authority has had regard to the necessary guidelines and the rural housing test in the statutory development plan in respect of the core strategy which effectively translates National and Regional Rural Housing Policy to

applicability at county level. Accordingly, it is considered that the issue of rural housing need in relation to the Applicant and the appeal site has been properly assessed by the Planning Authority and the Board is requested to concur with same.

- *Ribbon Development.*

It is highlighted that this issue was fully considered by the Planning Authority within their assessment of the application. Other than the granny flat issue within the Planner's Report, no concerns were raised with respect to the design of the proposed dwelling in terms of overlooking, shadows cast or adverse impact on the residential amenity of neighboring properties. It is noted that the proposed house has been designed with regard to the current climate crisis in that it is well insulated, benefits by its design from passive solar gain and will be built utilising environmental construction materials and practices. It is highlighted that the design of the dwelling was also modified at additional information stage to omit the granny flat and reduce its overall size.

- *Traffic Hazard/Sightlines*

In terms of sightlines, it is stated that this issue has been considered by the Planning Authority and the relocation of the proposed entrance was proposed which demonstrated the necessary sightlines, 90m in either direction, 2.4m back from the roadside edge. It is stated that this can be achieved at the revised entrance location to the appeal site. It is stated that the sightlines are in accordance with the TII standards and do not require any trimming of bushes or vegetation outside the red line application boundary. It is stated that the Applicant is happy to comply with the conditions imposed by the Planning Authority and the issue of a traffic hazard should therefore not arise at the appeal site.

- *Flood Risk*

In terms of concerns raised with respect to flooding, it is stated that the Appeal site is located within Flood Zone C, the area which is at least risk of flooding. The Planning Authority have assessed the flood risk and have determined that from a flood risk perspective there is no issue at the appeal site. It is stated that the pictures of flooding at the appeal site submitted by the appellants are not

actually flooding as defined by the OPW or the Planning Authority's environmental engineers but obviously ponding after a heavy period of rain. This is not unusual in rural areas and does not support a refusal of permission in this instance.

- *Wastewater Treatment*

It is highlighted that the Planning Authority did not seek any further information with respect to the proposed domestic wastewater treatment system and a suitable condition has been attached to a grant of permission. It is confirmed that the Applicant is happy to comply with the terms of condition which will ensure that wastewater generated by the proposed dwelling will be dealt with in a satisfactory manner and will not have any adverse impact on the immediate neighbouring properties or on the environment in the vicinity of the appeal site.

- *Speculative nature of the proposed development.*

It is reiterated that the Applicant has roots in this rural community, works nearby and intends to use the proposed dwelling as a family home. The issue of the speculative nature of the landowner was assessed by the Planning Authority who do not have an issue with the Applicant per se in applying for a dwelling house at this location as evidenced by the grant of permission. In terms of preventing ribbon development on the landowner's land holdings, it is stated that the horse has already bolted the stable and that the appeal site, as an infill site, does not lengthen the ribbon development along this local road but merely plugs a gap in the row of housing at this location. It is stated that it would be unreasonable in the extreme to refuse planning permission to the Applicant on an infill site given the development that has already occurred along this road. The submission refers to Condition No. 2 of the permission which restricts occupancy of the dwelling to the Applicant.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the appellant's grounds of appeal, 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
- Site Selection
- Vehicular Access
- Wastewater Treatment
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

7.1.1. 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 proposed development 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, the Applicant is seeking planning permission on the basis of the following qualification criterion contained within the CDP (2013-2019) that was in place at the time of application was submitted:

- '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'.

7.1.2. I note the same criterion is included within the current CDP. One of the Applicants (i.e. Carl Finlay) has confirmed within their submitted documentation that their family home is located c. 550m to the west of the appeal site. It is noted that the Applicant returned to this area after living in the UK for 10 no. years and have resided at the family home since August 2020. The documentation confirms that both Applicants work in Navan and they have never owned or sold a property. The following documentation has been submitted in support of the application:

- Copy of the completed local housing need form.
- Letter from the Applicant's parents.
- Letter from the primary school confirming the Applicant's address.
- Letter from the Golf Club confirming the Applicant's address.
- Letter from a rugby club confirming the Applicant's address.
- Letter from GAA club confirming Applicant's address.
- Letter from a financial institution.
- Letter from previous employers in the UK.
- The letter from social welfare services.
- Letter from local parish confirming the applicant's address.
- Copy of marriage certificate.
- Copy of driving license confirming Applicant's address.

