



An
Bord
Pleanála

Inspector's Report ABP317487-23

Development	Construction of 2 storey dwelling, wastewater treatment system with polishing unit, new entrance and all ancillary site works.
Location	Hoardstown, Lobinstown, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	221665.
Applicant(s)	Ronan Finnegan.
Type of Application	Permission.
Planning Authority Decision	To grant permission subject to conditions.
Type of Appeal	Third Party v Decision
Appellant(s)	1. Beneficiary in the estate of the late John Finnegan 2. Patrick Fedigan.
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 proposed site is located within a rural location at Hoardstown, Robinstown, County Meath. The site comprises a small grassed agricultural field. It is approximately 0.30 hectares in size and broadly triangular in shape. The site boundaries comprise typical mature vegetation hedgerows interspersed by mature trees. The site topography is broadly level, however adjacent lands slope upwards to the south and are broadly level northwards. There is an existing access in the southeastern corner of the site along the frontage comprising a typical field gate. Immediately to the east there is a detached single storey dwelling with associated garden area. There are agricultural fields immediately to the west and south. The site is located opposite and in close proximity to a T road junction with the Rathbran Beg road.

2.0 Proposed Development

2.1. Planning permission is sought for a two-storey dwelling, wastewater treatment system, soil polishing filter, access and associated site works. The proposed dwelling comprises a total floor area of 219.67 square metres and consists of three bedrooms at first floor with sitting, living, dining, kitchen, sunroom, and utility rooms at ground floor. The ground floor area is 119.44 square metres. The main part of the dwelling is 13.416 metres in width with a gable depth of 8.68 metres. The dwelling has an eaves height of 5.6 metres and ridge height of 8.6 metres. A sunroom is located at the rear of dwelling and is single storey in height with a ridge height of 4.3 metres. To the front there is a single storey porch with a ridge height of 3.9 metres. The dwelling is to be finished in render with raised plaster straps around window openings. The front porch is to be finished and natural stone. The roof will be finished in blue black slates with UPVC windows and rainwater goods. The dwelling is located roughly centrally within the site and approximately 24.5 metres back from the front roadside boundary, 8.3 metres from the western boundary, 28.7 metres from the rear northern boundary and 17.8 metres from the eastern boundary. The existing site entrance will be closed with new entrance provided adjacent to the northeastern site boundary, with recessed access gates. The wastewater treatment

system and soil polishing filter are located in the northwestern corner of the site close to the boundaries.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a notification of grant of permission on 7th June 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 €4950, social infrastructure €3600, and surface water drainage infrastructure €450.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planning report dated 14th February 2023 notes the following:

- Two letters of objection received: non-compliance with local needs, risk of groundwater issues and additional Wastewater Treatment System (WWTS), site ownership details are incorrect, flood risk, previous ABP decision for refusal, impact on amenity of adjacent properties.

- Site zoned as rural area. Supporting evidence and policy referred to, however no local need form submitted and recommendation this is requested by further information.
- Siting layout, design, access position and associated hedgerow removal is acceptable and will not adversely impact on visual and residential amenity.
- Sightlines are acceptable and Transportation Department has no objections subject to conditions.
- Water supply by private well. Wastewater to discharge to ground by wastewater treatment system which will be secured by condition. Environment section have not provided a report. In an area of low probability of flood risk (Flood Zone C).
- No adverse impact on the environment and therefore Appropriate Assessment and EIA are not required.
- Concluded that further information required in relation to local need and method of surface water discharge.
- Second planning report dated 25th January 2023 notes the following:
- Local need form provides the applicant's address which appears to be the family address, living at this location since 1976 and does not own, or has ever owned, another property. The family home is c.2km from the site and place of work is 10 miles from their present home location. Supporting evidence and policy confirms location specific rural housing need for the applicant.
- Revised site layout plan submitted which outlines that surface water will be piped and discharged to an existing wet ditch that runs alongside the local road to the Northeast of the site. An ACO drain will prevent surface water discharging onto the public road. These details are acceptable and will not impact on adjacent properties.
- 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 – 13th February 2023 no objections subject to conditions.

Environment department – 14th February 2023 no objections subject to conditions.

4.0 Planning History

Appeal site: no planning history.

Adjacent to appeal site (to north):

reference 21953: Dwelling house, wastewater treatment system and percolation area and all associated site works. Permission refused by ABP (Ref: 312469-22) 23/05/2022.

