



An
Bord
Pleanála

Inspector's Report ABP-318760-23

Development	Two-storey dwelling, detached domestic garage, entrance and driveway, installation of a proprietary waste water treatment system and polishing filter together with all associated site works.		
Location	Clondoogan, Summerhill, Co. Meath		
Planning Authority Ref.	23/667.		
Applicant(s)	Gavin Hastings.		
Type of Application	Permission.	PA Decision	To Grant Permission.
Type of Appeal	Third Party.	Appellant	Thomas White
Observer(s)	None.		
Date of Site Inspection	15 th March, 2024.	Inspector	Aiden O'Neill.

Context

1. Site Location/ and Description.

The proposed development site is c. 0.2652ha in area and is greenfield, forming part of a larger, open field in a rural area c. 1.33km to the west of Summerhill village. The field and surrounding lands are in the ownership of the applicant's parents. The site is bounded to the south by an existing hedgerow and the R156 strategic regional road, and an existing hedgerow and private laneway to the east. There are no boundaries to the north and west. The site rises in level from c.

85mOD to the south to c. 88mOD to the north-west and c. 87mOD to the north-east. Further east of the private laneway is a wooded area and derelict dwelling and outbuildings. There is an existing avenue-type gated access serving an existing dwelling to the south-east of the proposed development site on the opposite side of the R156. The R156 is relatively straight along the boundary of the proposed development site, but bends c. 55m to the east, and c. 175m to the west.

2. Description of development.

Permission is sought for the construction of a proposed two-storey 4-bedroom dwelling house, FFL 87.8mOD, with single-storey front porch, single-storey dining room, and part single-storey kitchen; external patio area; single-storey domestic garage (56m²) c. 5.829m in height, FFL 87.7mOD; septic tank treatment system and percolation area (6no. trenches) to discharge to groundwater; soakaway; new well; new recessed site entrance with gates from the R156; permeable washed stone driveway; landscaping and all associated site works.

- The proposed dwelling is 222m² in area and is c. 8.139m in height to ridge level, and is set back c. 26.5m from the front boundary of the proposed development site.
- Finishes include nap plaster with selected smooth render finish to all walls; traditional vertical sliding sash windows, with selected granite surround to front elevation windows only; black uPVC fascia, soffits, gutters and downpipes; and blue/black fibre cement slates to the roof. The garage is of a similar treatment to the proposed dwelling.
- It is stated that c. 146m of existing front hedgerow to the site is to be removed and replaced with a new, set back timber post and wire mesh fence with native hedgerow set back from the road to facilitate sightlines to the west. A new post and stock-proof fence with native hedgerow is proposed to the north and west boundaries of the proposed development site. The existing hedgerow boundary with the existing private laneway to the east is to be part retained and part replanted. The Proposed Site Layout Plan, drawing no. 20066 002, indicates road improvement works to the existing private laneway, but no other details are provided. The centreline

of the proposed new access is stated on the drawing to be 14.088m from the centreline of the existing laneway.

- The cover letter from the applicant's agent states that the proposed development site is the only one available to the applicant on the family holding that can achieve sightlines. The application includes details of the applicant's compliance with Meath County Council's rural housing policy, as well as a letter of consent from the applicant's parents to the making of the application and to the setting back of the hedgerow, and maintenance of same, along the R156 to accommodate visibility sightlines. There is also an affidavit from the applicant's parents.
- A Traffic Report has been included demonstrating compliance with appropriate standards. Letters of consent from 2no. Third Parties to the east are also enclosed committing to maintaining a small section of existing roadside hedgerow to preserve the existing, unobstructed sightlines. It is also stated in the agent's cover letter that an existing agricultural entrance to the field in which the proposed development is to be located is to be removed and blocked up as part of the setting back of the existing hedgerow.
- The proposed dwelling is to be served by public mains. A new precast concrete septic tank with mounded percolation area (6no. trenches) is proposed to the west of the proposed development site. 3no. soakaways are located to the north-west.

