



An
Bord
Pleanála

Inspector's Report

ABP-319404-24

Development	Construction of a single dwelling with garage, wastewater treatment system and all associated site works.
Location	Kilwarden, Kinnegad, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2360217
Applicant	Serena Tracey
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Tracy Grove
Date of Site Inspection	20 th September 2024
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site is a greenfield site in use as agricultural land located within the Kilwarden townland between Hill of Down (2km) and Kinnegad (4.1km), County Meath. The settlement of Clonard is located approximately 1.5km to the southeast of the site. The stated area of the site is 0.566ha and is accessed off the L-40183 which is a narrow, poorly surfaced cul de sac roadway. Mature hedgerows and drainage ditches, interspersed with tree coverage, bound the majority of the site with extensive tree coverage along the northern boundary of the site.
- 1.1.2. Agricultural lands bound both the south and west of the site, with an agricultural farmyard located further to the southeast. The site is bounded to the east by the L-40183 and to the north by the appellant's landholding and adjacent agricultural land. The site itself is flat which is generally reflective of the landscape of the surrounding area, which is characterised by one-off residential ribbon development and agricultural uses. The Kilwarden River, a tributary of the Boyne River, lies approximately 522m to the south of the site. The Dublin to Sligo railway line lies approximately 1.45km to the north of the site whereby it traverses Mount Hevey Bog Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA).

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Construction of a part 1/part 2 storey four bed L-shaped dwelling (226.3m²) 7.7m in height with a hipped roof and an ancillary single storey 'A' roof detached garage (30.8m²) 4.5m in height.
 - Ancillary works involve provision of a wastewater treatment system and private potable water well, landscaping along the boundary, creation of a recessed entrance on to L-40183 and alterations to the L-40183 roadway between the site and the R161.
- 2.1.2. It should be noted that the proposal was altered at Further Information (FI) stage to:
- Alter the location of the proposed private water well in order to meet Environmental Protection Agency (EPA) guidelines relating to the minimum separation distance from existing wastewater treatment systems.

- Amend the redline boundary to solely encompass the part of the L-40183 roadway owned by the landowner of the site.

2.1.3. Along with the standard drawings and information, the application was accompanied by:

- Landowner(s) letters of consent.
- Soil Characterisation and Site Suitability Assessment.
- Documentation relating to rural housing need.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council (The Planning Authority) issued a FURTHER INFORMATION request on the 5th October 2023 relating to rural generated housing need and proposed road works on 3rd party lands.

3.1.2. The Planning Authority subsequently issued a GRANT of permission for the above-described proposed development on the 1st March 2024, subject to 11 no. conditions. Conditions of note include:

- Condition 2 which relates to specific road works and entrance works to facilitate the proposed development:
 - (a) *'The applicant shall provide and maintain unobstructed sightlines of 70 metres to the nearside edge of the road from a setback of 2.4 metres, in accordance with TII document DNGEO-03060, from the entrance. The nearside road edge shall be visible over the entire sight distance'.*
 - (b) *'The new roadside boundary shall be erected at least 1 metre behind the sightlines and a hedge planted at least 1 metre behind the fence. Unless otherwise agreed'.*
 - (c) *'The domestic entrance layout shall comply with the Meath Rural Design Guide - the face of the entrance piers shall be at least 3 metres from the edge of the road and the entrance gate shall be recessed at*

least 7 metres from the edge of the road. The agricultural entrance gate shall be set back at least 12 metres from the edge of the road’.

- (d) *‘Road drainage shall be provided in compliance with the Department of Transport “Guidelines for Road Drainage - 2nd Edition, 2022”. Any drainage pipe installed shall be at least 300mm in diameter and in any case be no less than the nearest downstream pipe diameter’.*
- Condition 3 prohibiting the use of dry dash, brick or reconstituted stone:
 - *‘The use of dry dash, brick or reconstituted stone shall not be permitted. The final design detail and external finish of the proposed dwelling shall be agreed in writing with the Planning Authority prior to commencement of the development’.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer’s Report dated 5th October 2023 recommended a request for further information on 2 no. items.

