



An
Bord
Pleanála

Inspector's Report

ABP-314769-22

Development	Construction of 5 no. purpose-built community care dwellings and ancillary site works
Location	Baskinagh, Athboy, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22965
Applicant(s)	Nua Healthcare Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Nua Healthcare Limited
Observer(s)	Jamie Keogh Sharon Donogue and Diarmuid O'Brien Residents of Baskinagh
Date of Site Inspection	15 th August 2023
Inspector	Ian Boyle

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1.0 Site Location and Description

- 1.1. The appeal site comprises greenfield land currently used for farming purposes. It is in the rural townland of Baskinagh Upper on the southern side of the L-80071 (Local Road). The town centres of Athboy and Navan are roughly 5km to the north and 22km to the northeast, respectively.
- 1.2. The property is relatively flat with a slight fall across the land towards the east and south. Kildalkey Woods (a large wooded area) is directly east of the site and there are drainage channels roughly 135m and 50m to east and south, respectively.
- 1.3. There is a dense hedgerow running along most of the front of the site, which is its western and northern boundaries, respectively. An existing post and wire fence forms part of the southern boundary of the site.
- 1.4. The surrounding area is mainly characterised by low density one-off housing and farming lands. There is a vacant, derelict house directly across the road to the west of the site.
- 1.5. The site has a stated area of 1.42ha.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of 5 no. purpose-built community care dwellings (four self-contained houses and a shared unit), garage / storage building, onsite well, wastewater treatment system and percolation area, new site access, car parking and associated site works.
- 2.2. The application states that the facility would offer a high level of care and specialist inputs and requires a quiet and tranquil setting given the acute sensitivity of its future occupants.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on 9th September 2022 for 3 no. reasons, which are summarised as follows:

1. Lack of justification for the proposed development at this rural location and that it would be contrary to Development Plan policy (DM Policy 24) which requires such forms of development to be in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, unless there is a demonstrated need to locate in a rural environment because of the nature of care required.
2. The proposed development is outside any settlement boundary and in a Rural Area under Local Development Pressure as defined by the 'Sustainable Rural Housing Guidelines' and the Meath County Development Plan 2021-2027. The Applicant has not established a site specific rural generated housing need.
3. Failure to demonstrate adequate sightlines are achievable / traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The site is in a rural area under low development pressure.
- The application is for a community care facility that is required for people with exceptional health circumstances and intellectual disabilities.
- The Applicant states that the site offers a tranquil care setting that is required by its residents given the type of care they need.
- However, the Applicant has not submitted sufficient justification to provide such a facility on at this greenfield remote location on a such a narrow road.
- The facility would be better suited to a village or rural node where there is a similar quiet setting.
- The proposed development is not in accordance with DM POL 24 of the County Development Plan, which is in relation to residential care homes (and other similar types of residential care facilities) and requires them to be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a

demonstrated need to locate in a rural environment, because of the nature of the care required, can be clearly established.

- The proposed design is considered acceptable.
- The Transportation section has raised concerns regarding the proposed entrance and sightlines.
- There would be no potential impacts arising in terms of Appropriate Assessment or Environmental Impact Assessment.

3.2.2. **Other Technical Reports**

Water Services Department: No objection, subject to conditions regarding surface water treatment and disposal and water treatment / the proposed private water supply source.

Transportation Department: Further information requested. Concerns raised regarding the provision of adequate sightlines.

Public Lighting Section: No objection, subject to condition requiring the provision of external lighting in accordance with the Planning Authority's requirements.

Chief Fire Officer: No objection, subject to conditions requiring the proposed development to be in accordance with the relevant code of practice and that fire brigade vehicle access to the development must be in line with technical guidance.

3.3. **Prescribed Bodies**

Uisce Éireann (formerly Irish Water): No objection, subject to standard conditions, including that the Applicant must sign a connection agreement with Irish Water prior to the commencement of the development.

Department of Housing, Local Government and Heritage: No objection, subject to condition requiring no tree felling, hedge removal or cutting taking place during the period 1st March – 31st August to mitigate potential impact or disturbance of breeding birds. There would be potential impacts caused by the new site access, onsite car parking area and associated works.

