



An
Bord
Pleanála

Inspector's Report ABP317323-23

Development	Single storey dwelling, new site entrance, septic tank and percolation area and associated site works.
Location	Antylstown Lane, Proudstown, Navan, Co, Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	221366.
Applicant(s)	Mr Peadar Farrelly.
Type of Application	Full permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party v Decision
Appellant(s)	Ms Norma Butler.
Observer(s)	None.
Date of Site Inspection	20 th October 2023.
Inspector	Richard Taylor.

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1.0 Site Location and Description

- 1.1. The application site is located off a minor road known as Antlystown Lane, accessed off the Proudstown Road, R162. The lane is approximately 3 metres in width with typical narrow verges on both sides and field hedgerows to the rear. The site comprises part of a larger agricultural grassland field 3.22 hectares in size and is located in the southeastern corner of this field. The site is stated as 0.18 hectares and has wire and post fencing along the western and northern boundaries, whilst the eastern and southern (roadside) boundaries comprise typical field vegetation and hedging approximately 2 metres in height. The topography of the site and wider field is broadly level. The surrounding area is predominantly in use as agricultural lands. There is a free-standing agricultural building located in the southwestern corner of the larger agricultural field.
- 1.2. Immediately to the east of the site there is an existing single storey dwelling finished in render with hipped and pitched roof located close to the southern roadside boundary. It is sited parallel to the eastern boundary of the application site, with a separation distance from this boundary varying between 2.3 metres at the closest point at the northwestern side/northern (rear) elevation increasing to approximately 8 metres at the western and southern (front) elevation. There are 3 dwellings further to the east. There are agricultural fields opposite the site and 2 single storey dwellings, one to the southeast and one to the southwest.

2.0 Proposed Development

- 2.1. Planning permission is sought for a single storey 4-bedroom dwelling with a ground floor area of 198 square metres. It is located roughly centrally within the appeal site and comprises living accommodation arranged within two linear and rectangular elements, with a central single storey linked section and flat roof broadly orientated in a parallel layout relative to the roadside site frontage. The building has a ridge height of 5.574 metres, and eaves height of approximately 3.2 metres with gable ends. The building is finished in render with pitched roof to the linear elements with standing seam roof cladding and has a contemporary or modern design approach. There is a patio area around the perimeter of the building with driveway and access area located broadly parallel to the western elevation. The front elevation of the

building is set back approximately 30 metres from the road edge, 10 metres from the rear boundary, 8.53 metres from the western boundary at the closest point, and approximately 5-6.2 metres from the eastern boundary. A septic tank and percolation area is located between the building and the roadside boundary and is approximately 19 metres in length and 13 metres in width. A new access point is proposed adjacent to the southwest boundary of the site. The rear northern and western boundaries comprise existing post and chain link fencing, with new post chain link fencing proposed along the eastern boundary. New hedging is also proposed along and adjacent to the site boundaries. Existing roadside hedging is to be removed with replacement hedging set back three metres from the road edge.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a notification of grant of permission on 19th May 2023 subject to 10 conditions including:

- Occupation restriction as permanent resident by the applicant for a period of at least seven years;
- Visibility and access details;
- Colour and finish materials in accordance with plans;
- Landscaping to include retention of existing hedgerows, implementation of landscaping plan, and replacement of dying or defective planting within five years;
- Domestic wastewater treatment system constructed in accordance with submitted details.
- Surface water disposal by soakaways;
- Three financial contribution conditions relating to road and transport infrastructure €4125, social infrastructure €3000, and surface water drainage infrastructure €375.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planning report notes the following:

- One letter of objection received: grounds of previous refusal for various applications on the road, non-compliance with local needs, over development of land holding, inadequate sightlines, traffic, lack of consent from adjacent landowner to maintain hedge, close proximity of percolation area to adjacent dwelling, ribbon development and over development.
- Site zoned as rural area. Supporting evidence and policy confirms location specific rural housing need for the applicant.
- Siting layout and design is acceptable and will not adversely impact on visual and residential amenity.
- Transportation Department requested further information to demonstrate appropriate sightlines. Letter of support provided from adjacent landowner regarding hedge maintenance.
- Site is at low risk of flooding, Environment section have not provided a report.
- Water supply by public mains. Wastewater to discharge to ground by wastewater treatment system which will be secured by condition. Environment section have not provided a report.
- No adverse impact on the environment and appropriate assessment and EIA are not required.
- Concluded that further information required in relation to sightlines.
- Second planning report:
- Supporting transport information submitted on behalf of the applicant by Traffic Wise limited.
- Further information addresses issues set out in the first planning report and concluded that permission should be granted subject to 10 conditions.