3.2.3. The Planning Officer’s Report found the principle of the proposed development to be acceptable but sought further information on the above items. The Planning Officer considered that no overlooking would occur as a result of the proposed development, and that the proposed design of the dwelling and garage was acceptable. The Planning Officer also considered the proposed wastewater treatment system to be acceptable, subject to conditions pertaining to its construction and commissioning. The Planning Officer did not consider the site to be located within an identified flood risk zone.

3.2.4. The submitted FI was considered by the Planning Authority to be significant. Thus, the applicant was required to re-advertise the application.

3.2.5. Upon completion of the further public consultation period, a second Planning Officer Report was issued by the Planning Authority on the 28th February 2024 indicating that the FI items above were either fully addressed or can be adequately addressed

by way of conditions. As such, a GRANT of permission was issued for the proposed development, subject to 11 no. conditions.

3.2.6. Other Technical Reports

3.2.7. The following internal section issued a further report following consideration of FI submitted:

- Transportation Section – no objection, subject to 5 no. conditions.

3.3. Prescribed Bodies

3.3.1. No submissions received.

3.4. Third Party Observations

3.4.1. A 3rd party observation, from Tracy Grove (resident of neighbouring site to the north), was received in response to the original application and the FI submitted to the Planning Authority. The issues raised by the observer are generally reflected in the 3rd party appeal, apart from the following concerns:

- Proposed works will restrict access to the observer's property. A Construction Management Plan should be submitted to address this.
- Undertaking works to one half of a road is inappropriate and likely to lead to maintenance complications.
- Concentration of septic tanks in a predominantly agricultural farmland area near the Boyne River.
- An additional well may impact existing potable water supply.
- The proposed design, form and proportion of the dwelling contravenes the Meath Rural Design Guide.

4.0 Planning History

Subject Site:

4.1.1. TA/100981 – Permission REFUSED in 2010 for construction of a new part storey and a half type and part single storey dwelling, new garage, new entrance to include

piers with clear sight triangle and driveway, integrating landscaping, installation of a proprietary effluent treatment plant and polishing area and all associated site works.

Grounds for refusal include effluent drainage issues, no established rural generated housing need and visual impact due to the overcomplicated form and roof profile.

Neighbouring Sites of relevance:

4.1.2. 23/60157 – Permission GRANTED in 2023 for partial demolition of an existing single storey dwelling, construction of a new single storey extension, the decommissioning of the existing wastewater treatment system and percolation area, the installation of a new proprietary wastewater treatment system and polishing filter and all ancillary site works within the townland of Kilwarden approximately 37m to the north of the site (appellant's home).

4.1.3. TA180827 – Permission REFUSED in 2019 for a storey and a half type dwelling house, detached tool/vehicle store shed, installation of an effluent treatment system/polishing filter and all other associated site works at a site within the townland of Kilwarden approximately 20m to the east of the site.

Grounds for refusal include no established rural generated housing need and negative visual impact on the High Value landscape.

4.1.4. TA170444 – Permission GRANTED in 2017 for construction of a storey and a half type dwelling house, detached garage/fuel store, vehicular entrance, installation of an effluent treatment system/polishing filter and all other associated site works within the townland of Kilwarden approximately 268m to the northwest of the site.

4.1.5. TA/160410 (ABP Ref. PL17.247266) – Permission REFUSED by the Board in 2017 for a house, detached garage/fuel store, vehicular entrance, installation of an effluent treatment system/polishing filter and all associated site works at a site within the townland of Kilwarden approximately 508m to the west of the site.

Grounds for refusal include exacerbation of the development pattern of ribbon development and negative visual impact on the High Value landscape.

4.1.6. TA/802700 – Permission GRANTED in 2008 for one and a half storey dwelling, proprietary wastewater treatment system, percolation area, domestic garage, entrance, driveway and general site works at a site within the townland of Kilwarden approximately 20m to the east of the site.