The application was lodged on 30th June, 2023. A Request for Further Information dated 23rd August, 2023 required the applicant to:

- demonstrate compliance with the County Development Plan policies in respect of new housing in rural areas along non-national routes;
- address concerns regarding the creation of a new entrance onto a Strategic Route Corridor;
- address why a shared entrance cannot be accommodated at the family home entrance, with the response to include a detailed tree and hedgerow survey;

- submit a revised site layout plan relocating the proposed dwelling closer to the family home, and compliance with sightlines of 160m in both directions, with the red line boundary revised to include the works required to provide unobstructed sightlines;
- submit a revised site layout plan demonstrating the relocation of the residential entrance to the existing farm access lane in order to maximise the existing entrance; the upgrading of the existing farm access lane;
- full land registry folios for the total landholdings; and
- to comment on the third party submission (by the appellant).

A response was submitted on 3rd November, 2023, with no changes to the proposed development as originally proposed. It is stated that the Meath County Council Roads Engineer has now agreed to the proposed access arrangements. It is also stated that the proposed setting back of the hedgerow will be beneficial to the general public as well as the applicant and the appellant. The removal of the existing agricultural entrance will avoid creating an unnecessary new access. It is also stated that moving the entrance closer to the family home is not suitable, and the applicant's parents are not agreeable to the works involved. It is also states that no works are proposed to the existing farm laneway, and it is not proposed to remove any existing trees along the existing laneway. It is also stated that that the proposed development will not detract from the appellant's view, nor will it impact the existing esker, nor will it tower over the appellant's dwelling nor overshadow or overlook it. The folio maps, particularly map no. 7343, and details included with the response indicate that the applicant's parents own the existing laneway over which the appellant has an established right of way.

3. Planning History.

The proposed development site has been subject to the previous history:

22/342 Permission for a two-storey dwelling, detached domestic garage, entrance and driveway, a proprietary waste water treatment system & polishing filter together with all associated site works. The application was submitted on 16th March, 2022, and withdrawn on 9th May, 2022. This application proposed an

access off the appellant's private driveway to the east of the proposed development site.

21/2168 Permission for a two-storey dwelling, detached domestic garage, entrance and driveway, a proprietary waste water treatment system & polishing filter together with all associated site works. The application was submitted on 12th November, 2021, and withdrawn on 13th January, 2022. This application also proposed an access off the appellant's private driveway to the east of the proposed development site.

21/1403¹ Permission for a two-storey dwelling, detached domestic garage, entrance and driveway, a proprietary waste water treatment system & polishing filter together with all associated site works. The application was submitted on 23rd July, 2021, and withdrawn on 14th September, 2021. This application proposed an access off the appellant's private driveway to the east of the proposed development site. This application proposed an access off the appellant's private driveway to the east of the proposed development site.

4. National/Regional/Local Planning Policy (see attached)

- Chapter 9 of the Meath County Development Plan 2021-2027 sets out the Planning Authority's rural housing policies, which are generally consistent with national and regional planning policy.
- The proposed development site is located in a rural area, Area 1 – Rural Area under Strong Urban Influence of the Meath County Development Plan 2021-2027.
- The following objectives specifically apply:
- RD POL 1: To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.
- RD POL 2: To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new

¹ It is stated in the planner's report that PA Reg. Ref 21/1403 was refused for 2no. reasons and the appeal withdrawn but there are no further details on the file or on the online Meath County Council planning resource, or on the ABP website

housing development in towns and villages in the area of the development plan.

