



An
Bord
Pleanála

Inspector's Report ABP-320140-24

Development	The erection of a 1 storey/2 Storey, 4 bedroom house with detached garage and vehicular access and associated site works.
Location	Wotton, The Ward, County Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	24175
Applicant(s)	Liam Smyth.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Liam Smyth.
Observer(s)	None.
Date of Site Inspection	Friday 6 th September 2024.
Inspector	Paul Kelly

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	8
5.1. Development Plan	8
5.2. Natural Heritage Designations	9
5.3. EIA Screening	12
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Planning Authority Response	13
6.3. Observations	13
6.4. Further Responses	13
7.0 Assessment	13
8.0 AA Screening	19
9.0 Recommendation	19
10.0 Reasons and Considerations	19
Appendix 1 – Form 2: EIA Preliminary Examination	
Appendix 2 – Screening for Appropriate Assessment	

1.0 Site Location and Description

- 1.1. The subject site is located in Wotton, The Ward, Co. Meath. The site is in a rural area approx. 2.6km south of Ashbourne (*as defined by the Settlement Boundary in the Meath County Development Plan 2021-2027, Vol.2, Sheet No.1(a) – Land Use Zoning Map*) and 500m west of the M2. The site is accessed via local primary road L-1009 (Wotton Lane) on exit from the R135 approx.1.2 km north of the site. The site may also be accessed from local road L5023 (Sutton Farm Road) on exit from the R135 approx.1.8 km south of the site.
- 1.2. The site is partially hard surfaced with dressed stone which on the date of inspection appeared to be in use for ad hoc open storage purposes associated with an adjoining agricultural shed. The site has an approx. area of 1.7 acres (0.7ha) and is part of a relatively flat and larger agricultural field. It is adjoined to the south by a large corrugated agricultural shed of two-storey height and an existing single storey dwelling to the north. The site enjoys strong hedgerow and tree lined boundaries to the west (roadside) and northern site boundaries. The surrounding area is characterised by extensive one-off housing of varied suburban and contemporary character.

2.0 Proposed Development

- 2.1. The proposed development comprises:
- The erection of a 1 storey/2 storey (max 8.82m ridge height), 4 bedroom house (252 sq.m) with detached garage (40 sq.m) and vehicular access;
 - Proprietary waste water treatment system and percolation area; and
 - Ancillary works and landscaping

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) decided by Order dated 13th June 2024 to Refuse Permission for 2no. reasons which can be summarised as follows:

1. Having regard to the documentation submitted in relation to the planning application it was considered that the applicant had not sufficiently demonstrated compliance with a category of local need criteria as set out in Section 9.4 of the Meath County Development Plan, 2021-2027. The proposed development would materially contravene rural housing policies RD POL 1 and RD POL 2 of the said Plan.
2. The site is proposed to be accessed via local road L-1009 which is identified as a Strategic Corridor Route in the Meath County Development Plan 2021-2027 and it was considered that the applicant did not demonstrate to the satisfaction of the Planning Authority that they met the exception parameters for access onto this category of road set out under Section 9.15.2 of the said Plan as they had failed to establish a local housing need. To permit the development would be contrary to Policy RD POL 39 and RD POL 40 of the said Plan which seeks to restrict individual accesses onto this category of road.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The report of the Executive Planner reflects the PA decision to refuse planning permission for the proposed development for the 2no. reasons set out at Section 3.1 above.
- The report notes that the site is located in a rural area designated as being under strong urban influence in the Meath County Development Plan 2021-2027 (As Varied) (MCDP). The report notes that in these areas: strategic policy RUR DEV SP 2 requires applications to satisfy the housing requirements of persons who are an intrinsic part of the rural community; that rural development policies RD POL 1; RD POL 2; and RD POL 3 require, inter alia, demonstration of a location specific rural housing need; and that Section 9.4 of the MCDP defines criteria of rural housing need. The report notes that the applicant submitted documentation in support of his local need but opined that he was not the owner of the site as suggested in the application

particulars and otherwise did not submit sufficient documentary evidence to demonstrate compliance with local need policy.