5.0 Policy Context

5.1. National Planning Framework (NPF) – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

- 5.1.1. National Policy Objective 19 of the NPF is of most relevance to the proposed development and refers to the consideration of rural housing in two areas, namely rural areas under urban influence and rural areas elsewhere. The proposed development is located in a 'strong rural area', and therefore comes within the consideration of rural housing in rural areas elsewhere as follows:

'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'.

5.2. Sustainable Rural Housing Guidelines (2005)

- 5.2.1. These guidelines represent the national approach towards rural housing, and are to be read in conjunction with the NPF and the Development Plan. The overarching aim of the guidelines is to ensure that people who are part of the rural community are facilitated by the planning system in all rural areas.
- 5.2.2. The subject site is identified as being within a strong rural area. The guidelines describe such areas as areas with generally stable populations levels which is supported by *'a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas'*. For such areas, the guidelines suggest the consideration of siting, design and ribbon development in assessing proposals for individual rural houses.

Appendix 4 Ribbon Development

- 5.2.3. *'These guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. Other forms of development, such as clustered development, well set back from the public road and served by an individual entrance can be used to overcome these problems in facilitating necessary development in rural areas'.*

5.2.4. *'In assessing individual housing proposals in rural areas planning authorities will therefore in some circumstances need to form a view as to whether that proposal would contribute to or exacerbate ribbon development. Taking account of the above and the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage'.*

5.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) 2019-2031**

5.3.1. The Settlement Strategy for the RSES identifies the site of the proposed development within the 'Core Region' which is described as the *'the peri-urban 'hinterlands' in the commuter catchment around Dublin'.*

5.3.2. RPO 4.80: *'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.*

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

Zoning

5.4.1. The proposed development is located on land zoned RA (Rural Areas) *'to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'.*

5.4.2. Residential development compliant with the Rural Settlement Strategy is permitted within this zoning. The site is located within a 'Strong Rural Area', as identified in Map 9.1 of the Meath County Development Plan.

Chapter 9 – Rural Development Strategy

- 5.4.3. Section 9.3 Rural Area Types – defines Strong Rural Areas as areas *‘underpinned primarily by relative levels of residential stability compared to Area Type 1 (rural areas under strong urban influence) 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 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’.*
- 5.4.4. A key challenge for Strong Rural Areas is *‘to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in the wider rural area’.*
- 5.4.5. Section 9.4 Persons who are an Intrinsic Part of the Rural Community – *‘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’*
- ‘In the absence of any significant environmental, access or traffic reasons for refusal and the proposal adheres to sensitive design and siting criteria, the Planning Authority will consider granting planning permission, subject where appropriate to conditions regarding occupancy’.*
- 5.4.6. Section 9.5.1 Development Assessment Criteria – *‘The Planning Authority will also take into account the following matters in assessing individual proposals for one-off rural housing’:*
- *‘The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 9.4 Persons who are an Intrinsic Part of the Rural Community’;*

- *‘Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped’;*
- *‘The degree of existing development on the original landholding from which the site is taken including the extent to which previously permitted rural housing has been retained in family occupancy’;*
- *‘The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan’;*

5.4.7. Section 9.5.2 Ribbon Development – *‘Ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage. (Please note that in all instances where ribbon development is referred to in this Development Plan, the example contained in Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities as published by the DoEHLG in April 2005 shall apply). 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 existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development’.*

5.4.8. Section 9.6 Rural Residential Development: Design and Siting Considerations – RD POL 9 – *‘To require all applications for rural houses to comply with the ‘Meath Rural House Design Guide’.*

5.4.9. *‘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'.*

5.4.10. *'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'.*

5.4.11. *'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'.*

5.4.12. RD POL 43 – *'To ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside'.*

5.4.13. 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'.*

5.4.14. 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'.