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 “Strong Rural Area” as indicated on Map 9.1 of the Development Plan. The Development Plan sets out the following in respect of the area:

- Area 2 - Strong Rural Areas

Key Challenge: To maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in the wider rural area.

This area is underpinned primarily by relative levels of residential stability compared to Area Type 1 within a well-developed town and village structure and in the wider rural area around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be lower than that within Area Type 1 and confined to certain areas.

This area type is to be found in rural areas along a spine from the north of the county east of and including Kells as far as Oldcastle. The environs of Athboy and Slane are also included in this category. This area has less of a tradition of urban settlement. It is under more moderate pressure for one-off housing development than the areas under strong urban influence.

- RD POL4: To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- RD POL5: 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 this 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).

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:

6.1.2 Local Needs Eligibility: The applicant does not comply with the local need requirements of the development plan and national policy.

6.1.3 For the past 20 years the applicant and his family have lived in a property they built and own in Dunderry, at an address in Meadstown, Robinstown, Navan, County Meath comprised in folio MH 47754 F (copy attached). The applicant is the current joint registered owner of the property with his wife since 2003. The applicant does not and has not resided in Beggree Lobinstown since at least 2003 and therefore is not local to the site of the proposal. This is contrary to evidence set out in the further information request dated 5th May 2023 which states he does not own his own dwelling.

6.1.4 Development is within an area under strong urban influence and does not fall within the requirements of economic or social housing need criteria as set out in national policy and regional guidelines on the current development plan.

6.1.5 The applicant's grandparents never owned the site. The applicant has owned the property for approximately 2 years and never lived in the area.

6.1.6 ABP has already refused permission based on considerations affecting this application under reference ABP 312469-22 on 23rd May 2022. ABP overturned a grant of permission as the Board could not be satisfied that the impact of the development in conjunction with existing wastewater treatment systems in the area

would not give rise to the risk of groundwater pollution and be contrary to the proper planning and sustainable development of the area. This decision relates to the same lands of adjoining properties with proposed septic tanks on each proposed development that would be approximately 10 metres apart. The grant of this permission is inconsistent with the previous ABP decision which has not been taken into account.

- 6.1.7 The proposal is dependent on groundwater as a source of water supply. There is an existing farmyard with cattle holding pens, and a slurry tank under the sheds approximately 30 metres uphill to the south of the site. The proposal and associated water treatment system and percolation area would inhibit the natural soakage in the area and no outlet to drain the land. There would be substantial risk of flooding and contamination to the neighbouring property which is currently being renovated. This house requires a bored well. It will be located approximately 10 to 15 metres from the proposed development.
- 6.1.8 The proposal would adversely harm the light and privacy of the neighbouring existing dwelling through loss of privacy and sunlight due to the height of the proposal. It would also negatively impact the value of the existing dwelling. The entrance is adjacent to a T junction which would pose a traffic hazard due to heavy farm machinery that travel on the local road from surrounding farms.
- 6.1.9 The design of the dwelling is not in compliance with the Meath rural housing guide 2021.

6.2. Applicant Response

- 6.2.1 The application in relation to local needs is factually correct. The appellant does not know the applicant and their background, and their supporting information is misleading. The applicant has not applied or received planning permission from Meath County Council or any other Council. The applicant's father set up a plant hire business in the Lobinstown area in the 1960s, working for local farmers. The adjacent site with the derelict college was owned by the applicant's grandfather.
- 6.2.2 In relation to the wastewater system, the tests on the site were carried out by a qualified person, the system will be of the highest quality, and the polishing filter bespoke to the site. All separation distances are taken into account. The adjacent

cottage does not have a septic tank or well. The appellant's comments in relation to water and wastewater services at this property are incorrect.

6.2.3 The proposal will not affect light on the adjacent derelict cottage. The building was designed by a professional taking into account all aspects of the surrounding area. The proposed entrance is beside the entrance to the derelict cottage.

6.2.4 The building was designed by a professional taking into account dwellings in the area and the surrounding natural environment. The appellant's related comments are misplaced as the appellants daughter received planning permission in 2022 under reference 211857 for a similar design and an identical wastewater system to the proposal.