The application documentation confirms that the Applicants do not own the site and it is the intention for it to be sold to the Applicant, subject to a grant of a planning permission. A letter is included within the application confirming same. 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 and a local need had been established at this particular location.

7.1.3. I note that both Third Party appeals have highlighted concerns with respect to the principle of development at this location and whether the Applicants have a rural housing need, in terms of social and/or economic considerations, that cannot be met through the acquisition of a property in a nearby settlement within which they have developed connections and are currently employed. It is therefore contended that the proposal is contrary to National Policy Objective 19 of the National Planning Framework, and it was considered that a refusal of permission should be issued on this basis. I note that the CDP (2013-2019) in place at the time of the Planning Authority's initial assessment (i.e. First Planning Report) of the Applicant's rural house need was adopted prior to the issue of the NPF. In the High Court case of *Murtagh v An Bord Pleanála (2023)*, it is highlighted that in instance such as this (i.e. CDPs predating the publication of the NPF), '... in cases of conflict between provisions of the development plan and the NPF, the former will prevail'. The judgement also notes that

'where a development plan has been prepared in accordance with ministerial guidelines and the NPF, conflict between the provisions of the plan and the Guidelines or the NPF is unlikely to arise'. Whilst it is evident from their assessment of the application that the Planning Authority had regard to the provisions of the NPF, the Planning Authority was satisfied that the Applicant complied with the relevant policies of the Development Plan and a rural housing need had therefore been established. It is noted that their determination on the application was based on the provisions of the current CDP (2012-2027). Section 9.2 (Rural Settlement Strategy) of the current Plan notes that the Council recognises the long tradition of people living in rural areas and promotes sustainable rural settlement as a key component of delivering more balanced regional development. The policy highlights that rural development should be consolidated within existing villages and settlements that can build sustainable rural communities as set out in the NPF and the RSES. However, the Development Plan seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards. The Development Plan defines rural generated housing as housing needed in rural areas within the established rural community by people working in rural areas or in nearby urban areas. Having regard to the location of the appeal site (i.e. a Strong Rural Area) relative to the Applicant's family home and the documentary evidence submitted by the Applicant which I have outlined above, I am satisfied that the Applicant has demonstrated that they are part of the local community and have therefore a rural housing need as per the policy of the Development Plan. In this regard, I am satisfied that proposed development meets local through to national planning provisions and the Applicant therefore meets the relevant qualifying criteria for a rural house at this location.

7.2. Site Selection

- 7.2.1. Within their assessment of the planning application, the Planning Authority indicated that excessive one-off development in this area is a major concern, and the proposed dwelling will be the 7th dwelling in a 250m continuous road frontage. Notwithstanding this, it was considered that the dwelling could be classified as 'infill development', as the site is located between 2 no. existing dwellings. However, concerns were raised

with regard to the size of the site and the number of sites sold from the overall landholding. Within their assessment of the application, the Planning Authority noted that the landowner is currently selling a site to the west (Ref. 21/912) and numerous other sites around the Bective area. It was also confirmed that the Planning Authority had received a number of planning applications and pre-planning queries for lands within the landowner's control. The Applicant was therefore requested to outline the full extent of the landowner's landholding and the level of development (family/speculative) that has occurred on same. Following the submission of the Applicant's additional information response, the Planning Authority noted that the submitted maps and folio numbers were illegible and they could not confirm the site's location or ownership. Details of 3 no. planning applications made on the landowner's landholdings were submitted by the Applicant. However, the Planning Authority confirmed that at least a further 4 no. planning applications had been received from non-family members on lands in the control of the landowner (3 no. applications granted and 1 no. application refused). Although the Planning Authority noted that it is clear that the landowner has sold numerous sites on his landholding, the full extent of same remains unclear. Notwithstanding this, the Planning Authority had regard to the infill nature of the site and its location relative to the home of the Applicant's parents and the proposal was therefore deemed to be acceptable.

7.2.2. In addition to an Applicant's rural housing need, there are a number of matters that must be considered by the Planning Authority in assessing individual proposals for one-off rural housing as outlined under Section 9.5.1 (Development Assessment Criteria) of the Plan. These issues include:

- '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.'