- The report also notes that the local primary road serving the site is designated as a 'strategic route corridor' on Map 9.2 of the MCDP and that the provisions of Policy RD POL 38, 39 and 40 seek to, inter alia: ensure that development accesses do not endanger public safety by reason of a traffic hazard; protect from unnecessary and excessive individual access/egress points; and, restrict new accesses for one-off dwellings where the 80 kph per hour speed limit applies. The report notes the exceptions set out in Section 9.15.3 of the MCDP but opines that as the applicant has not demonstrated a specific rural housing need at this location an access exception does not apply.
- The report opines that if permission was to be considered then noise insulation would be required to ensure appropriate internal noise levels of habitable rooms as a consequence of proximity to Dublin Airport and location of the site within Noise Zone C and, that deficiencies in the design of the entrance would require revision. The report was satisfied that these matters could be addressed by condition.
- The report includes a Screening for Appropriate Assessment determination which concludes that the proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s) and that a Stage 2 Appropriate Assessment (NIS) is not required.
- The report of the Planning Officer recommends that permission be refused for reasons that are consistent with the decision to refuse permission.

3.2.2. Other Technical Reports

- Transportation Department: The application should be refused if the applicant does not comply with the access exceptions contained within the County Development Plan.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

None received.

4.0 Planning History

Appeal Site

There is a detailed planning history on the appeal site and associated family lands consisting of 10no. successive decisions to refuse planning permission for a one-off rural house in respect of applications made by the applicant or his siblings since 2011. I have grouped these into respective years. The following cases are pertinent to the consideration of the appeal:

2011

DA/110802 (within the subject site), **DA/11803** (partly within the subject site) & **DA/11804** (within the subject site) refer to concurrent applications made on the family landholding at this location, including the appeal site. Permission was sought in respect of each application for a dwelling house, garage, vehicular access, waste water treatment system, landscaping and ancillary works. The applications were made individually by three siblings including the current applicant.

All three applications were refused permission by the Local Authority for traffic safety reasons and cumulative disorderly development considerations.

2018

AA/181012 (an adjoining site to the east), **AA/181094** (within the subject site), **AA/181095** (within the subject site) and **AA/181096** (adjoining site to east) refer to subsequent applications made on the family landholding at this location, including the appeal site. Permission was sought in respect of each application for dwelling house, garage, vehicular access, waste water treatment system, landscaping and ancillary works. The applications were made individually by four siblings including the current applicant. All applications were refused planning permission for reasons relating to: failure to establish rural generated housing need; traffic safety; and design issues.

AA/181012 was refused for an additional reason relating to haphazard, disorderly backland development. **AA/181095 & AA/181096** were both refused for additional reasons relating to haphazard, disorderly backland development and public health considerations given inconsistencies in the Site Characterisation Report.

2021

AA/201714 (the subject site) refers to an application for permission for 2no. dwelling houses, detached garages, vehicular access, waste water treatment systems, landscaping and ancillary works. The application was made by siblings on the family landholding including the subject site. Planning permission was refused by the Local Authority for 5 reasons relating to: Failure of one of the applicants to demonstrate a rural housing need; failure to meet the exemption parameters for access onto a strategic route corridor; traffic safety as a result of the failure to demonstrate visibility splays to the required standard; disorderly siting perpendicular to the public road; and potential noise impact from overhead aircraft.

21/1240 (the subject site) refers to an application by one of the previous applicants for permission for a dwelling house with garage, vehicular access, waste water treatment system, landscaping and ancillary works on the subject site. Planning Permission was refused by the Local Authority for 4no. reasons relating to: Failure to demonstrate a rural housing need; traffic safety as a result of the failure to demonstrate visibility splays; design issues as a result of the height and angular siting of the proposed dwelling; and public health.

21/2423 (the subject site) refers to a repeat application by the previous applicants for permission for a dwelling house with garage, vehicular access, waste water treatment system, landscaping and ancillary works on the subject site. Planning Permission was refused by the Local Authority for 2no. reasons relating to: Failure to demonstrate a rural housing need; and traffic safety as a result of the failure to demonstrate visibility splays to the required standard.

Accordingly, 10no. applications have been refused planning permission on the family lands at this location since 2011 (8no. on or including the subject site) and a failure to demonstrate a rural housing need has been a refusal reason on 7no. separate occasions (5no. occasions within or including the subject site).

All applications since the adoption of the Meath County Development Plan, 2013-2019 (as varied) and the Meath County Development Plan, 2021-2027 (as varied) have been refused for reasons including a failure to demonstrate a rural housing need.