3.4. **Third Party Observations**

The Planning Authority received several third party observations, including from residents and property owners in the area. The main issues raised reiterate the concerns outlined in the third party observations received by the Board (see Section 5.3 below).

4.0 **Policy Context**

4.1. **Meath County Development Plan 2021-2027**

The Meath County Development Plan 2021-2027 ('Development Plan') was adopted on 22nd September, 2021 and came into effect on 3rd November, 2021.

4.1.1. **Zoning**

The subject site is zoned 'RA – Rural Area' where the objective is to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.

The proposed use, which is a form of residential institution / community care facility is not listed as a 'permitted use' or 'open for consideration'.

4.1.2. **Settlement Boundary**

It is not within the settlement boundary for any town or village.

4.1.3. **Chapter 2 Core Strategy**

Section 2.14 Core Strategy

CS OBJ 1

To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.

4.1.4. Rural Development Strategy (Chapter 9)

Goal: To encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the County.

Rural Area Types Development Pressure (Map 9.1)

The Development Plan identifies three rural area types in the county. These are shown on Map 9.1.

The subject site falls within **Area 3 ‘Rural Area under Low Development Pressure’** where the following policy applies:

RD POL 6

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

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

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

- *Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;*
- *Persons who were originally from rural areas and who are in substandard or unacceptable housing scenarios 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 emigrants 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.*

The Planning Authority also recognises that exceptional health circumstances may require a person to live in a particular environment or close to family support. In such cases, the exceptional health circumstances would require supporting documentation from a registered medical practitioner and a disability organisation supporting a planning application. In the absence of any significant environmental, access or traffic reasons for refusal and the proposal adheres to sensitive design and siting criteria, the Planning Authority will consider granting planning permission, subject where appropriate to conditions regarding occupancy.

RUR DEV SO 9

To ensure that plans and projects associated with rural development will be subject to an Appropriate Assessment Screening and those plans or projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 2000 site (or sites) undergo a full Appropriate Assessment.

RD POL 53

To promote good practice with regard to the siting and design of septic tanks and the maintenance of existing tanks. A high level of scrutiny will be placed on applications within 2km of watercourses in the Boyne catchment. Proposals in this area shall not have an adverse impact on local water quality that could affect the qualifying interests of the cSAC and SPA.

4.1.5. Community Building Strategy (Chapter 7)

Section 7.6 Social Inclusion

‘One of the overall aims of the Plan is the promotion of social inclusion. Social inclusion can be defined in many different ways but one of the most common understandings is that, through acting inclusively, society can ensure that everyone

has an equal opportunity to participate in, and contribute to, community life – regardless of their age, ability, nationality, religion or any of the many other characteristics which makes society diverse. It is, therefore, important that our living, working and leisure environments are designed and maintained in a manner that is accessible to all.’

SOC POL 2 seeks to support the provision and distribution of a range of community infrastructure facilities in accordance with the Settlement and Core Strategies to meet the needs of the County’s population in conjunction with other statutory, voluntary, private sector and community groups.

SOC POL 3 is to ensure that, where practicable, community, recreational and open space facilities are clustered, with the community facilities being located in local centres or combined with school facilities, as appropriate. Community facilities should be located close to or within walking distance of housing, accessible to all sectors of the community and facilitate multi-use functions through their design and layout.

SOC POL 4 is to ensure the delivery of community facilities commensurate with the needs of the resident population is done in tandem with new residential developments in the interests of the proper planning and sustainable development of the area, and to assist in the delivery of such facilities.

SOC POL 7 is to promote and encourage social inclusion through universal access to services and facilities and to encourage the upgrade of community facilities.

SOC POL 25 seeks to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children.

SOC POL 29 is to support and co-operate with promoters or operators of public and private health care facilities by facilitating and encouraging the provision of improved health care facilities in appropriate locations.

4.1.6. **Development Management Standards and Land Use Zone Objectives (Chapter 11)**

Section 11.7.1 Community Development

- The Council recognises that the provision of care for the elderly and other vulnerable people in our community is an essential requirement particularly in the context of changing national demographics. A range of accommodation options fall within this sector including: step down housing which supports independent living as support services are available in a complex arrangement, nursing homes, retirement homes etc. (Please refer to Chapter 7 Community Building for further details).
- Nursing homes, residential and retirement homes and retirement villages should be located in towns and villages for reasons of sustainability, accessibility and proximity to services. There is a presumption against this type of development in the open countryside for reasons relating to sustainability, poor accessibility and lack of public transport, social exclusion and isolation.