During my physical inspection of the site, I observed there to be what only could be described as a proliferation of one-off housing along the surrounding road network. Whilst the site could be characterised as 'infill development', it is evident to me that development pressure in this area has become acute and due to the prevalence of one-off housing in the vicinity, there is now a proliferation of ad-hoc rural housing development occurring. Within a 1km radius of the appeal site, I observed there to be a rural residential density in excess of 30 no. dwellings per sq.km. This has led to the intensity of one-off houses becoming overly concentrated, within which is a small rural townland, and its rural character gradually being eroded and transformed into a peri-rural area. As outlined above, the Planning Authority has indicated that there is a history of individual residential development on the landholding through the speculative sale of sites and it is evident that their concerns had not been adequately addressed in the additional information response. It is clear that an additional dwelling at this location would exacerbate and extend the pattern of ribbon development along this section of the public road. The existing roadside boundary comprises mature trees and a hedgerow and its removal to facilitate the proposed development would further erode and diminish the area's rural character. It is evident that the development of the appeal site and the additional site further to its west as permitted under Ref. 21/912 would result in distinct areas of ribbon development coalescing as a result of the development. Whilst I agree that the Applicant has a demonstrable rural housing need, this cannot be considered in isolation and in my view, it is evident that the area has trended towards being overdeveloped and there is uncertainty over the speculative sale of agricultural land from this landholding for individual residential developments that would appear to have contributed to this. The proposal exacerbates ribbon development in this area, which is prevalent and for this reason, I recommend that planning permission be refused development. Should the Board to a different conclusion on this matter, I consider it relevant to attach an occupancy condition, restricting occupancy of the house to the Applicant in accordance with Policy RD POL 7 of the current CDP given the location of the site within a 'Strong Rural Area'.

7.3. Vehicular Access

- 7.3.1. In order to gain access to the appeal site, the proposal seeks to remove the full extent of the roadside boundary and provide a recessed vehicular entrance at its eastern end. A new driveway will run along the eastern site boundary leading to a surface car parking area located within the dwelling's front setback. The proposal seeks to provide 90m sightlines in each direction from the site entrance, and a new timber post and rail fence which is back planted by a new hedge is to be set back a minimum of 3m from the roadside edge. Concerns have been raised by the Third Party appellants with respect to the adequacy of the vehicular entrance and it is contended that the 90m sightlines cannot be achieved without trimming back vegetation and the removal of trees on the adjoining sites. The Planning Authority noted within their assessment that the Applicant proposes to trim back the hedge of the western boundary and I can confirm that this notation was included on the submitted Site Layout Plan. The Planning Authority therefore requested the Applicant to submit a revised site layout plan demonstrating 90m sightlines in each direction and provide written consent of the adjoining landowners for any works outside their control. Within their additional information response, the Applicant contended that based on the detailed site survey, the reconfigured entrance and the sightlines as indicated on the revised drawings, there was now not a requirement for any works beyond the existing red line boundary to achieve the required sightlines. Therefore, there is now no requirement to obtain any Third Party consent. Following the submission of the additional information, the Planning Authority raised no objection to the proposed development subject to compliance with conditions. Condition No. 6 of the permission requires the Applicant to provide and maintain the proposed sightlines in accordance with TII Document DN-GEO-03060 and as indicated on submitted Site Layout Plan (Drawing No. 1, Rev. 1). Having regard to the documentation on file and the linear alignment of the local road, I am generally satisfied that adequate sightlines can be achieved at this location without requiring the consent of the adjoining landowners. In this regard, I am satisfied that the proposal does not constitute a traffic hazard.
- 7.3.2. Having inspected the appeal site, I observed there to be an over concentration of individual vehicular entrances accessing this local road due to the significant number

of rural dwellings within the vicinity of the appeal site. Section 9.16 (Roadside Boundaries) of the current CDP notes that the retention of boundary treatments assists in absorbing new rural housing into its surroundings and should generally be encouraged. Policy RD POL 41 also seeks 'To avoid the removal of existing roadside boundaries where they are more than 3m from the road edge (edge of carriageway), except to the extent that this is needed for a new entrance, and where required for traffic safety reasons'. Although I acknowledge that the removal of the existing roadside boundary is necessary in this instance to facilitate safe access to the appeal site, I have already outlined my concerns regarding the proliferation of rural housing within this area and the proposal will result in a further diminishment of the area's rural character due to the loss of the existing hedgerow and trees. A refusal of permission is therefore recommended in this regard.

7.4. Wastewater Treatment & Flooding

7.4.1. 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 its reliance on a domestic wastewater treatment system. 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 SAC and SPA.