Appendix 5 – Landscape Character Assessment

5.4.15. Identifies the site within the South West Lowlands which is a High Value landscape area of Medium Sensitivity and Regional Importance. The area is largely made up of calp limestone and massive, even-grained or clean limestones within agricultural land. With regard to the capacity of the landscape, the assessment states the following –

- *'Residential development in this area is characteristically arranged in small ribbons of development along main roads so there would be some opportunities to create similar developments provided they were of suitable design and location'.*
- *'Low potential capacity to accommodate one-off houses depending on location and design because they are not a characteristic of this LCA but may be incorporated as part of existing areas of residential development provided the overall increase in ribbon development is minimal'.*

Appendix 13 - Meath Rural House Design Guide 2009

5.4.16. This document provides general design guidance for one-off dwellings and is a core consideration in the assessment of the normal planning criteria for residential development in rural areas.

5.5. Natural Heritage Designations

5.5.1. The closest site of natural heritage interest to the proposed development is the Mount Hevey Bog proposed Natural Heritage Area (001584) which is located approximately 0.6km to the north of the proposed development. Other sites of relevance include:

- The Mount Hevey Bog Special Area of Conservation (002342) located approximately 0.6km to the north of the proposed development.
- The Molerick Bog Natural Heritage Area (001582) located approximately 1.8km to the east of the proposed development.

- The Royal Canal proposed Natural Heritage Area (002103) located approximately 1.8km to the northeast of the proposed development.
- The River Boyne and River Blackwater Special Protection Area (004232) located approximately 5.1km to the east and north of the proposed development.

5.6. EIA Screening

- 5.6.1. Having regard to the limited nature and scale of the proposed development, and the location of the site at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 3rd party appeal was submitted by Tracy Grove, on the 27th March 2024 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:
- Additional traffic along the access road will negatively impact the condition of the road.
 - Additional traffic may contaminate the appellant's open well located in close proximity to the access road.
 - Widening of the road for the first 15m may impact on the appellant's landholding.
 - No consideration has been given to the long-term maintenance of the widened road.
 - Negative impact on the appellant's residential amenity due to overshadowing and overlooking.

- The proposed development would not be in keeping with existing surrounding dwellings.
- Mature trees referenced and relied upon by the applicant are within the landholding of the appellant and are proposed to be felled by the appellant due to overshadowing impacts arising.
- The felled mature trees will be replaced by native tree species maintained at a height of no more than 2 meters. In the intervening period direct overlooking of the appellant's dwelling will occur.
- Percolation tests of the site have been favourably impacted due to the reduced usage of potable water and discharges in the appellants landholding.
- Drainage issues have previously been cited as reasons for refusal of similar such development on this site, therefore further drainage investigations are required.
- The applicant does not reside and has not resided in the area, nor do they work in the county.

6.2. Applicant Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. The Planning Authority have indicated that they have no comment to make on this appeal.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the Planning Authority, and having inspected the site, and having regard to relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Need.
- Pattern of Development.
- Landscape, Visual Impact & Residential Amenity.
- Siting & Design.
- Access.
- Drainage.
- Other Matters.

7.2. Rural Housing Need

- 7.2.1. The appellant has raised concerns regarding the applicant's local housing need. Given the location of the proposed development in a 'strong rural area', RPO 4.80 of the RSES and Section 9.5.1 of the Meath County Development Plan requires the demonstration of a rural housing need to support such applications. The appeal site and adjoining lands to the south are owned by the applicant's uncle who currently resides in a dwelling located approximately 200m northeast of the site along the R161. A previous application for a one-off rural dwelling on this site was refused by the Planning Authority in 2010. This application was made by the applicant's cousin who currently resides in a dwelling approximately 155m northeast of the site along the R161.
- 7.2.2. As detailed in Section 2.1.3 of this report, the applicant submitted significant documentation in support of their claim of rural housing need some of which was submitted as FI. On foot of this, the Planning Authority were satisfied that the applicant had demonstrated a rural housing need. The appellant has questioned the rural housing need of the applicant based on the location of their workplace and the fact that they do not reside in the area.
- 7.2.3. Having examined the applicant's documentation, it is evident to me that the applicant resides in her family home with her parents and has done so for a sustained period in excess of five years. The applicant's family home is located approximately 1.5km to the south of the site in the townland of Ardnamullan. The applicant has outlined