- RD POL 3: To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban areas.
- RD POL 38: To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard.
- RD POL 40 seeks to restrict new accesses for one-off dwellings where the 80km per hour speed currently applies in order to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads (see Map No 9.2.) through the creation of excessive levels of individual entrances and to secure the investment in non-national roads. The R156 which fronts the proposed development site is identified as a Strategic Regional Road Corridor. Section 9.15.3 of the Plan sets out a number of exceptions to RD POL 40 that will be considered on their merits in the following circumstances:
 - For those who have a location specific rural housing need on family owned lands and cannot provide access onto any other non-identified regional or county road and therefore need to access one of the regional or county roads identified on Map No. 9.2. In this circumstance, the applicant will be encouraged to maximise the potential of an existing entrance. The onus shall be on the applicant to demonstrate that they have no other access or suitable sites within their landholding, and;
- Policy objective HER POL 37 also seeks to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary treatment will be required.

5. Natural Heritage Designations

- The River Boyne and River Blackwater SPA (0004232) and SAC (0002299) are both located c. 6km to the north-west of the proposed development site. The Rye Water Valley/Carton SAC (001398) is located c. 16km to the south-east.

Development, Decision and Grounds of Appeal

6. PA Decision.

The Planning Authority decided to grant permission by Order dated 27th November, 2023 subject to 14no. conditions.

The planner's report dated 20th November, 2023 is the basis for the Planning Authority's decision to grant planning permission.

The planner's report refers to the report of the Transportation Department dated 20th November, 2023 which states that unobstructed sightlines 160m to the nearside road edge from a setback of 3m at the new entrance, and all works identified for same, have been demonstrated to the Council's satisfaction. The closure and removal of the existing agricultural entrance, resulting in a zero net increase in individual entrances on the R156 is considered acceptable.

Condition no. 2(a) requires the proposed dwelling, when completed, to be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period of seven years thereafter. A section 47 agreement is required to this effect.

Condition no. 5(a) requires adequate sightlines of 160m to the nearside edge of the road from a setback of 3m. 5(b) requires the removal of the entire roadside boundary hedge and set it back at least 4 metres from the existing road edge. A grass verge, at least 4 metres in width, shall be provided and maintained free of any obstruction, between the edge of the road and the new site boundary.

7. Third Party Appeal.

1no. Third Party appeal has been submitted, setting out the following grounds:

- The proposed development is immediately to the left of the appellant's private driveway. Creation of an additional entrance so near to the

appellant's driveway will inevitably cause an obstruction in view for vehicles and it in turn will increase the risk of traffic collision.

- The appellant has given no consent to the application or any of the proposed works on his driveway. It is proposed to remove and relocate a 2m wide x 40m strip of the appellant's boundary hedge in order to create a new eastern border to the site. The appellant does not wish for his hedge to be demolished. It is also stated that permission to setback hedgerows has been given by neighbouring landowners, but the appellant is one of the neighbouring landowners, and no consent has been given. A legal process of the appellant's full adverse right to the driveway is underway.
- The roots of a number of mature trees along the bank of the wooded area to the right of the appellant's driveway emerge at various intervals underneath the driveway. Any removal of, or interference with, these roots could kill the trees.
- The appellant's view from his dwelling will be destroyed by the proposed development. The proposed development will overlook and overshadow the appellant's property and may devalue it.
- The proposed development will result in the removal of a naturally occurring esker which protects the appellant's property from noise from the R156.
- The existing derelict property and outbuildings owned by the applicant's family to the west of the proposed dwelling, with an existing gate, could be an option.

Applicant's Response

- None on file.

8. PA Response

- In its submission dated 15th January, 2024, the Planning Authority stated that it is satisfied that all issues were assessed in the course of the planning application, and requests that the Board upholds the grant of permission.

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10. AA Screening

Having regard to the modest nature and scale of development, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. I am satisfied that the applicant has a genuine rural housing need and do not consider this issue requires further consideration.

2.2. The main issues are as follows:

- Legal/drawing issues
- Road Safety
- Impact on amenities

2.3 Legal/drawing issues

2.3.1 The appeal raises matters in relation to the legal entitlement of the applicant to carry out any works to the appellant's existing driveway to the east of the proposed development site, and no consent has been given. The appellant contends that the applicant proposes to remove and relocate a 2m wide x 40m strip of the appellant's boundary hedge in order to create a new eastern border to the site.