7.4.2. Assessment of the wastewater treatment element of a rural one-off house is a standard consideration. The site is in an area with a locally important aquifer of high vulnerability. The Site Characterisation Form notes that groundwater was encountered at a depth of 1.3m in the 2.1m deep trial hole. It also states that winter groundwater was encountered at a depth of 0.9m below ground level. Bedrock was not recorded within the trial hole. The soil was silt/clay with in the upper 300mm and clay intermixed with stone in the remainder of the trial hole. Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, identifies an R1 response category i.e. 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).

7.4.3. The T-test (sub-surface) result was 45.73 min/25mm. A P-test (surface) was also carried out giving a result of 31.51 min/25mm. I consider the results to be consistent with the ground conditions observed on site. Section 3 of the Site Characterisation Form noted that there was good percolation characteristics of the subsoil material. Though the trial hole and percolation test holes were filled in, the site comprises an agricultural field with no indication of, for example, rushes, outcrops etc. Photographs have been submitted by the appellants which show ponding on the appeal site which would appear to have been taken after heavy periods of rainfall but none were

observed when inspecting the appeal site. The site was firm underfoot at the time of my inspection. The proposal seeks to provide a domestic wastewater treatment system and a purpose built raised sand polishing filter which is designed to ensure that there is a minimum of 0.9m of suitable percolating material between the base of the lowest part of the sand polishing filter and the groundwater at all times. The proposal also includes a gravel distribution layer under the proposed sand filter. The proposed wastewater treatment system is to be located to the rear of the proposed dwelling within its private amenity space. I note that the Planning Authority's Environment Section have raised no concerns with the proposal subject to compliance with conditions. Overall, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are generally acceptable. Should the Board be minded to grant permission, I recommend the inclusion of a condition which shall require the design and installation of the proposed domestic wastewater treatment system to comply with recommendations of the Planning Authority.

- 7.4.4. The Third Party appellants have also raised concerns with respect to flooding on the appeal site and have submitted photographs of ponding that have occurred. The Applicant's response to the Third Party appeals has noted that these photos may have been taken after periods of rainfall. I observed to site to be firm underfoot when undertaking my inspection. Having reviewed the mapping associated with the Strategic Flood Risk Assessment of the current CDP, it is evident that the appeal site is located outside Flood Zone A and B lands. This is also confirmed within the report on the Planning Files from the Environment Flood Department who no objections to the proposed development from a flood risk perspective. In this regard, I do not consider the proposed development would constitute a flood risk.

7.5. Appropriate Assessment

Background

- 7.5.1. The application is accompanied by a Natura Impact Statement (NIS), which was prepared by RME Environmental (Environmental Consultants) (dated March 2022). I have considered the report as part of my assessment below. The NIS includes an assessment of the likely significant effects or impacts that would be caused by the

proposal on the integrity of the Natura 2000 network, both independently and in conjunction with other plans and projects.

- 7.5.2. Within their initial assessment of the application, the Planning Authority indicated that they had serious concerns regarding the number of one off dwellings in the vicinity of the proposed site and the close proximity of the Natura 2000 sites. The Planning Authority concluded that the proposed development, by itself or in combination with other plans and developments in the vicinity, would likely have a significant effect on the European Site. In light of this, it was considered that the Applicant should be requested to carry out a Stage 1 Screening Assessment and if required a Stage 2 NIS.
- 7.5.3. The NIS submitted with the current application has sought to address the requirement for a stage 2 Appropriate Assessment, as stated by Meath County Council, and to provide sufficient information to allow the competent authority to undertake an Appropriate Assessment of the project. Given the location of the appeal site relative to 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) (i.e. c. 400m to the south of the site) and the prevalence of one-off housing within this rural area, I consider it appropriate to apply the precautionary principle in this case.
- 7.5.4. In my opinion, it is not certain that significant effects will not affect a European Site and that the proposed development cannot be screened out at Stage 1, i.e., It should not be assumed that significant effects will not occur as a result of the proposed development, that there are reasonable grounds for concern and that risk cannot be excluded on the basis of the objective information available. Therefore, there is a possibility of significant effects occurring in the absence of mitigation and a Stage 2 AA (NIS is required).

Receiving Environment

River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA

7.5.5. The location of the appeal site is described in Section 1.0 of this report. A description of the proposed development is provided in Section 2.0, and expanded upon in the assessment above, and within the submitted application documents. No natural heritage designations apply to the subject site. However, as noted in the foregoing, the River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA is located c. 400m to the south of the appeal site.