the location of various family properties within the immediate and extended locality to demonstrate her connection to the area. Although the applicant does not currently reside in the townland of Kilwarden, I consider her sustained residence in the adjacent Ardnamullan townland to be sufficiently local to the area. Furthermore, the application is supported by evidence of the residence of her uncle (site landowner) and cousin in the immediate locality which demonstrates a family connection to the area.

- 7.2.4. Given the substantial documentation provided in support of the applicant's rural housing need, I am satisfied that the applicant has demonstrated that she has resided in the area for a period in excess of five years. Thus, I consider that the applicant has demonstrated a rural housing need, in line with Section 9.4 of the Meath County Development Plan. Notwithstanding this, I note inconsistencies in the supporting documentation as to the location of the applicant's workplace i.e. Kinnegad (2.5km) or Mullingar (21km) but this does not negate the proven rural housing need of the applicant based on the provisions of Section 9.5.1 of the Meath County Development Plan. Given that I am recommending a grant of permission, I consider the imposition of an occupancy condition would be required in order to ensure that the proposed development is utilised as a place of permanent residence.
- 7.2.5. While the applicant has demonstrated compliance with the Meath County Development Plan requirements for local need I note that, as stated in both the Meath County Development Plan and the Rural Housing Guidelines, the acceptability of any individual housing proposal is subject to compliance with normal planning criteria.

7.3. Pattern of Development

- 7.3.1. Section 9.5.1 of the Meath County Development Plan requires the assessment of one-off rural dwellings to take account of the '*degree to which the surrounding area has been developed and is trending towards becoming overdeveloped*'. The proposed development is located to the immediate south of approximately four dwellings and a farmyard with direct accesses onto the R161 situated within a 220m stretch of road on one side of the R161. This development to the north constitutes ribbon development under Appendix 4 of the Rural Housing Guidelines, however, given that the proposed development would be accessed via a local road (L-40183),

I do not consider it to be directly linked to this ribbon development to the north. The proposed development would also only introduce one additional dwelling to a local roadway accessed by one existing dwelling and an agricultural farmyard. I therefore, do not consider that the proposed development would exacerbate ribbon development.

7.3.2. The established pattern of development in the area is characterised by predominantly one-off rural dwellings located along the R161 or at a distance from the R161. Having regard to this, I note that the proposed development would be located along a local road approximately 127m from the R161. This does not, in my opinion, result in a development materially different to that of the existing one-off developments in the area.

7.3.3. The proposed development, when considered on its merits, is not likely to result in the overdevelopment of the surrounding area as it is not likely to exacerbate or encourage ribbon development. Notwithstanding the planning history of the neighbouring site to the east which demonstrates an element of development pressure in the area, I consider the location of the proposed development to be generally acceptable and to be aligned with the established pattern of development in this 'Strong Rural Area'.

7.4. Landscape, Visual Impact & Residential Amenity

7.4.1. The appellant has raised concerns with the potential for overlooking of her property and has queried the validity of the applicant's landscape proposals in mitigating this. The appellant's property is located approximately 56.5m to the north of the proposed dwelling. This allows for ample separation distances between both dwellings and this coupled with appropriate landscaping, would ensure avoidance of any overlooking or overshadowing of the appellant's property. On this basis, I do not consider the contested mature treeline along the northern boundary of the site to be of material importance to residential amenity and I am satisfied that the appellant's residential amenities would not be negatively impacted.

7.4.2. The site itself is situated within a High Value landscape area of Medium Sensitivity and Regional Importance, as identified by the Landscape Character Assessment (LCA) appended to the Meath County Development Plan. The LCA specifically

states that the landscape is characterised by ribbon development and that there is a low capacity for further one-off dwellings.