DM POL 24 requires that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation/step down housing be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established.

4.2. **Regional Planning Policy**

- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 ('RSES')*

4.3. **National Planning Policy**

- *Design Manual for Urban Roads and Streets, 2019 ('DMURS')*
- *National Planning Framework: Ireland 2040 Our Plan, 2018 ('NPF')*

- *The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009 ('Flood Risk Guidelines')*
- *The Sustainable Rural Housing Guidelines for Planning Authorities, 2005 ('Rural Housing Guidelines')*

4.4. **Natural Heritage Designations**

The site is not located within, or adjacent to, any European Site. The nearest European Sites are the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code: 002299) and Special Protection Area (SPA) (Site Code: 004232), which are roughly 2.7km to the southwest.

4.5. **EIA Screening**

Having regard to the nature and small scale of the proposed development, which comprises the construction 5 no. community care dwellings and ancillary site works, the nature of the receiving environment, and proximity to the nearest 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.

5.0 **The Appeal**

5.1. **Grounds of Appeal**

The main grounds of appeal are as follows:

- The proposed facility is highly specialised and the needs of the operator are very particular.
- The future occupants are vulnerable people with autism, intellectual disabilities, mental health issues, amongst other sensitive conditions, and would benefit greatly from being in a rural, tranquil areas.

- The proposed development is not for domestic dwellings, but a care facility. Therefore, the second reason for refusal, which relates to one-off houses, is not applicable. The Rural Housing Guidelines do not apply in this instance.
- No internal departments or prescribed authorities recommended refusal. The transportation section raised concerns regarding sightlines and requested further information, which is provided in the application (see appended traffic report / letter accompanying the appeal in this regard).
- Several alternative locations were initially considered and ruled out as part of a feasibility study. The subject site was chosen as suitable for service users.
- DM POL 24 requires residential care homes to be in towns and villages, except where there is a demonstrated need to locate in a rural environment because of the nature of the care required. In this case, several clinicians have advised that such facilities should not be in urban areas and that serene, familiar settings are best. Four letters from medical experts are provided in this regard. The advice aligns with the strategy of Nua Healthcare to develop facilities in low arousal settings, which can have therapeutic benefits.
- The proposal is unique with a range of very acute and specific requirements. If the Board wish, a condition could be included limiting the development to be operated by Nua or used only by those with intellectual disabilities. This would reduce the potential for an undesirable precedent occurring.
- The facility would likely serve those living locally and provide employment in this rural area.
- The Planning Authority consider the proposed design and layout appropriate and in accordance with their rural design guidelines.
- The proposed development is in accordance with SOC POL 29, which is to support and co-operate with promoters or operators of public and private health care facilities by facilitating and encouraging the provision of improved health care facilities in appropriate locations.
- A Traffic / Transportation Note (dated 5th October 2022) is appended to the appeal and notes the following main points:

- The proposed sightlines are acceptable given the applicable road visibility, traffic flows and traffic speed along this stretch of road.
- A relaxation in sightlines to 90m is acceptable as the completed survey shows traffic speeds on the road do not co-relate in this instance (to 180m).
- The bendiness of the road does not allow for greater actual speeds and traffic generated by the proposal would not be significant.
- The proposal would comprise low levels of traffic, acceptable speeds and have sightlines which are in accordance with the relevant technical guidance and County Development Plan.
- The proposal is consistent with national and regional planning policy, including the NPF and RSES for the Eastern and Midland Region, 2019.
- There is a country-wide shortage of housing and care accommodation. The Applicant is seeking to provide accommodation within a secure, serene and relaxed open environment in rural, low-arousal environment within a reasonable distance of local amenities (5km from Athboy).
- [The Appeal addresses the third party submissions made to the Planning Authority on Pages 24 – 25.]
- In summary, if the medical and clinical grounds for an exception to the control of accommodation in the countryside is not accepted in this case, with reference to clinical and professional advice provided, it is difficult to see where such a case could possibly be demonstrated.