5.0 Policy Context

5.1. National Planning Framework

Section 5.3, National Policy Objective 19 provides that a distinction be made between areas under urban influence (i.e. within the commuter catchment of cities and large towns and centres of employment) and elsewhere when providing for the development of rural housing. Specifically in rural areas under urban influence NPO 19 provides that single housing in the countryside should be based on the core consideration of demonstrable economic or social need.

5.2. Sustainable Rural Housing Guidelines (2005)

The guidelines make clear distinction between urban and rural generated housing and differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in urban areas.

Section 3.2.3 of the Guidelines (Rural Generated Housing) provides that Planning Authorities with rural areas close to cities and towns that are under pressure from urban generated development, should distinguish between urban and rural housing requirements. The Guidelines recommend that development plans should include categories of circumstances that would enable a planning authority to conclude whether or not a particular proposal is intended to meet a rural generated housing need. The Guidelines state (in Section 4.1) that in areas under Significant Urban Influence applicants should outline how their proposal is consistent with the rural settlement approach in the development plan with supporting information where appropriate.

5.3. Meath County Development Plan 2021-2027 (Incl. Variations 1 & 2)

The Meath County Development Plan, 2021-2027 (**MCDP**) was adopted on 22nd September 2021. It is superseded by the Consolidated version of the Plan to include Variations No.1 and No.2 adopted on the 13th May 2024. The Rural Development Chapter of the Plan was not varied.

- Section 9.2 Rural Settlement Strategy

The MCDP seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards.

Strategic Policy 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 area types.”

The MCDP identifies three area types in the County, which are identified on Map 9.1 of the Plan. The subject site is located in ‘Area 1 – Rural Areas under Strong Urban Influence’. This area is described as exhibiting characteristics of proximity to the immediate environs or commuting catchment of Dublin, includes the commuter-belt and peri-urban areas of the county and is experiencing the most development pressure for one-off rural housing.

Rural Development Policies 1, 2 and 3 apply to these areas. These policies state:

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 centres.”

The Development Plan states that applications for rural dwellings will be assessed on the basis of the policies set down for each area type and the criteria set out in Section 9.4. ‘Persons who are an Intrinsic Part of the Rural Community’. This section recognises the interest of persons local to or linked to a rural area and who are not engaged in agricultural or rural resource related occupation, to live in rural area, including (inter alia):

- 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;

**This is further qualified in Section 9.4 by the provision that where an applicant possessed a dwelling in the past and can demonstrate, by the submission of documentary evidence, that their original dwelling was sold due to unavoidable financial circumstances, such applicants will be considered on their individual merits, where local housing need criteria is satisfied.*

Other criteria are also listed but I do not consider that they are germane to this case as they do not concern the basis on which the application was brought forward or the circumstances of the appeal.

- Section 9.15 Restricting Access to Certain Categories of Roads – Sub Section 9.15.2 Regional and County Roads.

Map 9.2 of the MCDP identifies a number of Regional and County roads that traverse Co. Meath and which are considered to perform important functions and transport links. Access/egress points on these roads are restricted in accordance with the following policies:

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 limit 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 MCDP sets out exceptions to Policies RD POL 39 & 40 which includes applicants that have established a specific rural housing need on family owned lands and cannot provide access onto any other non-identified regional or county road.

- Section 12 – Dublin Airport Noise Zones

Dublin Airport Noise Zones associated with airport flight operations are illustrated on Map 5.4.1. & 5.4.2 of the MCDP. The application is within Noise Zone C.

The following relevant policies apply:

DM POL 31:

To manage noise sensitive development in Noise Zone B and Noise Zone C, where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure, where appropriate, noise insulation is incorporated within the development.

DM POL 32(a):

To require that single residential units (urban and rural) or extensions to same are provided with noise insulation of an appropriate standard having regard to its location within a Noise Zone B or Noise Zone C.

5.4. Natural Heritage Designations

The site is not located within any National or European designated sites.

Proposed Natural Heritage Area 'Santry Demense' – (pNHA) (Site Code: 000178), is the most proximate natural heritage designation to the site. This pNHA is located approx.10km to the southeast of the site.