6.3. **Planning Authority Response**

6.3.1 The planning authority is satisfied that all matters outlined in the third-party submission are considered in the Planning Officers report. The proposal is consistent 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) Principle of Development and Local Need.
- (b) Residential Amenity.

- (c) Design.
- (d) Road safety and access.
- (e) Flood Risk and Drainage issues.
- (f) Planning History.
- (g) Appropriate Assessment (AA).

Each of these issues are considered in turn below.

- (a) Principle of Development and Local Need.

7.2. In the Meath County Development Plan, 2021-2027 the site is designated as located within a 'Strong Rural Area' in map 9.1. Policy RD POL 4 and 5 of the Meath County are the main considerations. Development Plan 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.

7.3. 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".

7.4. The documentation submitted in support of the application outlines that applicant has lived in the family home since 1976 and that he has social, cultural, and employment links to the local area. The following documentation is submitted in support of the application:

- Completed Local Needs Form.
- Letter from the Parish of St Louis and St Mary, Rathkenny dated December 2022 confirming birth and baptism at the church, attending Heronstown, secondary school in Ardee, and played football for Syddan SFC. Family connection to the area for generations. They own a plant business working with local farmers making a contribution to the local area.

- Oil fuel bill dated April 2022 to the applicants stated home address at Begsreeve Lobinstown.
- Letter from Secretary of Newtown United football club dated August 2022 confirming support and contributions to the club by the applicant and family.
- Letter from Secretary of Syddan GFC dated November 2022 confirming applicant played underage level for the club and supported club through sponsorship. The applicant's family business developed the playing facilities at Ludlow Park, Syddan.
- Letter from school Principal dated December 2022 confirming attendance at Heronstown National School September 1979 – June 1986.
- Mobile phone bills dating from October 2021 to July 2022 addressed to the Plant Hire business at Lobinstown.
- Bank statements for applicant dating from February 2017-June 2022 with address at Begsreeve, Lobinstown.
- Letter from R&A Plant Ltd confirming applicant is a director of the company and list of 10 local farms who are customers of the business.
- Letter from Deer Park Farm confirming applicant has completed work on the farm for a number of years, comprising improvements to the farm, yard, roadways and drainage.

7.5. 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.

7.6. 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 June 2022, utility bills, and supporting letters which are both dated August, November and December 2022. I note that in the supporting Local Need form the applicant indicates that he has lived at his parents address for 47 years. The family home is located approximately 4.6km to the northwest of the appeal site. The applicant is not directly involved in agricultural activities, however the evidence indicates that he operates a plant and machinery business which provides contracting services to farm businesses within the area. On

balance I consider that the evidence sufficiently demonstrates local need for the applicant in relation to the requirements to have spent substantial periods of their lives and living in rural areas as members of the established rural community for a period in excess of five years. Whilst the appellant disputes the local need in this case, I have not been presented with definitive information to dispute the above supporting evidence.

- 7.7. The needs criteria also includes a requirement that “persons..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 Council are satisfied that the applicant meets this criterion. The applicant has also stated in their appeal evidence that their application in relation to local needs is factually correct. However, the appellants contend that the applicant already owns a property and therefore fails to meet this criterion. Their evidence includes a certified copy of land transfer application folio which details the transfer of property to the applicant on the 2nd of October 2003 on a joint ownership basis. The evidence indicates that this property comprises 0.369 hectares of land at Meadstown, Dunderry, County Meath.
- 7.9. I note from the information provided by the appellant that the applicant’s stated address on the accompanying application form at that time was Meadstown, Dunderry. Notwithstanding this, the wording of the criteria as set out in the plan refers to ownership of a dwelling as a measure to preclude further residential development in rural areas where an applicant owns, or previously owned, a dwelling. The Land Registry information and related documentation does not indicate that dwelling was included in the land transfer. The folio states under Part 1 (A), page 1, description of the property as “a plot of land...”. The accompanying Transfer/Mortgage information at Part 2 defines the mortgaged property as “that part of the lands situated at Meadstown...containing 0.369 hectares or thereabouts being the property more particularly delineated on the map annexed hereto...”. On this basis and given that there is no other evidence to the contrary, I am satisfied that the applicant does not own a dwelling and the requirements of the criteria are therefore met.