5.2. Planning Authority Response

- The Planning Authority notes the first party appeal and issues raised in it regarding the proposed development.
- The Planning Authority is satisfied that all matters outlined in the appeal were considered in its assessment as detailed in the Planner's Report (dated 7th September 2022).

5.3. Observations

5.3.1. A total of 3 no. third party observations have been received from residents in the area, including from:

- Jamie Keogh
- Sharon Donogue and Diarmuid O'Brien
- Residents of Baskinagh, represented by Andrew Hersey, Planning Consultant

5.3.2. The main concerns raised as summarised as follows:

Principle of the Development

- The requirements of the facility's clients are not disputed as genuine. However, there is no justification or rationale as to why a field in this remote location should be chosen over other potential sites elsewhere in the county.
- The application is for self-contained houses and a shared unit, but there are no facilities for staff or rooms with specialist care, despite the application stating the facility offers a very high level of care and specialist care inputs. It does not appear that 24hr care or support will be provided as part of the facility, which is normally the case for a standard residential care home. Therefore, the proposal is simply a cluster of self-contained houses, albeit for persons with special requirements.
- The proposal is not a sustainable form of development as inputs would be required from outside the facility, potentially from the nearest large centre, which is Navan (c. 22km away). Numerous car-based visits from healthcare workers, doctors, nurses and others would be necessary. This is contrary to national and regional policy, including the national climate action plan.
- Independent living should not be provided in this rural area given its remote location.
- It makes more sense for Nua healthcare to purchase cheaper properties in the countryside than pay for properly zoned land in an urban centre or to

undertake long-term strategic planning to acquire land on the outskirts of a village or town. This is not acceptable.

Zoning and Housing Policy

- The proposed development is not in accordance with the Meath Rural Policy as it is for a commercial development on agricultural lands in a rural setting.
- Exceptional health circumstances may require a person to live in a particular environment or close to family support. However, this does not apply to a multiple housing development such as this. The proposal is not in accordance with the rural housing policy set out in the Development Plan, or the 'Rural Housing Guidelines'.
- The proposal is not a rural related enterprise / development, which is required under the RA zoning for the site.

Design and Layout

- The proposed development is overly large in size and scale.
- Inappropriate overlooking of adjacent houses and property.
- Loss of privacy for nearby residents.

Traffic and Access

- Additional traffic created on this narrow road would be a traffic safety issue.
- The required 90m sightlines with a setback of 3m are not met, as requested by the Planning Authority (Transportation Department).
- There are no footpaths along the roadside.

Environmental Impacts

- The proposed wastewater treatment system could impact on the water table and adjacent private wells.
- Impact on adjacent bogland.
- Negative impact on wildlife and biodiversity.
- The proposed development is to be served by a single proprietary wastewater treatment plant. The Applicant's report states that the maximum

occupancy is only 4 persons which is low given five housing units are proposed and which also have staff.

- The ground underfoot in this location is generally wet and heavily waterlogged. The proposed development would therefore result in further surface water ponding and runoff entering a drainage channel and ultimately a nearby river system to the southeast. There is a direct hydrological connection between the site and the River Boyne and Blackwater SPA and SAC (European Sites).
- The proposed development cannot be screened out for the purposes of Appropriate Assessment and is, therefore, contrary to RUR DEV SO 9 of the County Development Plan.
- Excessive light and noise pollution.

Other Concerns

- Safety concerns regarding the monitoring and supervision of future residents of the facility.
- There are many other small village and town locations with quiet areas which could suit the type of development proposed. These settings could be identified in the leadup to reviewing the Development Plan and as part of the strategic planning process, including through discussion with the Planning Authority.
- There is a lack of public services in the area to serve the facility.