3.2.2. Other Technical Reports

- Transportation Department - further information required. Further information response of no objections to additional information.
- Environment Department - no response.
- Prescribed bodies:
- Irish water - no response

4.0 **Planning History**

- No relevant history on the appeal site.

5.0 **Policy and Context**

5.1. **Development Plan**

- The Meath County Development Plan, 2021-2027, was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021.
- Chapter 9 of the Development Plan sets out the rural settlement strategy. This outlines that the planning authority 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. It sets out that rural development should be consolidated within existing villages and settlements that can build sustainable rural communities as set out in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (RSES). The Development Plan seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards.
- The following strategic policies are of relevance:
- RUR DEV SP 1: “To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types”.

- RUR DEV SP 2: To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan, and in particular Chapter 8 Section 8.6.1 UNESCO World Heritage Site of Brú na Bóinne.

The site is located within an area identified within a Rural Area Under Strong Urban Influence as indicated on Map 9.1 of the Development Plan. The Development Plan sets out the following in respect of the area:

- Area 1 - Rural Areas under Strong Urban Influence
 “Key Challenge: To facilitate the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the development plan.
- RD POL1: Seeks to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.
- RD POL2: Seeks 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 of the County Development Plan relates to: “persons who are an Intrinsic Part of the Rural Community”. It outlines 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. Of relevance to this appeal, 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.

- Section 9.5.1 – Development Assessment Criteria – outlines criteria that the planning authority shall also consider in assessing individual proposals for one-off rural housing. These criteria include the following:
 - The housing background of the applicant in terms of employment, social links to rural area and immediate family.
 - Local circumstances and the degree to which the area surrounding area has been developed.
 - The degree of existing development on the original landholding from which the site is taken.
 - The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of the Plan.
 - The degree to which the proposal might be considered as infill development. Design Guidelines for Rural Houses are set out in Appendix 13 of the Development Plan.
- RD POL 9: To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.
- RD OBJ 9: To promote the retention of field boundaries and mature trees and hedgerows to protect the rural character of the area.
- RD OBJ 10: To ensure that proposals for infill development take account of the character of the area and where possible retain existing features such as building line, height, railings, hedgerows, trees, gateways etc.
- RD OBJ 11: To require that infill proposals accord with the relevant Development Management Standards contained in this Plan and should contribute positively to the renewal of these areas and to the established character and amenities of the area.
- 9.6.1 Access and Other Ancillary Works: All new access drives and services, such as electricity and telephone lines, should be run unobtrusively alongside existing hedgerows or wall lines and should be accompanied by appropriate landscaping measures. Access driveways should respect site contours and cross them gently, thus integrating the building with its entrance and site.

Sweeping driveways which create a suburban emphasis and access arrangements, will not be acceptable.

- While adequate visibility at the road access is necessary in the interests of road safety, access driveways surfaced in tarmac and with concrete kerbing can look out of place in the countryside and less formal solutions should be sought.
- The traditional field pattern should be preserved, and roadside and field boundary hedges and stone walls retained or reinstated following any access works. Retention or reinstatement of boundaries, hedges and walls and the provision of gates and piers in keeping with the character of the area is an important element in mitigating the impact of new development and where necessary will be controlled by condition.
- Other Local Policy - 'Meath Rural House Design Guide', (2009)
- This document is set out within Appendix 13 of the Development Plan and provides guidance for single house developments in rural areas with particular reference to Site Layout, Building Design, Construction Details, Building Types and Sustainability.
- National Planning Framework
- Policy Objective 19 is of relevance to the proposed development. It requires the following:

'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:
- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

- Sustainable Rural Housing Guidelines 2005
- A number of rural area typologies are identified within the Guidelines including Areas under Strong Urban Influence, Stronger Rural Areas, Structurally Weak Areas and Predominately Dispersed Settlement Areas. The guidelines refer to the indicative nature of the Map and state that further detailed analysis of different types of rural areas would be carried out within the Development Plan process.
- Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'. Section 3.3.3 deals with 'Siting and Design'.
- Guidelines for planning authorities and An Board Pleanála on carrying out Environmental Impact Assessment, August 2018.
- EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.
- Appropriate Assessment of Plans and Projects in Ireland-Guidance for Planning Authorities, 2010.
- TII publication DN-GEO-03060 Geometric Design of Junctions, April 2017.