7.4.3. The Meath County Development Plan states that *'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'* and that *'new planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development'*. Having regard to the above, the proposed development site would be well hidden from public view as a result of the existing mature vegetation to the east of the site and the proposed planting along the northern boundary of the site which would obscure views of the site from the R161. I therefore consider that significant negative visual impacts would be unlikely to arise as a result of the proposed development.

7.4.4. Given that I am recommending a grant of permission, I recommend a condition requiring the provision of a Landscape Plan for written agreement with the Planning Authority, in order to ensure appropriate landscaping of the site.

7.5. Siting & Design

7.5.1. With regard to siting and design, I note that policy RD POL 9 of the Meath County Development Plan requires all one-off rural dwelling applications to comply with the Meath Rural House Design Guide. The appellant contends that the design, form and proportion of the proposed development contravenes the Design Guide (see Section 3.4 of this report). Conversely, the Planning Authority considers the proposed design of the dwelling and garage to be acceptable.

7.5.2. Having assessed the drawings and documentation submitted as part of the application, I note that no Design Statement was submitted by the applicant justifying the design of the proposed development, as required by the Design Guide. The proposed dwelling adopts a traditional two storey house design, including 2 no. decorative chimneys. This aligns with the recommended built forms set out in the Design Guide. The height and external render finish of the proposed development are largely aligned with the Design Guide. The location and form of the detached garage also aligns with the provisions of the Design Guide. The depth of the proposed dwelling would be almost 2m in excess of the suggested depth of the type of dwelling proposed and the angle of the roof pitch would be approximately 27

degrees which would not align with the provisions of the Design Guide. Given that I am recommending a grant of permission, I consider the imposition of a condition requiring the alteration of the roof pitch to at least 35 degrees and the reduction of the dwelling depth to be necessary in order to ensure compliance with the Rural House Design Guide. I do not consider the provision of a Design Statement to be necessary as I am of the opinion that the proposed development would comply with the Rural House Design Guide, subject to conditions. I do not consider this to be a material change to the proposed development as it will not differ visually to the development as originally proposed and the layout would not be materially altered.

7.5.3. Given that the applicant has proposed an external render finish which is in accordance with the Rural House Design Guide, I do not consider it necessary to include the Planning Authority's Condition 3 in any grant of permission.

7.5.4. The siting of the proposed development at a remove of approximately 30.7m from the roadway allows for a recessed entrance but only utilises a portion of the field landholding. This creates a subdivision of the open field by way of siting and landscaping, however, given the relative seclusion of the site from public view, I consider this to be acceptable.

7.6. Access

7.6.1. The proposed development seeks to widen the L-40183 between the site and the R161, in order to improve access to the site. This was incorporated at FI stage upon request of the Planning Authority's Transportation Section. The appellant has contested the feasibility of this undertaking given that the applicant does not have landowner permission to widen the L-40183 on both sides. The Planning Authority's Transportation Section have indicated that they are satisfied with the applicant's access proposal, subject to conditions.

7.6.2. Having visited the site and walked along the L-40183 access road, I consider that it would be necessary to improve this access road in order to provide safe and acceptable access to the site. The applicant's agreed approach to the access works allows for widening of the roadway for the first 15m of the L-40183, and from there to the site entrance provides for a road width of approximately 3.8m. I consider that this approach would allow for safe and acceptable access to the site without infringing on the appellant's landownership rights. The applicant has also provided the necessary

landownership permission to facilitate the widening of the L-40183 for the first 15m. With regard to the maintenance of this access road, I am satisfied that this can be addressed by way of condition requiring the applicant to retain the access road as constructed.

- 7.6.3. I recommend the inclusion of a condition requiring the submission of an appropriate construction management plan to mitigate potential impacts to the appellant's residential amenity during construction. I do not consider it necessary to include the Planning Authority's Condition 2, as worded, in any grant of permission, given that the plans and particulars account for agreed sightlines, roadside boundaries, entrance pier locations and entrance gate recessions. Notwithstanding this, I consider it necessary to retain the road drainage element of this Planning Authority condition, as this is not addressed in the plans and particulars submitted.