6.0 Assessment

6.1. Having examined the application details, and all other documentation on file, including the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of the Development and Locational Requirement
- Rural Generated Housing Need
- Site Access

- Appropriate Assessment

6.2. Principle of the Development and Locational Requirement

- 6.2.1. The proposed development is for 5 no. purpose-built community care dwellings, a garage / storage building, onsite well, wastewater treatment system and percolation area, new site access, car parking and associated site works. The proposed use is a healthcare facility which would provide specialist care to those with exceptional health conditions, including various types of intellectual disability and/or injury.
- 6.2.2. The Planning Authority's first Reason for Refusal is that there is a lack of justification for the proposed facility to be situated in this rural location. It is stated that the proposal is contrary to the Development Plan (Policy DM POL 24), is not rurally-generated, and that it is policy to restrict housing in this area to those who are intrinsically part of the rural community or whose occupation is predominantly based in the rural community.
- 6.2.3. I note that the appeal site is zoned 'RA – Rural Area'. The zoning objective is to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage. As noted above, the proposed use is a form of healthcare / community care facility. Such uses are not listed as a 'permitted use' or 'open for consideration' under the RA zoning. In this regard, I note that Section 11.14.2 of the Development Plan states that any such use – i.e., not listed in the permissible or open for consideration categories – is deemed not to be acceptable in principle. The Plan states such uses must therefore be considered on their individual merits and will only be permitted if they enhance, complement, are ancillary to, or neutral to the zoning objective.
- 6.2.4. I have reviewed the plans and particulars accompanying the application and consider the proposed design and layout of the facility acceptable. The units are centrally located on the site and well setback from its boundaries. They are evenly spread out and face inwards onto a central courtyard, which would provide a good aesthetic and amenity for residents. The nearest neighbouring dwelling is to the north, on the far side of the public road, roughly 46m away. The units are modest in terms of scale and size and not excessive in height (i.e., they are single storey with a

traditional pitched roof style). The proposed materials and finishes are conventional with the primary building materials coloured or painted render for the building façades, timber or timber effect window frames and tiled roofs. I do not consider that the proposal would be likely to have any material negative impacts on neighbouring properties in terms of overlooking, overbearance, or visual impact.

- 6.2.5. The four self-contained houses internally comprise a bedroom with ensuite, a kitchenette, living / dining room, guest WC, hallway and covered porch. The shared unit has a similar room layout but also includes a small office. I note that the overall development is relatively limited / devoid in terms of specialist treatment rooms or the high-level care services cited by the Applicant. I consider that such facilities would often be associated with a typical residential care facility, nursing home, or even some forms of sheltered accommodation. The proposed units, however, adopt a relative standard housing typology in terms of their layout and appearance, such that they would not look out of place in a peri-rural, or even a low-density suburban residential setting – albeit, without access to nearby public services, amenities, or other health supports.
- 6.2.6. Policy DM POL 24 of the Development Plan requires residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation/step down housing to be in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, ‘except where a demonstrated need to locate in a rural environment, because of the nature of the care required, can be clearly established.’ (emphasis added).
- 6.2.7. The Applicant submits that given the vulnerable nature and acute health conditions of their clients, and type of specialist care required, it has been clearly demonstrated there is a need to physically locate in this rural environment which is away from certain urban exposures. The application, and appeal documentation, state that the residents of the community care houses will be vulnerable people with autism, intellectual disabilities, mental health issues, amongst other sensitive conditions, and would benefit greatly from living in this tranquil, rural location. It is asserted that because of the nature of care required, the chosen setting for the development is appropriate and fully in accordance with planning policy.

- 6.2.8. I have reviewed the information set out within the appeal, including that provided by medical practitioners, doctors, and various other experts in the field. I have had careful regard to this material as part of my assessment of this appeal case. I do not doubt that the special needs of clients of the facility are bona fide and genuine and that they would require a high-level of care. I also do not disagree that a peaceful, tranquil setting would assist in their ongoing care, rehabilitation, and treatment – the views of the aforementioned health professionals attest to this.
- 6.2.9. However, I am not convinced that such settings are confined *exclusively* to very remote, rural areas, such as the application site, and consider there are other opportunities, including those closer to a town or village, where a similar level of tranquillity exists, and where exposure to excessive noise or high stimulus environments can still be limited and controlled.
- 6.2.10. I can see no reason as to why such a facility, situated within or close to an urban area, could not have adequate outdoor space (or a reasonably sized landscaped area), and where supported by appropriate management practices, that it could not provide the same type of support and activities as described in some of the documentation accompanying the appeal. This includes, for example, caring for plants, undertaking small outdoor maintenance tasks and pet tasks. Such activities are not implausible in an urban context and, it could be argued, there would be better scope and opportunities to undertake such pursuits as there would be better access to services and amenities associated with a village or town setting.
- 6.2.11. Furthermore, given the secluded location of the site in a remote and relatively isolated part of the County – Athboy and Navan town centres are roughly 5km and 22km away, respectively – I do not consider that the proposed development would be in accordance with Policy SOC POL 25 of the County Development Plan. I acknowledge that patrons of the facility may have certain, acute health conditions, which could inhibit their ability to interact safely with others. However, I consider the policy reasonable and note that it seeks to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation, or other access difficulties, particularly for disabled people, older people and children. In this regard, I note the proposed facility has been setup to accommodate these types of individuals, with the potential exception of children. It is my opinion that a village, or quiet rural settlement, would