- 2.3.2 I note that the Proposed Site Layout Plan, drawing no. 20066 002, as originally submitted and in response to the RFI, confusingly indicates road improvement works to the existing private laneway, but no other details are provided. The Proposed Site Layout Plan also indicates that the existing hedgerow boundary with the existing private laneway to the east is to be part replanted, and a fence is also shown.
- 2.3.3 Notwithstanding this, the applicant has confirmed in the response to the RFI that no works are proposed to the existing laneway. Instead, it is stated that the only works proposed to existing hedgerows is the setting back of the hedgerow on the western side of the proposed new access from the R156 to improve sightlines towards the west.
- 2.3.4 It also appears from the application materials that no works are required to the laneway, including existing hedging, to achieve the required unobstructed sightlines towards the east. I also note that the Planning Authority has accepted same.
- 2.3.5 For the avoidance of doubt, a condition requiring the preservation of the existing hedgerow along the eastern boundary is recommended, in the event that the Board is minded to grant planning permission.
- 2.3.6 It further appears from the application materials, including the folio maps, particularly map no. 7343, that the laneway to the east of the proposed development site is in the ownership of the applicant's parents over which the appellant has a right of way, although it is noted that the ownership of the laneway is currently subject to legal proceedings by the appellant.
- 2.3.7 In this context, I note Section 34(13) of the Planning and Development Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

2.4 Road Safety

- 2.4.1 The principal appeal issue is the concern over the creation of an additional entrance near to the appellant's driveway which, it is contended, will cause an obstruction in view for vehicles and it in turn will increase the risk of traffic collision.
- 2.4.2 The Planning Authority sought clarity through an RFI on how the proposed access is in compliance with the policies of the Meath County Development Plan 2021-2027 with respect to accesses onto regional roads in rural areas, and to address concerns

regarding the creation of a new entrance onto a Strategic Route Corridor. The Planning Authority also requested clarity on why a shared entrance could not be accommodated at the family home entrance, and, furthermore, to relocate the residential entrance to the existing farm access lane in order to maximise the existing entrance, and upgrade same.

- 2.4.3 As noted above, the applicant's response of 3rd November, 2023 stated that the proposed access is the most suitable in the landholding at Clondoogan to achieve the required sightlines, and that there is no suitable alternative within that landholding, and no other suitable sites within the other landholding in the applicant's parents' ownership to accommodate a rural dwelling for which there is a stated and justified need. It is also stated that the proposed entrance onto the R156 maximises sightlines, minimises disruption, and will not endanger public safety by way of a traffic hazard.
- 2.4.4 The Planning Authority accepted this response as being compliant with the County Development Plan policies in respect of new housing in rural areas located along non-national routes, particularly policy objective RF POL 40. The key factors in accepting the proposed access onto the R156 were: (a) the closure and removal of the existing agricultural entrance, resulting in a zero net increase in individual entrances on the R156; and (b) the achievement of unobstructed sightlines 160m to the nearside road edge from a setback of 3m at the new entrance, with all works identified for same.
- 2.4.5 In this context, I note that Section 9.15.3 of the Plan sets out a number of exceptions to RD POL 40 to be considered on their merits, to include that the applicant will be encouraged to maximise the potential of an existing entrance. The applicant demonstrated to the satisfaction of the Planning Authority that there is no other suitable access, including the existing entrance to the east, to achieve the required sightlines. Condition no. 5(a) attached to the grant of permission from the Planning Authority requires adequate sightlines of 160m to the nearside edge of the road from a setback of 3m. I recommend this condition is also attached by the Board, in the event of a grant of planning permission.
- 2.4.6 Noting the proposal to remove existing hedgerow to achieve the required sightlines to the west, policy objective HER POL 37 of the Plan is noted, which, while seeking

to encourage the retention of hedgerows where practically possible, also notes that where removal of a hedgerow is unavoidable, mitigation by provision of the same type of boundary treatment will be required. The applicant has provided a replacement native boundary hedgerow to the satisfaction of the Planning Authority. Condition 5(b) attached to the grant of permission from the Planning Authority requires the removal of the entire roadside boundary hedge and to set it back at least 4 metres from the existing road edge, with a grass verge, at least 4 metres in width, to be provided and maintained free of any obstruction, between the edge of the road and the new site boundary. I recommend this condition is also attached by the Board, in the event of a grant of planning permission.