5.2. Natural Heritage Designations

- This appeal site is not located within or directly adjacent to any Natura 2000 sites. The nearest sites are:
- The River Boyne and River Blackwater SAC (Site Code IE0002299).
- The River Boyne and River Blackwater SPA (Site Code IE0004232).
- Killyconny Bog (Cloghbally) SAC (Site Code IE0000006).
- Girley (Dreewstown) Bog SAC (Site Code IE0002203).

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The grounds of this Third Party Appeal can be summarised as follows:

- Validity of the application: the declaration, section 23 of the application form, was not signed by either the applicant or agent. The Donegan letter of consent is dated the 4th October 2022 does not cover the additional information required to comply with the revised drawing submitted in order to comply with the further information request. There is a discrepancy between the wording of the development and the public notices and that shown on the drawings, septic tank/wastewater treatment system.
- Precedent: A number of recent applications have been made along the lane. Some were refused for reasons including over development, traffic hazard and removal of large sections of hedgerow. None of these reasons of refusal have been adequately addressed by the applicant or considered by the planning authority.
- Local Needs Eligibility: The applicant does not comply with the local need requirements of the development plan. The applicant has no direct linkages to the area other than the fact that he is related to a part owner of the site (Flood). He is not related to the main landowner (Donegan). He lives in Navan town and his immediate family reside in Rathkenny. The applicant previously lived with his parents in Rathkenny. The applicant works as an undertaker in a family business run by his father and is not engaged in any agricultural or related activity. Local

needs qualifications of the applicant were not available to inspect, and they are not available to the public on the scanned file. This site is in an area under strong development pressure.

- Reference to another application in which Meath County Council refused permission to build a dwelling on a site on the applicant's land at Loughlan, Moynalty. Local need qualifications are described. The appellant considers that applicant has a stronger need case than the applicant for this case.
- Reference NA 190761 was refused as the applicant had not demonstrated an established link to the area in terms of residency. The applicant's mother owned a smallholding on the lane and would also have stronger linkages to the Antylstown area than the applicant in this case.
- Over development of the total land holding: the size of the land holding is approximately 6.5 hectares and would not support a viable agricultural enterprise and the erection of a dwelling on the holding would further reduce its agricultural potential. Two dwellings have already been erected on his small landholding and therefore it is overdeveloped.
- Exit sightlines and traffic hazard: the location of the entrance from that originally proposed has been revised. However, sightlines at the proposed entrance to the site does not comply with the requirement of the development plan and the width of the roadside verge is less than that shown on the submitted plans. A further length of hedge to the west owned by Donegan over and above that shown and the further information request would need to be removed to achieve the minimum standard. There is a bend to the east where the roadside boundary is a Laurel hedge owned by the appellant and the applicant does not have permission to trespass on this property. The minimum set back as per DNCEO-03060 for non-national roads is 2 metres and in order to achieve the sightline a section of the laurel hedge would require removal, or a larger section of the Donegan hedge.
- In another file, the planning report highlights that the width of the grass verge along the lane is limited and approximately 1 metre. The Local Authority had concerns about the geometry of the Antylstown Lane to cater for traffic movements of vehicles on the lane. This was reflected in refusal reason number

2 in decision NA 190761. The width of the road, approximately 3 metres, is such that traffic using the road has to regularly use house and field entrances as pull-ins to facilitate oncoming traffic and particularly large farm vehicles. The junction of Antylstown Lane and the Navan/Nobber regional road would not comply with T11 standards for regional road junctions and increased traffic arising from the construction of an additional dwelling on the lane will increase potential hazards associated with this substandard junction.