5.5. EIA Screening

Schedule 5 of the Planning and Development Regulations, 2001 (as amended) ("the Regulations") sets out the various classes and thresholds of development which require mandatory Environmental Impact Assessment (EIA). The provision of dwelling units is of a Class specified in Part 2 of Schedule 5 of the Regulations (Class 10(b) "Infrastructure Projects" refers), which establishes the relevant EIA threshold in relation to this class of development as "Construction of more than 500 dwelling units".

Having regard to the nature and scale of the development, which includes the erection of a 1 storey/2 storey, 4 bedroom house with detached garage, vehicular access and associated site works on an infill site removed from any sensitive locations or features, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. Accordingly, EIA is not required.

Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

- A first party appeal was lodged with the Board on 10th July 2024 challenging the Local Authority's decision. The grounds of appeal can be summarised as follows:
- The location of the site and the proposed development are described. Additional commentary is given on the applicants current living arrangements

and the family landholding is detailed. No additional documentary evidence is included in relation to the applicants rural housing need.

- The planning history of the appeal site and the family landholding is set out in detail together with reference to a number of precedent decisions within the general area.
- The appeal argues that many of these precedent decisions provided for a grant of permission to rural applicants who had the same circumstances of rural need as the applicant and that their rural need was accepted on the basis of the same documentation submitted by the appellant in this case. It is argued that the appellant should be treated in the same manner as the applicants in respect of the precedent decisions cited in the appeal.
- In relation to refusal reason No.2 the appeal submits plans and particulars, detailing visibility splays of 160m in each direction.

6.2. Planning Authority Response

- The PA response to the grounds of appeal can be summarised as follows:
- The first party appeal is noted. The PA is satisfied that all appeal matters were considered in the assessment of the application as detailed in Section 10 of the Planning Officer Report dated 12th June 2024.

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national

policies and guidance, I consider that the main issues to be considered in this appeal are as follows:

- Rural Housing Policy
- Traffic Policy and Road Safety
- Wastewater Treatment
- Other matters.

7.2. Rural Housing Policy

The site is located within a 'Rural Area under Strong Urban Influence' and the PA concluded that the applicant did not submit sufficient documentary evidence to demonstrate compliance with local need policy as outlined in Section 9.4 of the MCDP.

The central issue is whether or not the appellant has sufficiently demonstrated that they are an 'intrinsic part of the rural community' and have a rural housing need as required by rural housing policy RD POL 1 & 2 and as defined in Section 9.4 of the MCDP. I note that the Planning Authority placed emphasis on the fact that the appellant stated that he was the owner of the site but is not. I do not consider that this is central to the rural need considerations arising. In this regard the appellant has submitted inconsistent information in respect of the ownership of the site, but I am satisfied that it is clear from the overall information available that the appellant is a son of the landowner. In any event the matter of rural housing need is not dependant upon the applicant owning the site.

The appellant submitted the following details to support his rural housing need:

- A local need form providing the following information: That the appellant has been living in the family home at this location for 9 years and is a son of the owner; that the appellant has links to the area since 1999; details of the appellants employment in the wider locality; and confirmation that the appellant does not currently own a property but has previously sold a property,
- Details of family members residing in the local area, and

- 2no. financial statements for the period January to April 2024.

The Board may wish to note that the appeal (Section 8.0) refers to the submission of additional documentary evidence in support of the appellants rural housing need, including: Insurance Certificate's, Mobile Phone Bills, Letter from Employer and Tax details however none of this information was submitted with the appeal and the PA has confirmed that they did not receive it.

For the purposes of assessment of rural housing need the PA determined that the application was made under the following criteria of Section 9.4:

"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"

I agree that this is the correct assessment criteria. In this regard the appellant has clearly submitted information to contend that he has spent a substantial period of his life in the rural area as a member of the established rural community and that period is in excess of five years. However I agree that the appellant has failed to submit satisfactory documentary evidence to support the information provided in the rural needs form. The rural needs form itself is not sufficient to demonstrate a rural housing need or that a person is a member of an established rural community. The local needs form must be supported by bona fides and/or documentary evidence sufficient to confirm same and in this regard the application is considered to be lacking.