2.4.7 I also note that the Proposed Site Layout Plan, drawing no. 20066 002, indicates that the centreline of the proposed new access is 14.088m from the centreline of the existing laneway.

2.4.8 I further note that the Planning Authority had no objection to the proposed access arrangements.

2.5 Impact on amenities

2.5.1 The appellant contends that the view from his dwelling will be destroyed by the proposed development, that it will overlook and overshadow his property, and may devalue it. The appellant also states that the proposed development will result in the removal of a naturally occurring esker which protects the appellant's property from noise from the R156.

2.5.2 In response, the applicant states that the proposed development is c. 173m to the south of the appellant's home and will not detract from his view, nor will it impact the existing esker, being located to the front of the hill, at a lower level, and will not tower over the appellant's dwelling nor overshadow or overlook it.

2.5.3 Having visited the site, and having regard to Section 9.6 of the Meath County Development Plan 2021-2027, in relation to location of the site within the landscape, the position of the building within the site, its design, its relationship with surrounding buildings, and the existing and proposed natural boundaries, I would tend to agree with the applicant that the proposed development will not result in a significant visual impact on the appellant's property by reasons of the topography of the site, the distance between the proposed development and the appellant's property, and the

boundary treatment proposed. I note that there are no protected views or prospects identified in Map 8.6 of the Meath County Development Plan 2021-2027 in the vicinity of the proposed development site. I also have no information before me to indicate that the proposed development will devalue the appellant's property.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted for the following reasons and considerations.

4.0 Reasons & Considerations

Having regard to the provisions of the Meath County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be seriously injurious to existing visual or residential amenities, and will not result in a traffic hazard. It is considered that the proposed development is in the interests of the proper planning and sustainable development of the area.

5.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 30 th January, 2023, and 3 rd November, 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 interest 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 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

	<p>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>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.</p> <p>Reason: In the interests of orderly development.</p>
6.	<p>Prior to commencement of development:</p> <p>(a) The applicant shall provide and maintain unobstructed sightlines of 160 metres to the nearside edge of the road from a setback of 3 metres, in</p>

	<p>accordance with TII Document DN-GEO-03060, from the entrance. The nearside road edge shall be visible over the entire sight distance.</p> <p>(b) Remove the entire roadside boundary hedge and set it back at least 4 metres from the existing road edge. A grass verge, at least 4 metres in width, shall be provided and maintained free of any obstruction, between the edge of the road and the new site boundary.</p> <p>(c) The entrance layout shall comply with Table 3.1 of TII Standard DN-GEO-03060 – Forgiving Roadsides. In that regard there shall not be any hazard within the 6.5-metre-wide clear zone. Layout details shall be submitted for agreement of the Planning Authority prior to the commencement of development.</p> <p>(d) The entrance gate shall be recessed at least 7 metres from the edge of the road.</p> <p>(e) The new post and tensioned wire fence shall comply with TII standard CC-SCD-00320. The new fence shall be erected at least 1 metre behind the sightlines with a new hedge planted at least 1 metre behind the fence.</p> <p>(f) The applicant shall close off the existing agricultural entrance, prior to works commencing on site.</p> <p>Reason: In the interests of traffic safety.</p>
7.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
9.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from</p>

	<p>roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
10.	<p>(a) The treatment plant and polishing filter 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, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p>

	Reason: In the interest of public health.
11.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) Contoured drawings to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> (i) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the southern, western and northern boundary; (ii) the preservation of the existing hedge to the east; (iii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials; (iv) A timescale for implementation, which shall provide for all planting to be completed before the dwelling is first made available for occupation. <p>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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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>

13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 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>
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Relevant Policies

Meath County Development Plan 2021-2027

Chapter 9 of the Meath County Development Plan 2021-2027 sets out the Planning Authority's rural development strategy.