- Excessive removal of an established hedgerow along the site frontage would be required to facilitate the proposal and this is contrary to the development plan.
- The location of the proposed dwelling would adversely impact on the amenity of the adjacent dwelling due to its close proximity to the boundary and would result in overlooking. The proposed siting would adversely impact on the private amenity area to the west of the adjacent dwelling. The proposal does not respect the established building line.
- The applicant proposes a conventional septic tank but the Council required the installation of a wastewater treatment plant. There are no details on file of the treatment plant which will further impact on residential amenity if not correctly maintained. The “mounded” percolation area is located in close proximity to the adjacent dwelling, approximately 10 metres, is of particular concern.
- Ribbon development: the proposal would add to existing ribbon development in that it would make for five dwellings in a 250 metre stretch of road, comprising the proposal, three existing dwellings and one that is granted on the reference in a 200986 that is not yet constructed. There are also three other recent permissions on the lane well construction has not yet commenced.

6.2. Applicant Response

- None received.

6.3. Planning Authority Response

- The planning authority have reviewed the appeal submission and are satisfied that all matters outlined were considered in the course of its assessment of

the application as details in the planning officers report. The proposal is in accordance with the Meath County development plan 2021-2027.

6.4. **Observations**

- None received.

6.5. **Further Responses**

- none received.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment (AA) also needs to be considered. The main issues, therefore, are as follows:

- (a) Validity of the application.
- (b) Principle of Development and Local Need.
- (c) Residential Amenity.
- (d) Ribbon Development
- (e) Traffic, access, and roadside boundaries.
- (f) Flood Risk and Drainage issues.
- (g) Precedent.
- (h) Appropriate Assessment (AA).

Each of these issues are considered in turn below.

- (a) Validity of the application

7.2. The appellant considers that the application submitted to the Council it is invalid and does not comply with statutory requirements. These grounds relate to section 23 of the application form, in which the declaration was not signed by the applicant or their agent. In addition, the letter of consent from the adjoining landowner is dated the 4th

of October 2022 and therefore predates revised drawing submitted in order to comply with the further information request. Finally, they highlight a discrepancy between the wording of the development on the public notice that is shown on the drawings.

- 7.3. The submitted application form on file does not include a signed signature at the declaration section. However, I am satisfied that the requisite legislative requirements for the appeal have been satisfied and accordingly the submitted appeal is acceptable and subject to consideration. I therefore consider that this is an issue for the Council and note that no further comment in relation to this issue has been made by the Council in their response submission.
- 7.4. In relation to the letter of concerns from the adjoining landowner, this confirms authorisation for the applicant to submit and apply for planning permission on their lands. I note from the application form, that the application is in part ownership of two parties who are related to the applicant. Notwithstanding the revisions by way of further information, I do not consider it necessary for any additional confirmation of consent given the wording of the supporting letters and nature of the revisions to the proposals.
- 7.5. The final matter relating to validity concerns the wording of the public notice which refers to a septic tank within the description which correlates with the description of the proposal as originally submitted, and that included in the notification of decision to the applicant by the Council on 19th of May 2023. I do not consider that this issue is sufficient to invalidate the application taking account of the plans and supporting information submitted. The description sufficiently outlines the details of the proposals and I do not consider that this matter would unacceptably prejudice any third parties.

(b) Principle of Development and Local Need

- 7.6. In the Meath County Development Plan, 2021-2027 the site is designated as located within a 'Rural Area Under Urban Influence' in map 9.1. Policy RD POL 2 of the Meath County Development Plan seeks 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. Policy RD POL 1 of the Development Plan states that it is policy

of Meath County Council to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed. Section 9.4 of the Development Plan refers to 'persons who are an intrinsic part of the rural community' and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas as summarised in Section 5.1 above.

7.7. The applicant is applying for permission on the basis of the following criteria:

“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”.

7.8. The documentation submitted in support of the application outlines that applicant has lived in the family home since 2007, and that he has social and employment links to the local area. A map has been submitted indicating the location of the family home relative to the appeal site. The following documentation is submitted in support of the application:

- Completed Local Needs Form.
- Letter from the applicant's parents confirming residency at the family home at Dunderk, Slane.
- Letter from the Kilberry Church confirming birth and baptism at the church in 1984.
- Driving licence stating residence at Dunderk and dated/issued December 2020.
- Letter from Chairperson of Torro United football club confirming membership and underage participation.
- Birth certificate for applicant with residence at the time at Demailstown Co. Meath.
- Bank statements for applicant dating from August 2017 with address at Dunderk, Slane.