7.7. Drainage

- 7.7.1. The appellant has raised concerns with the drainage suitability of the site considering the previous onsite refusal of permission on drainage grounds (TA/100981). The site is identified as overlying a locally important aquifer of moderate vulnerability. This corresponds with the Geological Survey Ireland (GSI) mapping for the site. The Site Characterisation Form states that groundwater was encountered at 0.90m in a trial hole of 2.1m, whilst bedrock was not encountered in the trial hole. The soil was identified as silt/clay in the upper 300mm and clay intermixed with stone for the remaining 600mm. The identified groundwater protection response category is R1 which allows for acceptable drainage subject to normal good practice. Both the percolation (52.94min/25mm) and sub-surface (66.01min/25mm) test results indicate the drainage suitability of the site.
- 7.7.2. Having visited the site, I observed no above-ground signs of poor drainage i.e. rushes, ponding etc. The site was also flat and the ground firm to soft. This indicates that the test results are consistent with the ground conditions observed onsite. The applicant proposes to provide a wastewater treatment system including a sand filter and gravel distribution layer in the south of the site. The appellant's potable water well lies approximately 80m north of the proposed wastewater treatment system and the applicant's proposed potable water well lies approximately 41m west of the proposed wastewater treatment system and approximately 47m south of the

appellants existing wastewater treatment system. I am satisfied with both the suitability and location of this wastewater treatment system which would not endanger potable water supply or result in an unsatisfactory wastewater drainage regime. Having regard to the foregoing, I do not consider the appellant's concerns regarding the drainage suitability of the site based on a previous onsite application dating back to 2010 to be of significance to my assessment.

7.7.3. I recommend inclusion of a condition requiring the installation of the proposed wastewater treatment system in line with the relevant EPA guidance, to ensure the appropriate construction and installation of the wastewater treatment system.

7.7.4. With regard to surface water drainage, I recommend inclusion of a condition requiring the retention of surface water onsite in the interests of preventing pollution and surface water flooding.

7.8. Other Matters

7.8.1. The site is not located within a flood risk zone and no previous flood risk events are recorded onsite. I am satisfied that no flood risk exists on this site.

7.9. Conclusion

7.9.1. Having regard to the foregoing, I am of the opinion that the applicant has demonstrated a rural housing need and that the proposed development would represent an appropriately located rural housing development in a 'Strong Rural Area' and would provide for acceptable design, wastewater drainage, access and residential amenity. I am therefore of the view that the proposed development would be in accordance with the proper planning and sustainable development of the area and I recommend a grant of permission, subject to conditions.

8.0 AA Screening

Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

8.1.1. I have considered the proposed development of a one-off rural dwelling in light of the requirements of S177S and 177U of the Planning and Development Act 2000, as amended.

- 8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Meath County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.
- 8.1.3. A detailed description of the proposed development is included in Section 2.1.1 of this report. In summary, the proposed development comprises the construction of a part 1/part 2 storey dwelling, a detached single storey garage, a recessed site entrance, a wastewater treatment system, a potable water well, road improvement works, landscaping and associated site works.
- 8.1.4. Although the site is bounded by drainage ditches, there are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The site is located approximately 522m from the Kilwarden River which is an 'at risk' waterbody under the EU Water Framework Directive and serves as a tributary to the River Boyne.

European Sites

- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two European sites are located within 5km of the potential development site:
- Mount Hevey Bog SAC (002342)
 - The River Boyne and River Blackwater SPA (004232)
- 8.1.6. Mount Hevey Bog SAC is situated approximately 4km north-east of Kinnegad, in the townlands of Cloncrave, White Island, Aghamore, Kilwarden and Kilnagalliagh. The Meath-Westmeath County boundary runs through the centre of the bog. Mount Hevey Bog comprises a raised bog that includes both areas of high bog and cutover bog. The Dublin-Sligo railway runs through the northern part of the bog isolating two northern lobes.
- 8.1.7. The River Boyne and River Blackwater SPA is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath. The River Boyne and River Blackwater SPA is of high ornithological

importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the E.U. Birds Directive.