offer better support and access to services, and that it would be better aligned with the principles of social inclusion and the sustainable development of the area.

6.2.12. In conclusion, whilst I do not dispute that a low arousal setting such as the appeal site could result in positive therapeutic benefits, I do not agree with the contention that a remote, rural setting is *essential* for such a facility and consider that the need to locate in this secluded, countryside environment has not been justified or adequately demonstrated by the Applicant. Therefore, I do not consider that the proposal is in accordance with Policies DM POL 24 and SOC POL 25 of the Development Plan and that it should be refused permission for this reason.

6.3. Rural Generated Housing Need

6.3.1. The Planning Authority's second Reason for Refusal is that the proposed development is outside a settlement boundary and in a 'Rural Area under Local Development Pressure' as defined by the 'Sustainable Rural Housing Guidelines' and Meath County Development Plan 2021-2027. It is stated that the Applicant has not established a site-specific rural generated housing need and would, therefore, establish a very undesirable future precedent if permitted.

6.3.2. The Rural Housing Policy for the county is set out under Chapter 9 of the Meath County Development Plan 2021-2027. I note that the appeal site is within Area 3 'Rural Area under Low Development Pressure'. Policy RD POL 6 is applicable in this instance and seeks to accommodate demand for permanent residential development, as it arises, subject to good practice in matters such as design, location and the protection of important landscapes and environmentally sensitive areas. As referenced above, I have no concerns regarding the design or layout of the proposed development and do not consider that it would lead to any unacceptable visual or residential amenity impacts on the surrounding area.

6.3.3. The Applicant makes the case that the proposed development is for a care facility, and not conventional, domestic houses. I note that the proposal is described in the application form, statutory notices, and other documentation accompanying the planning application as 'purpose-built community care dwellings'. Whilst the units adopt a relative standard housing layout and appearance, I accept that they are intended to serve a community care purpose only and would not be made available

to the general public. I am therefore satisfied that the proposal is for a community care facility, and not a standard residential development. I further note that as the application before the Board is for 'community care dwellings' any other such use deviating from this would require a further planning application if the use were to change in the future.

- 6.3.4. Therefore, I do not consider that the provisions of the County Development Plan in relation to rural housing are applicable in this instance. Furthermore, as the Sustainable Rural Housing Guidelines are largely preoccupied with one-off housing in the rural countryside, I consider that these too bear no relevance in terms of assessing the merits, or otherwise, of the proposed development.
- 6.3.5. However, if the Board are minded to view the proposed development as a standard type of housing development, I note that Section 9.4 of the Development Plan sets out the criteria for which the Applicant must demonstrate a local housing need. In summary, this includes (i) people who have spent substantial periods of their lives living in a rural area, (ii) people who were originally from rural areas and who are in substandard or unacceptable housing scenarios and who have continuing close family ties with rural communities, (iii) returning emigrants who have lived substantial parts of their lives in rural areas, or (iv) people whose employment is rurally based. I note that the Development Plan also recognises that exceptional health circumstances may require a person to live in a particular environment or be close to family support... [See Section 4.1.4 above for the full relevant extract of Section 9.4 of the Development Plan.]
- 6.3.6. As noted above in my report, I do not consider that the proposed development is rurally generated, nor that it is essential for 'exceptional health' reasons for it to be situated in a remote, rural setting. I do not accept that the proposal entails such a unique set of circumstances, as put forward by the Applicant, that it would require the facility to be situated in this rural location, which is away from services, health supports or other types of potentially beneficial facilities.
- 6.3.7. Furthermore, I do not consider that the proposed development would satisfy any of the four criteria in relation to rural housing need – were it deemed to be a standard housing development – and, therefore, would not be in accordance with the rural housing policy as outlined in the County Development Plan.