- Cover Letter and attachments from Donnelly & Associates surveyors as evidence of ownership of the Flood family (applicant's Grandparents) for 80 years.

7.9. The Planning Authority concluded that the applicant demonstrated a genuine local need for a dwelling, whilst the appellant considers that the applicant does not comply with the local need requirements of the development plan.

7.10. The submitted evidence states that the applicant has social and economic ties to the area via employment, and place of residence at the family home demonstrated through bank statements dating from 2017 to March 2021 and two supporting letters which are both dated June 2021. I note that in the supporting Local Need form the applicant indicates that he has lived at his parents address for 15 years. The letter from Donnelly Associates Surveyors dated 18 July 2022 is also addressed to the applicant at his parents' address. The application was subsequently received by the Council on 17th October 2022. The family home is located approximately 3.5km to the northwest of the appeal site. I note from the evidence that the applicant's parents previously lived in a dwelling on Antylstown lane, which is now occupied by other relatives. The remaining evidence demonstrates historic landownership to the area of the immediate and wider family. On balance I consider that the evidence sufficiently demonstrates local need for the applicant. Whilst the appellant disputes the local need in this case, I have not been presented with definitive information to dispute the above supporting evidence.

7.11. The appellant also states that needs is not met as the applicant works as an undertaker in a family business run by his father and is not engaged in any agricultural or related activity. The evidence provided by the applicant states that he is not involved in agriculture but undertakes employment duties within the construction industry within 20 kilometres of his current place of residence. The applicant has not sought to demonstrate need on the basis of agricultural activity. The policy outlined above facilitates an alternative needs test on the grounds of residency, and as discussed, the applicant satisfies the requirement of being a local resident for a minimum of five years. In addition, the viability of the agricultural landholding does not preclude the proposal due to the policy wording and basis of need on which the applicant is seeking permission. Accordingly, the applicant satisfies the policy requirements in relation to need.

(c) Residential Amenity

- 7.12. The appellant contends that the location of the proposed dwelling would adversely impact on the amenity of the adjacent dwelling to the east due to its close proximity to the boundary and would result in overlooking. They consider that proposed siting would also adversely impact on the private amenity area to the west of the adjacent dwelling and does not respect the established building line.
- 7.13. The proposed dwelling is broadly sited roughly centrally but to the rear of the proposed site and northwest of the existing neighbouring dwelling. The proposed dwelling is approximately 16.5 metres at the closest point to the rear elevation of the adjacent dwelling. The proposed dwelling is single storey in height, with the nearest rooms comprising a bedroom and bathroom within the front section of the layout and a further bedroom, walk in storage room and ensuite bathroom located within closest portion of the rear linear element. There are two windows on the gables of these elements which relate to bathrooms. The window positions of the bedrooms are orientated to the front and rear of the site. Overlooking from the dwelling would be mitigated due to the separation distance to the existing neighbouring dwelling and retention and augmentation of boundary vegetation. Furthermore, overlooking could be mitigated by the requiring installation of obscure glazing to the proposed gable windows which relate to bathrooms. I do not consider that overlooking to an unacceptable degree would be possible from any of the remaining rooms within the dwelling due to a combination of separation distances from the adjacent dwelling, and the orientation of the related window positions which are to a northerly, westerly, or southerly orientation. I therefore conclude that overlooking would not be unacceptable taking account of all of these factors. Similarly, I do not consider that amenity of the existing dwelling would be adversely impacted by the proposal in the eastern portion of the site in terms of dominance, overshadowing, or noise due to the residential use of the proposal and separation distances available. A condition for the retention and augmentation of the existing boundary is also necessary to protect amenity.

(d) Ribbon Development

7.14. The appellant considers that the proposal, if permitted, would result in ribbon development. Relevant policy considerations for this issue are set out in 9.5.2 Ribbon Development which states:

Ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

Sustainable Rural Housing Guidelines for Planning Authorities as published by the DoEHLG in April 2005 including appendix 4 is also of relevance.