The following objectives are of note:

- RUR DEV SO 1: To support the continued vitality and viability of rural areas, environmentally, socially and commercially by promoting sustainable social and economic development.
- RUR DEV SO 6: To protect and enhance the visual qualities of rural areas through sensitive design.
- 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.

By reference to Map 9.1 of the Plan, the proposed development site is located in a Rural Area Under Strong Urban Influence.

The key Challenge for Area 1 is 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.

This area exhibits the characteristics of proximity to the immediate environs or close commuting catchment of Dublin, with a rapidly rising population and evidence of

considerable pressure for development of housing due to proximity to such urban areas. This area includes the commuter- belt and peri-urban areas of the county, and are the areas that are experiencing the most development pressure for one-off rural housing. These areas act as attractive residential locations for the inflow of migrants into the county.

The following policies apply:

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

Section 9.4 of the Plan states that the Planning Authority recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include:

- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother , sister, son, daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;

- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.

Section 9.5.1 sets out the Development Assessment Criteria to be taken into account in assessing individual proposals for one-off rural housing:

- The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 9.4 Persons who are an Intrinsic Part of the Rural Community;
- Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped;
- The degree of existing development on the original landholding from which the site is taken including the extent to which previously permitted rural housing has been retained in family occupancy. Where there is a history of individual residential development on the landholding through the speculative sale of sites, permission may be refused;
- The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan;
- The degree to which the proposal might be considered infill development.

Section 9.5.2 of the Plan states that ribbon development is considered to be 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. Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant,

- The degree to which the proposal might be considered infill development,
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

Policy Objective RD POL 9 requires all applications for rural houses to comply with the Meath Rural House Design Guide.

Section 9.6 of the Plan states that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its surroundings.

The main criteria against which the degree of visual impact will be considered include;

- The location of the site within the landscape, the position of the building within the site and its relationship with surrounding buildings. This will help determine whether the development will be a prominent feature in the landscape;
- The attributes of the site and its landscape surroundings and whether these provide sufficient enclosure for the new building. This includes the existence or otherwise of natural boundaries and/or a visual backdrop, and whether there is any intervening vegetation or natural features between the site and critical views; and
- The suitability of the design of the building for the site and its locality, including its form, scale and massing.

The assessment of integration will be judged from critical views along stretches of the public road network, shared private lane-ways serving existing or approved dwellings, public rights of way and other areas of general public access and assembly.

New buildings that would read as skyline development or occupy a top of slope/ridge location or otherwise be a prominent feature in the landscape will be unacceptable.

New buildings should be sited to take advantage of the opportunities afforded by existing mature planting, hills, slopes or other natural features to provide suitable enclosure. These features can provide a visual backdrop to development and equally where located in the foreground between the site and critical views can assist integration by filtering views of the new building. A group of existing buildings, such as a farm complex may also provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character.

Where trees provide enclosure or a backdrop to a site they should be retained and where necessary augmented by new planting with native or other species characteristic of the area. This will assist the integration of the new building and help promote biodiversity. Care should be taken to ensure that an appropriate distance is maintained between tree root systems and building foundations, so neither is compromised.

While new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient. A building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development. Similarly a new building that relies on significant earth works, such as mounding or cut and fill for integration will be generally unacceptable.

Due to the widespread views generally available in flat landscapes or exposed hill areas, it is all the more important to ensure that new buildings integrate well with their surroundings. In such areas, poor siting and design carries with it a greater potential for adverse impact on visual amenity and rural character. Particular care is therefore required in site selection so that new buildings will integrate into these landscapes.