(b) Residential Amenity

- 7.10. The appellant considers that the proposal would adversely harm the light and privacy of the neighbouring existing dwelling through loss of privacy and sunlight due to the height of the proposal and negatively impact the value of that dwelling. The first planning report by the Council concludes that the layout and design of the proposal is acceptable and would not adversely impact on visual and residential amenities of the area.
- 7.11. The proposed 2 storey dwelling is located broadly centrally within the site but aligned closer to the southern boundary. It is set back approximately 24.5 metres from the front roadside boundary and is located approximately 14 metres from the northern site boundary at the closest point. The nearest existing dwelling is located within adjacent lands to the north. The proposed dwelling is approximately 19 metres from this dwelling at the closest point. The neighbouring dwelling is located in the southeastern corner of its wider curtilage and appears to be broadly orientated at a right angle to the adjacent public road. Window opening locations indicate that the internal layout appears to be orientated on a north-south aspect. This dwelling is approximately 4 metres from the adjacent common boundary with the appeal site. This boundary is generally around 2 metres in height minimum, and comprises mature vegetation interspersed by mature trees.
- 7.12. The proposed dwelling is orientated towards the public road, with the gable being the closest part of this building to the northern site boundary. The proposed dwelling has a ridge height of 6.35 metres and eaves height of 5.6 metres above ground level. I consider that the proposed separation distance is sufficient to ensure that there would be no adverse impact in terms of overshadowing of the existing dwelling and garden area to the north. Furthermore, the aspect of the site is such that the sun path would traverse from the front of the site to the rear during the day. Impacts would also be mitigated by the boundary vegetation and associated mature trees and also taking account orientation of the existing dwelling and its front elevation being closest to the common boundary. I also note from the proposed plans that first floor gable windows are included which relate to the master bedroom. I am also satisfied that the proposal will not adversely impact on privacy of the adjacent existing building and associated curtilage due to separation distances and the boundary vegetation. I consider that if approved, a condition requiring retention of the boundary vegetation is necessary to fully mitigate the limited impacts. The

appellant also indocates that the proposal will adversely impact on the value of the adjacent dwelling. I have not been provided with any evidence to support this view, but also do not consider this to be a matter of public interest and accordingly consider the proposal acceptable in relation to this issue.

(c) Design.

7.13. The appellant considers that the design of the dwelling is not in compliance with the Meath rural housing guide 2021. The evidence refers to section 4.1 “building form” within the guide. The council considers that the design of the proposal is acceptable in the first planning report.

7.14. Section 4.1 of the design guide sets out typologies of building form which would be both acceptable and unacceptable. From a review of the submitted plans and associated design guide, I consider that the form and proportions of the building are sufficiently reflective of a traditional two storey dwelling. The fenestration and associated solid to void ratios of the design are also sufficiently reflective of rural architecture. Whilst the proposal includes a single storey porch to the front elevation, which is not included within the acceptable typologies, I do not consider that this design element would render the proposal unacceptable. Public views of this element would be sufficiently filtered by the boundary vegetation, which would also assist the integration of the dwelling within the local landscape. I am satisfied that the proposed design is sufficiently reflective of the typologies identified as acceptable within the guide and therefore conclude that the proposal is compliant with this policy.

(d) Road safety and access.

7.15. The appellant states that entrance is adjacent to a T junction which would pose a traffic hazard due to heavy farm machinery that travel on the local road from surrounding farms. The Council concluded that the proposal is acceptable in relation to these issues.

7.16. The site includes an existing farm access located at the southern end of the road boundary frontage. Accordingly, the site benefits from existing use rights for vehicles entering and exiting the site. However, the proposal seeks to relocate the access closer to the northeastern site boundary, approximately 5 metres south of the existing access to the neighbouring dwelling to the north. The centre point of the new

access will be located approximately 23 metres from the centre point of the junction to the south. I note that the Transportation section of the Council have reviewed the submitted proposals. Their response dated 13th of February 2023 states that “the proposed development is located on the local tertiary road L-56021, inside the 80 kilometres per hour speed limits. The applicant has shown the provision of sightlines of 90 metres in both directions to the near side roads edge. This is considered acceptable at this location”. Their analysis concludes that the transportation section has no objection to the grant of permission subject to a number of conditions. The appellant has not directed me to any evidence indicating that the relocated access position would be unsafe. Taking account of the Transportation response and the limited trips the proposal would generate, I consider that the proposal would not prejudice road safety and is compliant with relevant provisions in the plan. Whilst the proposal would result in the loss of hedgerow along the site frontage, I am satisfied that the removal is not significant and would be adequately offset by replacement vegetation.