From the wording of the policy the key tests in relation to ribbon development are road frontage type development, the number of houses on the frontage, the houses are existing, and within a 250 metres frontage. Based on site observations and assessment of submitted map information, there are four houses existing on the lane to the east within 250 metres of the eastern boundary of the site. There is a dwelling approved under application reference NA 2986 granted on the 15th December 2020, however this has not yet been constructed. The furthestmost dwelling to the east is set back off the public road, whilst the remaining 3 would be considered dwellings with a roadside frontage. Views along the lane in an easterly and westerly direction do not provide a view of a continuous frontage of dwellings due to the alignment of the road which reorientates or kinks slightly southwards. Given that the furthestmost dwelling is significantly set back off the road, and there are only three existing dwellings between the furthestmost dwelling on the site, on balance I do not consider that the proposal would result in or add to ribbon development in the locality of the site. To the west of the site there is a dwelling approximately 260 metres from the western site boundary and a free-standing building approximately 100 metres to the west of the western site boundary of agricultural use and appearance within the larger field that the site forms part of. Accordingly, there are insufficient dwellings within this frontage to constitute ribbon development within the definition of the policy. There are two dwellings on the opposite side of the lane, however these are immaterial to the consideration of ribbon development in this case as the policy states that it is one side of a given road that requires assessment. Accordingly, I conclude that the proposal would not result in ribbon development.

(e) Traffic, access, and roadside boundaries

- 7.15. The appellant considers that the access and associated sightlines are not in accordance with development plan requirements. In addition, they consider that additional set back of existing hedgerows to the west of the site are required to facilitate access and the eastern sideline includes part of the appellant's property to achieve, and for which consent has not been given.
- 7.16. I note from the file that the access location has been relocated from that originally proposed. Demonstration of adequate access and sightlines was the subject of a further information request by the Council, who determined requirement of unobstructed sightlines of 90 metres in both directions with a setback of 2.4 metres from the road edge as required by T11 document DN-GEO-03060. These requirements are demonstrated on the submitted site layout drawing and have been reviewed by the Council infrastructure section who have no objections subject to conditions. I have not been provided with any evidence to dispute the findings of the Council and I am satisfied based on the submitted site layout drawing that adequate sight lines can be achieved within the laneway and that third party consent from the appellant is not required. I therefore consider these aspects acceptable and accords with the plan.
- 7.17. The appellant disputes the adequacy of the existing Lane in terms of width and the access point with the principal road known as the Proudstown Road or R162. I note that a supporting traffic and access report was submitted for the proposal. I would agree that the lane is narrow in terms of width and associated dimensions, however I am not persuaded based on the evidence presented that an additional dwelling and the associated limited additional traffic with the development would result in an unacceptable level of traffic, or that the existing access with the main road is unsafe taking account of the response from the Council's Infrastructure section on these issues and their recommendation that permission is granted subject to appropriate conditions.
- 7.18. The appellant also considers that the proposal would result an excessive removal of existing hedgerows. The plan includes policy for the retention of hedgerows at RD OBJ 9, 9.6.1 Access and Other Ancillary Works sets out detailed considerations.
- 7.19. To facilitate the required access arrangements the proposal would necessitate the removal of approximately 60 metres of existing hedgerow for the western, or right-

hand side emerging, sightline. Replacement hedgerow is proposed to be set back 3 metres from the laneway edge. A letter of consent from the landowner has been included in support of the proposal. A further 35 metres of hedgerow along the site frontage would also require removal and replacement 3 metres from the edge of the laneway. Therefore 95 metres of existing hedgerow would require removal in total. I have taken account of roadside boundary treatments of existing dwellings adjacent to the site and note that this section of the laneway is not characterised by hedgerows immediately adjacent to the lane. In addition, I note that the recent application reference NA200986 also permitted the removal and replacement of hedgerow along the site frontage. I conclude that the proposal would result in a large amount of hedgerow removal, however the replacement of the hedgerows is sufficient mitigation and can be secured by appropriate planning condition. The resulting visual impact would be acceptable taking account of the largely open boundary treatments of existing dwellings to the east of the site.

7.20. I note from the submitted information that there are some discrepancies between the approved drawings and roads condition set out in the notification of decision. These discrepancies relate to the eastern visibility splay length, and the set back of the pillars and entrance from the road edge. These matters can be clarified by an amended condition if permission is granted.