6.4. Site Access and Visibility

- 6.4.1. The Planning Authority's third Reason for Refusal is that the Applicant failed to demonstrate adequate sightlines are achievable and that the proposed development would be injurious to public safety by reason of a traffic hazard.
- 6.4.2. The proposed new entrance and vehicular access is on the southern side of the L-80071 (Local Road). It is opposite an existing dwelling which is on the far side of the road. The Applicant has control over the road frontage on the southern side of the L-80071 for roughly 50m to the east, and 75m to the west, before reaching a bend in the road in both directions. This arrangement physically curtails the length of roadway visible to a driver exiting the application site.
- 6.4.3. The road is classified as a Local Tertiary Road with an 80kph speed limit. The road is narrow and there is no centre line marking. There is limited space for vehicles travelling in opposite directions to pass one another without stopping or pulling up tight against the roadside verge or into a driveway. There is a dense hedgerow running along both sides of the road, north and south, and visibility of oncoming traffic is obscured as a result. There are no pedestrian facilities. The road surface is reasonable, however, without any large potholes, exposed underlying layers, or obvious defects such as surface cracking, rutting or significant loss of aggregate. During my site inspection (c. midday, 15th August 2023), I observed that the flow of traffic was infrequent and that the single car which passed me whilst on foot was travelling at a low speed – potentially as it had to navigate around a turn in the road.
- 6.4.4. I have referred to the documentation on file, including that submitted as part of the planning application and first party appeal (including a Traffic and Transportation Note, dated 5th October 2022). The Applicant proposes sightlines of 50m in both directions of the proposed entrance with a setback of 3m (see Drwg. No. NRB-SK-001 for further details).
- 6.4.5. I have also reviewed the Council's Transportation Department report (dated 26th August 2022) and note that it states the proposed sightlines are not adequate. Instead, a relaxation in sightlines – from 160m to 90m – would be considered acceptable and in accordance with the relevant road design standards, including Appendix 13 of the County Development Plan ('Rural Design Guide').

- 6.4.6. I note that this section of the road has no obvious bumps, depressions or hollows which might otherwise impair length of visibility for vehicles exiting the site. There are no large physical features, such as utility structures, sheds/outbuildings, or mature tree stands falling within the visibility splay areas. I note that a small section of the hedgerow along the front of the site would potentially impede sightlines. However, the amount of hedgerow required to be removed would be relatively small, such that the proposal would be in accordance with Section 3.3 'Entrances and Driveways' of the Council's Rural Design Guide, which seeks to avoid the removal of large sections of hedgerow.
- 6.4.7. I note also that the proposed number of residential units is relatively small (5 no.) and notwithstanding the likely number of trips generated by visiting medical staff, health professionals, family members, etc., I do not consider that the amount of additional vehicular trips generated would be excessive.
- 6.4.8. In summary, I consider that safe access and egress can be achieved as part of the proposed development and that adequate sightlines are possible in each direction. I conclude, in having regard to the physical condition and alignment of the road, the low speed of vehicles using it, and other information available on file, that the proposed development would not give rise to an unacceptable traffic hazard, in my opinion.

6.5. Appropriate Assessment

- 6.5.1. The site is not located within, or adjacent to, any European Site. The nearest European Sites are the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code: 002299) and Special Protection Area (SPA) (Site Code: 004232), which are roughly 2.7km to the southwest. The qualifying interests and conservation objectives for these European Sites are set out below in Table 7.1.
- 6.5.2. Policy RUR DEV SO 9 of the Development Plan is to ensure that plans and projects associated with rural development will be subject to an Appropriate Assessment Screening and those plans or projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 2000 site (or sites) undergo a full Appropriate Assessment.