(e) Flood Risk and Drainage issues

- 7.17. The appellant disputes the conclusions of the Council that the proposed flood risk and drainage arrangements are acceptable. This is on the basis of the conclusions of ABP in respect of an appeal for a similar proposal on lands to the north of the subject appeal site. The second refusal reason of this decision concluded that “groundwater in the area is classified as highly vulnerable, and that the proposed and existing dwellings in the area are highly dependent on groundwater as a source of supply... the board could not be satisfied... that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution.” The applicant also considers that the proposal will adversely impact on the adjoining existing dwelling, inhibiting the natural drainage in the area from the proposed drainage system. The site is also below existing cattle sheds and associated slurry tanks located on adjacent farmland above the site with associated risk of contamination. The proposal will also impact on the bored water supply of the adjacent existing dwelling.
- 7.18. A drainage assessment with associated site characterisation form have been submitted in support of the proposal. This report states that there are no vegetation indicators to denote saturated soil conditions and all site vegetation indicates dry soil

conditions. It notes drainage ditches along the southern and roadside boundaries. It states that 4 abstraction wells are located within 250 metres of the site, with separation distances of 70 metres and 146 metres to the north, approximately 80 metres northwest, and approximately 140 metres to the south. The report concludes that a septic tank system and secondary treatment system are suitable for the development and sets out ongoing maintenance requirements.

7.19. Whilst not referred to in either planning reports, the Council undertook consultation with the Environment Section on the proposed details. The assessment states that the site is classified as highly vulnerable, and that the applicant has adequately demonstrated that the underlying subsoils can attenuate and dispose of the effluent from the proposed development in a manner that will not impact on the condition of groundwaters. It goes on to state that the development will not pose a risk to groundwater by virtue of excessive treatment systems within the area and that the case of high density of wastewater treatment systems within the area is not applicable in this instance. It concludes that the Environment Section has no objections subject to conditions. Related conditions are included within the notification of decision dated 7th June 2023. Whilst I note the concerns of the appellant in relation to these issues, I am satisfied on the basis of this consultation response that the proposed arrangements are acceptable. This is a distinguishing factor compared to the case on the adjacent site refused on appeal as that decision indicates that the Board could not be satisfied on the basis of the information presented that the groundwater pollution would not occur.

(f) Planning History

7.20. The appellant considers that the current case should be refused on the basis of a refused appeal decision on an adjacent site immediately to the north. The reasons for the refusal on the adjacent site are considered to be particular to that case. I have set out above an assessment of the applicable policy considerations for this case based on the circumstances and evidence provided.

(g) Appropriate Assessment (AA).

7.21. 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.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority on 19/12/2022 and 12/05/2023, 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. Reason: In the interests of clarity.
2.	(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's

	<p>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 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>(a) No work shall commence on site until the new site entrance onto the local road and visibility splays are constructed as illustrated on the site layout plan date received 12th May 2023 by the Local Planning Authority.</p> <p>(b) The gradient of the access driveway shall not exceed 2.5% for the first 5 metres adjacent to the carriageway of the public road.</p> <p>(c) The area within the visibility splay for the hereby approved site entrance, shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and maintained clear thereafter.</p> <p>(d) where it is necessary to remove hedges, banks, and/or stone walls to provide adequate visibility, the new boundary wall, fence, and/or hedge shall be located behind the visibility splay and shall be a minimum of 3 metres from the edge of the road carriageway.</p>

	<p>(e) The detailed treatment of the splayed entrance, pillars, and gates shall be as agreed in writing with the planning authority prior to the commencement of development. Pillars and wing walls shall be set a minimum of 3m behind the visibility splays and entrance. Any entrance gate shall be recessed by a minimum of 7m from the edge of the carriageway of the public road.</p> <p>. Reason: in the interests of traffic and pedestrian safety.</p>
4.	<p>a) The external finish and design detail of the dwelling shall be as shown on the plans date stamped received by the planning authority on 19th December 2022 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>
5.	<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 12th May 2023, 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 12th May 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</p>

	<p>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>
6.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the 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>
7.	<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>
8.	<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>

	Reason: In order to safeguard the residential amenities of property in the vicinity.
9.	<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

08 November 2023