(f) Flood Risk and Drainage issues

7.21. The appellant has also raised objections to the location and separation distances of the proposed percolation area which is located at the site frontage and immediately West of the existing dwelling. It is located approximately 5.36 metres from the common boundary, and 10.5 metres from the western gable of the existing dwelling at the closest point. I have not been provided with any evidence that these separation distances would result in adverse impacts and are insufficient. I consider that the separation distances provided are adequate and would not adversely impact on the existing dwelling taking account of the lack of objection in relation to these issues from the Council's infrastructure section.

7.22. The appellant states that applicant proposes a conventional septic tank but the Council required the installation of a wastewater treatment plant, and there are no

details on file of the treatment plant which will further impact on residential amenity if not correctly maintained.

7.23. From the information on file, I note that details of the proposed domestic waste water treatment system set out within the supporting site characterisation assessment document dated August 2021 by Robert Meehan at sections 4 and 5. This proposes a septic tank system and percolation area, the location of which is indicated on the proposed site layout drawing. The Council have required the provision of this system by a planning condition. The Council's Infrastructure section have no objections to any aspects of this solution. I consider that the proposed system and percolation area are sufficient distance from the neighbouring property that no adverse impact on amenity would occur. I therefore consider the proposed system and methodology, which includes maintenance details to be acceptable and in accordance with the plan.

(g) Precedent

7.24. The appellant refers to a number of other cases on land and then the locality where applications have been refused either on the basis of needs case presented or other relevant policy issues. The appellant refers to Council case reference 2313 as benefiting from a stronger case of need than the applicant. However, this matter is not the subject of this appeal and therefore I am unable to consider the associated details. I have not been provided with the full details of this and the other cases and consider that the nature of the development and associated supporting needs justification requires consideration on its own merits. I have set out above that it is considered the applicant meets the local needs test relevant to this case. The cases referred to are therefore considered immaterial in this instance.

(h) Appropriate Assessment (AA)

7.25. Having regard to nature and scale of the proposal, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the policies of the Meath County Development Plan, 2021-2027, and all material considerations, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, that the applicant has demonstrated a local housing need, would not detract from the visual amenity of the area, would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety by reason of access, traffic generation, drainage proposals, or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority on 17/10/2022 and 24/04/2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same</p>

	<p>category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The detailed treatment of the splayed entrance, gates, road boundary set-back, roadside area and replacement hedge shall be in accordance with drawings KM061-SL(P)510 planning authority prior to the commencement of development except for the following:</p> <p>(a) any new fence shall be to T.I.I standards;</p> <p>(b) pillars and wing walls shall be set not less than 3.2 metres from the adjoining carriageway edge, and entrance gates not less than 7 metres from the adjoining carriageway edge;</p> <p>(c) the area within the visibility splay shall be cleared to provide a level surface no higher than 250 millimetres above the level of the adjoining carriage way and shall be retained and kept clear thereafter.</p> <p>(d) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to</p>

	<p>remove the material from the road surface at the applicant/developers own expense.</p> <p>(e) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.</p> <p>The access and associated details set out above shall be retained in accordance with the approved details thereafter.</p> <p>Reason: In the interest of traffic safety</p>
4.	<p>a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall be laid out in accordance with the details received by the Planning Authority on 24th April 2023 prior to the occupation of the dwelling hereby permitted, unless otherwise agreed in writing with the planning authority.</p> <p>b) The Landscaping scheme shall be carried out in accordance with the details received by the Planning Authority on 24th April 2023. The planting shall commence no later than the first planting season following commencement of development. The applicant shall inform the planning authority in writing, prior to the occupation of the dwelling house that the landscaping scheme has been implemented.</p> <p>c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the</p>

	<p>planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety and surface water management.</p>
7.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
8.	<p>a) The external finish and design detail of the dwelling shall be as shown on the plans submitted on 17/10/2023 unless otherwise agreed in writing with the planning authority prior to the commencement of development and carried out as agreed. The use of brick or reconstituted stone shall not be permitted.</p> <p>b) The roof colour of the proposed dwelling shall be blue-black, dark brown or dark-grey unless otherwise agreed in writing with the planning authority prior to commencement of development and carried out as agreed.</p> <p>Reason: In the interest of visual amenity.</p>

9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

.Richard Taylor
Planning Inspector

06th November 2023