Section 9.6.1 of the Plan sets out the policies with respect to access and other ancillary works, as follows:

New accesses are often a visible feature of development in the countryside and on occasion can be more obtrusive than the building itself, particularly if they include ornate walls, gates and fencing.

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 tarmacadam 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.

The provision of external lighting to serve dwellings requires careful consideration in order to meet the functional requirements of residents while remaining in character with the rural area. Floodlighting can result in light pollution and may have adverse impacts on the fauna of an area while ornate, suburban style garden lighting may also be inappropriate in a rural context. Where considered necessary, the Planning Authority may attach conditions to grants of permission stipulating what type of lighting should be provided.

Section 9.15.2 of the Plan sets out the policies with new housing in rural areas that is located along non-national routes, as follows:

RD POL 38: To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard.

RD POL 39: To identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and ultimately the function of the road.

RD POL 40: To restrict new accesses for one-off dwellings where the 80km per hour speed currently applies in order to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads (see Map No 9.2.) through the creation of excessive levels of individual entrances and to secure the investment in non-national roads.

Section 9.15.3 of the Plan sets out the relevant Development Assessment Criteria for new housing in rural areas that is located along non-national routes, as follows:

Exceptions to the above policies relating to regional and county roads will be considered on their merits in the following circumstances:

- For those who have a location specific rural housing need on family owned lands and cannot provide access onto any other non-identified regional or county road and therefore need to access one of the regional or county roads identified on Map No. 9.2. In this circumstance, the applicant will be encouraged to maximise the potential of an existing entrance. The onus shall be on the applicant to demonstrate that they have no other access or suitable sites within their landholding, and;
- Where an existing dwelling with a vehicular entrance that is not considered to constitute a traffic hazard is to be demolished and replaced with a new dwelling.

New development proposals onto certain regionally and locally important county road type routes that act as particularly important transport links that traverse Co. Meath shall be assessed having regard to:

- Avoiding unnecessary new accesses, for example where access could be provided off a nearby county road.
- Ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided.
- Avoiding the premature obsolescence of regional roads in particular, through creating excessive levels of individual entrances

Policy objective RD POL 41 seeks to avoid the removal of existing roadside boundaries where they are more than 3 m from the road edge (edge of carriageway), except to the extent that this is needed for a new entrance, and where required for traffic safety reasons.

Policy objective RD POL 43, in relation to sightlines, seeks to ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09

when assessing individual planning applications for individual houses in the countryside.

In relation to drainage arrangements for new rural dwellings, the following are noted:

Policy Objective RD POL 47: To ensure that the site area is large enough to adequately accommodate an on- site treatment plant and percolation area.

Policy Objective RD POL 48: To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)' (2021) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes

Policy Objective RD POL 49: To require a site characterisation report to be furnished by a suitably qualified competent person. Notwithstanding this, the Planning Authority may require additional tests to be carried out under its supervision.

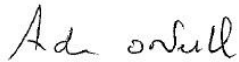
Policy Objective RD POL 50: To ensure a maintenance agreement or other satisfactory management arrangements are entered into by the applicant to inspect and service the system as required. A copy of this must be submitted to the Planning Authority.

Policy Objective RD POL 51: To ensure that direct discharge of effluent from on site waste water disposal systems to surface water is not permitted.

Policy Objective RD POL 52: To ensure wastewater treatment plants discharging into the Boyne catchment or to coastal Natura 2000 sites are suitably maintained and upgraded in advance of any additional loadings beyond their capacity in order to protect water quality, as required.

Policy Objective RD POL 53: To promote good practice with regard to the siting and design of septic tanks and the maintenance of existing tanks. A high level of scrutiny will be placed on applications within 2km of watercourses in the Boyne catchment. Proposals in this area shall not have an adverse impact on local water quality that could affect the qualifying interests of the cSAC and SPA.

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.



Aiden O'Neill
Planning Inspector

3rd April, 2024