7.5.6. The conservation objectives of the relevant sites are as follows:

European Site	Qualifying Interest	Conservation Objectives
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	[7230] To maintain the favourable conservation condition of Alkaline fens in River Boyne and River Blackwater SAC. [91E0] To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)* in River Boyne and River Blackwater SAC. [1099] To restore the favourable conservation condition of River Lamprey (<i>Lampetra fluviatilis</i>) in River Boyne and River Blackwater SAC. [1106] To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>) in River Boyne and River Blackwater SAC. [1355] To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in

		River Boyne and River Blackwater SAC.
River Boyne and River Blackwater SPA (004232)	A229 Kingfisher Alcedo	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Test of Likely Effects and Mitigation Measures

7.5.7. Taking account of the characteristics of the proposed development, including in terms of its location and the scale of works, the NIS indicates that there is no potential for direct impacts associated with the proposed development due to the location of the proposed development outside the SAC and SPA. The sources of potential indirect and secondary impacts related to the proposed development are primarily associated with impacts on water quality which is discussed in detail below.

Impacts on Water Quality

7.5.8. Section 3.7.1 of the NIS note that the primary source of potential negative impacts on the conservation objectives of both the SPA and SAC relates to the potential for impacts on the water quality of the River Boyne. It is stated that the primary mitigation measures to be implemented will involve the protection of water quality. During all works, protection of water quality is paramount, and should be insured by implementing the generic mitigation measures in addition to any site specific mitigation measures identified by the site engineer, etc. It is stated that the contractor shall undertake all proposed works in such a manner as to avoid a degradation of water quality either by pollution from oil spills, or contamination due to concreting or grouting operations, or by causing turbidity due to disturbance of silt or spoil from operations. Specific measures to be undertaken to prevent the above shall include the following:

- The developer shall take special precautions in relation to the protection of water courses. Temporary environmental screens shall be erected which are sufficient to prevent construction debris, abrasive materials, oils, chemicals or other construction materials from entering any water course drain for the duration of the works. The developer's method statement should make specific

reference to measures for the protection of river quality.

- The developer's plant, equipment etc. shall be free of any mechanical defects, and be well maintained so as to prevent soil or fuel leaks into the river.
- The developer's plant, equipment etc. must arrive on site free of any propagules of any plant species listed on Part (1) of the Third Schedule of the European Communities Regulations of 2011.
- The developer shall arrange that the cleaning out of concrete delivery trucks and equipment does not cause any runoff to enter any watercourse or drain. The developer's method statement should make specific reference to measures for the protection of river water quality, to include measures to ensure no spillage of fuel or cement/lime based material or any other leakages occur to any drains or water courses for the duration of the works.
- All works to be undertaken on site shall accord with best practice guidelines for working along water courses.

7.5.9. The NIS states that it is essential that there be no impact on water quality of the adjacent water course associated with the operation of the proposed development. To this end:

- There can be no discharge of water of any kind to the adjacent water course.
- Given the sense of location of the proposed wastewater treatment system, it must comply with all regulations and legislation. If the system is dependent on a pump, that pump should be supplied with emergency backup power so as to avoid failures associated with power cuts.
- Annual records of the maintenance of the wastewater treatment system should be retained and made available further counsel on demand.

Conclusion

7.5.10. The NIS has assessed the potential impact of the proposed development on European Sites which are located within c. 400m to the south of the appeal site (i.e. River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA). The NIS concluded that once the mitigation measures set out within the report are established and operative, there would be no likelihood of significant

negative effects on the integrity of either of these sites, or any of the Natura 2000 Network.

7.5.11. In summary, the NIS, and its supporting documentation, provides adequate information in respect of baseline conditions, identifies the potential impacts of the proposed development, uses best scientific information and knowledge, and provides details of proposed mitigation measures. In conclusion, I am satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the proliferation of one-off rural housing within this rural area and the degree of existing development on the original landholding from which the site is taken, the Board is not satisfied that the proposed development is in accordance with the various Development Assessment Criteria for rural housing as set out in the Meath County Development Plan, 2021-2027. Further to this, the proposed development would exacerbate the existing pattern of ribbon development along this side of the public road and result in the further diminishment of the area's rural character. The proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive to change. In this regard, the proposed development would represent an overdevelopment of one-off dwellings in this rural area and is therefore considered to be contrary to the proper planning and sustainable development of the area.

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.

Enda Duignan

Planning Inspector

20/09/2023