The additional information submitted in relation to the list of family members residing in the area does not advance consideration of the matter. This is a general list of names and addresses and the relationship(s) with the appellant is neither clarified nor evidenced. Furthermore many of the addresses given are at urban locations and do not in any event have rural credentials relative to the assessment of rural housing need. The 2no. financial statements submitted relate to a limited 4 month period in 2024 only and as such they do not sustain or address the necessary test of establishing that the applicant has lived in the area for a 'substantial period of life' being in excess of 5 years.

Finally, and notwithstanding the above, it is noted that the appellant previously owned a dwelling in the past which was sold. The appellant has not submitted any documentary evidence to demonstrate that the original dwelling was sold due to unavoidable financial circumstances as is required by Section 9.4 of the MCDP.

In relation to the matter of alleged inconsistency in the precedent decisions referenced in the appeal, I do not consider that this argument is central to the determination of this case. Rather it was incumbent on the appellant to sustain his own rural housing need credentials in the particulars brought forward for consideration under the appeal. In this regard the appellant has not brought forward any new or materially relevant information in the appeal which would merit fresh consideration of the issue.

Accordingly it is my view that the appellant has not established that he is an intrinsic part of the rural community or that he has a rural housing need in accordance with the requirements of Policy RD POL 1, RD POL 2 and the criteria defined in Section 9.4 of the MCDP. I concur that to permit the development therefore would materially contravene the MCDP.

7.3. Traffic Policy and Road Safety

The site is proposed to be accessed from Local Primary Road L-1009 which is identified as a Strategic Corridor on Map 9.2 of the MCDP. A speed limit of 80kph applies. Rural Development Policy RD POL 39 seeks to protect such roads from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and ultimately function of the road. Policy RD POL 40 seeks to restrict new accesses for one-off dwellings where the 80km per hour speed limit currently applies in order to safeguard the specific functions and to avoid the premature obsolescence of such roads through the creation of excessive level of individual entrances and to secure investment in non-national roads. Section 9.15.3 of the MCDP provides certain exceptions to these policies for applicants who have a location specific rural housing need on family lands and cannot provide access onto any other non-identified regional or county road.

In this regard, as the appellant has not established a location specific rural housing need, it is my view that the appellant does not come within the scope of the exceptions for access set out in Section 9.15.3 of the Plan and that to permit the

development would be contrary to Policy RD POL 39 and 40 of the Plan. I do not consider that an issue of material contravention arises in this instance because this is a secondary consideration. It is clear that if a local housing need was established by the applicant, then there is no continuing impediment to the proposed development under this particular policy provision (subject to other technical considerations).

- *Visibility Splays and Third Party Consent*

I note that policy RD POL 38 of the MCDP seeks to ensure that 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 reason of a traffic hazard. In this regard the appellant has submitted plans and particulars detailing visibility splays of 160m in each direction to the nearside road edge as prepared by Consultants ORS. I note that the Transportation Report to the PA opined no objection to the proposed development provided the appellant met the exceptions for access onto the local road, provided the proposed visibility splays and addressed deficiencies in the entrance layout (which was considered to be a conditionable item).

I am satisfied that visibility splays have been detailed to the required standard, however from an inspection of the site it is clear that it will be necessary to carry out significant remedial works on third party lands to the north in order to achieve and maintain same. Whilst the appeal refers to third party written consent for the provision and maintenance of visibility splays, this has not been submitted with the appeal.

Accordingly, on the basis of the information submitted I am not satisfied that the appellant has control over sufficient lands to provide and maintain visibility splays to the required standard. Accordingly in my view to permit the development would endanger public safety by reason of a traffic hazard.

I do not consider that this is a new issue as the matter of visibility splays was the subject of assessment at application stage and was addressed by the appellant in the submission of both the planning application and the subsequent appeal documents. It is accepted that visibility splays have been proposed to the required standard, what is in question is the appellants ability to locate and maintain same across third party lands. It is my view that this matter is related to the consideration

of the appeal, the basis on which it was brought forward and the applicable policy considerations. For this reason I do not consider that it is a new issue which requires further consultation with the parties.

7.4. Wastewater Treatment

The Acquirer type is locally important and the vulnerability is low. Bedrock was not encountered in the trial hole and the water table was encountered at 1.8m below ground surface. The soil conditions found in the trial hole were primarily gravelly silt/clay of a crumb & blocky structure with firm to stiff density and brown to light brown colour to a depth of 1.2m. Below that the structure was blocky with massive and a grey-brown colour with mottling at 1.4m below ground level. The Groundwater Protection Response is R1 where an onsite system is suitable subject to good practice.