- 6.5.3. Policy RD POL 53 is also relevant in that it seeks to promote good practice with regard to the siting and design of septic tanks and the maintenance of existing tanks. It states a high level of scrutiny will be placed on applications within 2km of watercourses in the Boyne catchment and that proposals in this area shall not have an adverse impact on local water quality that could affect the qualifying interests of the cSAC and SPA.
- 6.5.4. I note that neither an Appropriate Assessment Screening Report, or Natura Impact Statement (NIS), was submitted as part of the application or with the appeal.
- 6.5.5. The Council Planner's Report (Section 11.2) considered the issue of Appropriate Assessment and concluded that the proposed development would not be likely to have a significant effect on any European Site and that a Stage 2 Appropriate Assessment would not be required in this instance.

Table 7.1: List of Qualifying Interests/Species

European Site and code	Qualifying Interests/Species	Conservation Objective
River Boyne and River Blackwater SAC (Site Code: 002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	To maintain and restore the favourable conservation condition of Qualifying Interests in this SAC.
River Boyne and River Blackwater SPA (Site Code: 004232)	Kingfisher (<i>Alcedo atthis</i>) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

- 6.5.6. The subject site comprises greenfield land and is currently used for farming purposes. The property is relatively flat with a slight fall across the land towards the east and south. Kildalkey Woods (a large wooded area) is directly east of the site and there are drainage channels roughly 135m and 50m to east and south, respectively, on the lower lands adjoining the application site.
- 6.5.7. From viewing the National Parks & Wildlife Service (NPWS) online mapping tool it appears that there would be a potential hydrological connection linking the site to the River Boyne watershed, and which could ultimately join into the River Boyne and River Blackwater SAC and SPA (Natura 2000 sites). I further note that the site is in a rural area and not served by public sewerage facilities. This is a location in which one-off housing is relatively widespread and houses are dependent on private individual wastewater treatment systems to treat sewage. The subsoils in this general area are comprised mainly of peat and limestone, and the underlying aquifer is categorised as locally important with a moderate vulnerability (source: www.gis.epa.ie). The proposed development seeks to install its own single proprietary wastewater treatment plant.
- 6.5.8. I note that no departmental report was completed by the Council's Environment Section, which is also an issue in this regard; albeit the Water Services Department raised no objection to the proposal.
- 6.5.9. In conclusion, I am not satisfied that the planning application documentation demonstrates that effluent arising from within the site would be adequately treated, such that it would not pose a threat to the River Boyne and River Blackwater SAC and SPA European Sites, or that it would not give rise to surface or groundwater pollution based on the ground conditions of the site. I reiterate that Policy RUR DEV SO 9 of the Development Plan requires that plans and projects associated with rural development will be subject to an Appropriate Assessment Screening and those plans or projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 2000 site (or sites) undergo a full Appropriate Assessment, and note that neither such assessment has been provided.
- 6.5.10. In summary, and in having regard to the nature and scale of development, I consider it reasonable to conclude, that on the basis of the information on file, the Board cannot be satisfied that the development, individually, or in combination with other

plans or projects, would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (Site Code: 002299) or the River Boyne and River Blackwater SPA (Site Code: 004232) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

7.0 Recommendation

7.1. I recommend that permission be refused for the reasons and considerations set out below.

8.0 Reasons and Considerations

- 8.1. The subject site is zoned 'RA – Rural Area' under the Meath County Development Plan 2021–2027 where the objective is to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage, and where the proposed use (community care facility) is not listed as a 'permitted use' or 'open for consideration'. DM POL 24 of the Development Plan requires that the proposed development be in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment, because of the nature of the care required, can be clearly established. It is considered that the Applicant has not demonstrated this and, therefore, the proposed development would contravene the zoning objective for the site and Policy DM POL 24.
- 8.2. Policy SOC POL 25 of the Meath County Development Plan 2021–2027 seeks to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children. The proposed development is in rural area, remote from an established settlement or community without access to nearby services or amenities. The proposal is not therefore in accordance with Policy SOC POL 25 and would be contrary to the proper planning and sustainable development of the area.

8.3. On the basis of the information provided with the application and appeal, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code: 004232) in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission. The proposed development is also not considered to be in accordance with Policy RUR DEV SO 9 of the Meath County Development Plan 2021–2027. would, therefore, 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.]

Ian Boyle
Senior Planning Inspector

4th September 2023