- 8.1.8. Given the limited scale of the proposal, separation distances and intervening land uses, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Mount Hevey Bog and the River Boyne & River Blackwater.

European Site	Qualifying Interests (summary)	Distance	Connections
Mount Hevey Bog Special Area of Conservation (002342)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	0.6km	No direct
River Boyne and River Blackwater Special Protection Area (004232)	Kingfisher (Alcedo atthis) [A229]	5.1km	No direct

Likely impacts of the project (alone or in combination)

- 8.1.9. Due to the greenfield nature of the development site and the presence of a significant buffer area (greenfield/agricultural lands) between the greenfield site and the Kilwarden River, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.1.10. The proposed development would not have direct impacts on any European site. During site clearance and construction of the proposed building and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.1.11. The rural nature of the site at a remove from receiving features connected to European Sites makes it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.1.12. Given the scale of the proposed development within a rural area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would represent any significant increase on the current baseline.

Likely significant effects on the European sites in view of the conservation objectives

- 8.1.13. The construction or operation of the proposed development will not result in significant impacts that could affect the conservation objectives of the SPA or SAC. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions as a result of any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development.

In combination effects

- 8.1.14. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.
- 8.1.15. No mitigation measures are required to come to these conclusions.

Overall Conclusion

Screening Determination

- 8.1.16. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the qualifying interests of European Sites within County Meath namely, Mount Hevey Bog SAC, the River Boyne and River Blackwater SPA or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.1.17. This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
 - Distance from and weak indirect connections to the European sites.
 - The determination of the Planning Authority, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

9.0 Recommendation

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the nature of the proposed development, its siting and design, its separation from adjoining residential properties, its compliance with the Rural Development Strategy of the Meath County Development Plan allowing for residential development under the zoning for the site, the landscaping, drainage and access arrangements for the site, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the Meath County Development Plan 2021-2027 and the Sustainable Rural Housing Guidelines (2005). The proposed development would not negatively impact on residential amenity or give rise to negative visual impacts or impacts on drainage or traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted in response to a Further Information Request on the 5th day of October 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. The proposed development shall be amended as follows:

(a) Alter the angle of the roof pitch of the proposed dwelling to at least 35 degrees, as set out in the Meath Rural House Design Guide; and

- (b) Reduce the depth of the proposed dwelling by 2 metres to align with the provision of the Meath Rural House Design Guide.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same 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.

(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.

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.

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.

4. Road drainage shall be provided in compliance with the Department of Transport "Guidelines for Road Drainage - 2nd Edition, 2022". Any drainage pipe installed shall be at least 300mm in diameter and in any case be no less than the nearest downstream pipe diameter.

Reason: In the interest of traffic safety.

5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 12th August 2023 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population

Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. 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:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
- (iv) Details of screen planting which shall not include cupressocyparis x leylandii.

- (v) Details of roadside planting which shall not include prunus species.
- (vi) Hard landscaping works, specifying surfacing materials and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. (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 roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(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.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

9. 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.

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.

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.

Conor Crowther
Planning Inspector

18th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319404-24		
Proposed Development Summary	Construction of a single dwelling with garage, wastewater treatment system and all associated site works.		
Development Address	Kilwarden, Kinnegad, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: **Conor Crowther** Date: **18th October 2024**

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319404-24	
Proposed Development Summary	Construction of a single dwelling with garage, wastewater treatment system and all associated site works.	
Development Address	Kilwarden, Kinnegad, Co. Meath	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>In light of the fact that the proposed development constitutes a one-off rural dwelling in an area characterised by one-off residential developments, I do not regard the nature of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>	<p>In light of the fact that the proposed development constitutes a one-off rural dwelling in an area characterised by one-off residential developments of a similar size, I do not regard the size of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p>