The unsaturated soil depths evidenced in the trial hole meet the necessary standards for the satisfactory treatment of effluent on site. The T value of the site is 44.89 and the P value is 42.44 and therefore the proposed option of a secondary treatment system with soil polishing filter is acceptable on this site. It is considered that a minimum design capacity of 2,900 litres would be required having regard to the PE of 6. The polishing filter is considered to be sized adequately at 180 sq. metres. Otherwise the proximity of a domestic well (one site removed) to the north to service the dwellinghouse permitted under **AA17/1139** is noted, however the minimum separation distance for the site conditions that apply are exceeded.

7.5. Other Matters

No concerns arise in relation to siting and design. This is a robust landscape with mature trees and hedgerows, relatively flat terrain and limited inward views. The site is an infill site with established adjoining residential and agricultural developments. In my opinion the site has the capacity to receive the proposed development. The design is satisfactory having regard to the established variety of house types within the vicinity of the site.

I note that the site is within Dublin Airport Noise Zone C and that a referral response from the Dublin Airport Authority (DAA) was not received at application stage. Notwithstanding, I am satisfied that the matter of internal noise levels within

habitable rooms could be dealt with by condition in a permission scenario having regard to the provisions of Policy DM POL 31 and 32(a) of the MCDP.

I note the presence of two recorded monuments within the wider vicinity of the site:

- ME045-022 Ringfort – rath: Wotton approx. 300m SW of the site; and
- ME045-021 Ringfort – rath: Muckerstown approx. 700m W of the site.

I am satisfied given the separation distances that any precautionary archaeological considerations arising could be dealt with by condition in a permission scenario and that this does not need to be brought forward as a new issue given the substantive reasons for refusal set out below.

8.0 AA Screening

- 8.1. Having regard to the modest nature and scale of the development, its infill location, good site drainage characteristics, absence of hydrological connectivity to, and distance from, 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.

Refer to Appendix 2 regarding this determination.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons who are an intrinsic part of the rural community and can demonstrate local need in accordance with Policy RD POL 1 & 2 and Section 9.4 criteria of

the consolidated Meath County Development Plan, 2021-2027 (*Inc. Variation No.1 & No.2*), it is considered that the applicant, by reason of a paucity of supporting documentary evidence, does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of an evidenced locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, materially contravene Policy RD POL 1 & 2 of the consolidated Meath County Development Plan, 2021-2027 (*Inc. Variation No.1 & No.2*) and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is accessed from local primary road L-1009, which is designated as an important county road and Strategic Route Corridor in Map.9.2 of the consolidated Meath County Development Plan, 2021-2027 (*Inc. Variation No.1 & No.2*) and at a location where new accesses are restricted to preserve the function and carrying capacity of the road in accordance with Policy RD POL 39 & 40, unless the exceptions in Section 9.15.3 of the Development Plan are met. It is considered that the applicant, by reason a failure to establish a local rural housing need, does not meet the exception criteria for vehicular access at this location and that the proposed development would, therefore, prejudice the carrying capacity and function of the local road and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development is accessed from local primary road L-1009 which is designated as an important county road and Strategic Route Corridor in Map.9.2 of the consolidated Meath County Development Plan, 2021-2027 (*Inc. Variation No.1 & No.2*) and where it is required that new accesses do not endanger public safety by reason of a traffic hazard in accordance with Policy RD POL 38. It is considered that the proposed development, in the absence of third party consent(s) or easement(s) for the location and maintenance of

visibility splays across third party lands to the north, would endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

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

Paul Kelly
Senior Planning Inspector

September 2024

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 320140-24	
Proposed Development Summary	The erection of a 1 storey/2storey, 4 bedroom house with detached garage and vehicular access and associated site works.	
Development Address	Wotton, The Ward, County 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. Is the nature of the proposed development exceptional in the context of the existing environment.</p>	<p>The existing environment is an agricultural rural environment within the commuter catchment area of Dublin. The area is characterised by one-off rural housing of varied traditional and contemporary character. The subject site is an infill site adjoined by an existing agricultural shed (to the south) and a single storey dwellinghouse (to the north. The proposed single rural dwelling is not exceptional in the context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The primary source of waste associated with the development concerns the</p>	No

	disposal of wastewaters from the subject site. In this regard there are no watercourses within, adjoining or in proximity to the site. The Ground water Protections Response is R1, Vulnerability is low and the site characteristics are deemed suitable for treatment and disposal of wastewaters to ground water. The development will not result in significant waste streams, emissions or pollutants.	
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed dwellinghouse has a gross floor area of 252 sq.m and is located on a site area of 1.7 acres (0.7ha). The size of the proposed development is not exceptional in the context of the existing environment and is consistent with the general scale and plot ratio of established development.</p> <p>There are no recent or historical projects predicted to combine with the proposed development to culminate in a significant effect.</p>	<p>No</p> <p>No</p>
Location of the Development		

<p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p>	<p>The proposed development is not located in, adjoining, nor does it have the potential to significantly impact an ecologically sensitive site or protected species. The nearest European Site to the project is located 11km to the east (Malahide Estuary Special Area of Conservation (SAC Site Code: 000205)). There is no direct pathway, functional, hydrological or ecological connectivity with this site and the nearest watercourse is approx. 715m south of the proposed development.</p>	<p>No</p>
<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>There are two recorded monuments within the wider vicinity of the site: ME045-022 Ringfort – rath: Wotton approx. 300m SW of the site; and ME045-021 Ringfort –rath: Muckerstown approx. 700m W of the site. It is considered given the separation distances and presence of existing physical developments in the intervening area that the development does not have the potential to significantly affect the said monuments.</p>	<p>No</p>

Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> <div style="border: 1px solid black; width: 40px; height: 30px; margin: 10px auto; text-align: center; line-height: 30px;">X</div>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.-</p>

Inspector: _____

Date: _____

Paul Kelly

Senior Planning Inspector

Appendix 2
Screening for Appropriate Assessment
[NIS not submitted]

An Bord Pleanála Case Reference	ABP-320140-24
Proposed Development Summary	The erection of a 1 storey/2storey, 4 bedroom house with detached garage and vehicular access and associated site works.
Development Address	Wotton, The Ward, County Meath.

- **Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

- **Background on the Application**

A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening determination has been carried out de-novo.

- **Screening for Appropriate Assessment – Test of likely significant effects**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

- **Brief description of the development**

The proposed development consists of the erection of a dwellinghouse and garage, with site access, wastewater treatment system, ancillary and landscaping works. The site is an infill site and is currently partially dressed in stone with ad hoc open

storage activities thereon ancillary to the adjoining agricultural shed. There are no watercourses within, adjoining or in close proximity to the site. The Groundwater Protection Response is R1 and Vulnerability is low.

- **European Sites**

The development site is not located in or immediately adjacent to a European site. The closest European site is Malahide Estuary Special Area of Conservation (SAC Site Code: 000205) approx. 11km east of the proposed development. A summary of the European Sites that occur within a possible zone of influence of the proposed development is presented in the table below.

Table A. Summary Table of European Sites within a possible zone of influence of the proposed development:

European Site	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development	Connections	Considered further in screening Y/N
Malahide Estuary SAC Site Code: 000205	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>	11km (E)	This is the nearest European Site to the project. There is no direct hydrological connectivity with this site and the nearest watercourse is approx. 715m south of the project site.	N

	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]			
Rogerstown Estuary SAC Site Code: 000208	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	12.3km (ENE)	None	N
Rogerstown Estuary SPA Site Code: 004015	<p>Greylag Goose (Anser anser) [A043]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p>	13km (ENE)	None	N

	Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]			
Rye Water Valley/Carton SAC Site Code: 001398	Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]	15km (SW)	None	N

- Screening Determination

I have considered the proposed development in light of the requirements Section 177U of the Planning and Development Act 2000 as amended. The proposed development is located approx. 11km west of Malahide Estuary SAC (Site Code: 000205). Having carried out Screening for Appropriate Assessment of the project, it has been concluded on the basis of objective information that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Malahide Estuary SAC (Site Code: 000205) or any other European Site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

This determination is based on the following:

- The distance of the proposed development from the European Site and demonstrated lack of any ecological connections. Having visited the site and having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and any designated site. The nearest watercourse is located approximately 715m south of the site. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

Inspector: _____

Date: _____

Paul Kelly

Senior Planning Inspector