



An
Bord
Pleanála

Inspector's Report ABP-320271-24

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|-------------------------------------|---|
| Development | Construction of a house, waste water treatment system & polishing filter, domestic garage, vehicular access into site and all ancillary site works. |
| Location | Veldonstown, Kentstown, Navan, Co. Meath. |
| Planning Authority | Meath County Council. |
| Planning Authority Reg. Ref. | 24200. |
| Applicant(s) | Niall Matthews. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party. |
| Appellant(s) | Niall Matthews. |
| Observer(s) | None. |
| Date of Site Inspection | 1 st October 2024. |
| Inspector | Ciarán Daly |

1.0 Site Location and Description

- 1.1. The rural 0.227 ha. site consists of part of a larger agricultural field used for tillage farming adjacent to the Navan Road (R153) located to the west of the Kentstown road junction c.900m away. The site is located at a lower level to the public road and is separated from same by a hedgerow, ditch and some mature trees and there is also an agricultural gate entrance located along the front site boundary.
- 1.2. The site is located adjacent to a bungalow on one side which is the third house in a row to the west, and on the east side and to the rear (south) is the field. There is a line of 9 no. detached dwellings opposite the site and c.200m further to the east on the same south side of the road as the subject site there is a long line of detached dwellings with the road taking on a more suburban character leading up to the junction of the Navan Road with the Legnanara Road.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of:
- A single storey / storey and a half dwelling house (198 sq.m.),
 - Domestic garage (40sq.m.),
 - Waste water treatment system,
 - New vehicular access.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council decided to refuse permission for the proposed development for three no. reasons which related to the following:

1. Failure to demonstrate that the applicant complies with the local needs policy for rural housing.

2. Contrary to the policy of restricting new access for one-off dwellings on roads where the 80km speed limit applies.
3. The additional traffic would result in a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the decision is found in the Planner's Report where refusal of permission was recommended in relation to failure to demonstrate the applicant meets the local needs policy for a rural house in this location and the failure to comply with Development Plan policies on restricting new accesses from such regional roads and the inability to provide a safe access giving rise to a traffic hazard.

The report also noted that no indication of the proposed water supply was included on the application form

3.2.2. Other Technical Reports

- Transportation: Further information requested.
- Environment Section: No report received at time of Planner's Report.

4.0 Planning History

Subject Site

None located.

Wider Area

Reg. Ref. AA201336 at Sicily, Balrath, Navan, Co Meath (located north-west of the subject site c.100m away): Permission granted by the Planning Authority for revisions a new two storey dwelling, detached garage and a new wastewater treatment system, relocation of an existing vehicular entrance to the neighbouring dwelling to provide a shared entrance to serve the existing neighbouring.

Reg. Ref. AA/170327 at Kentstown, Co Meath (site located within Kentstown built up area on Leganara Road c.450m to south): Permission refused by the Planning

Authority and granted on appeal (Ref. PL 17.248708) for part storey and a half, part single storey dwelling house, new vehicular entrance in lieu of field gate and service connections.

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027 (the CDP)

While Kentstown is noted as a rural village settlement in the Development Plan, the subject site is located outside of the village area of Kentstown and is a rural site. Relevant sections of the CDP include:

- Section 9.3 Rural Area Types

Area 1 – Rural Areas under Strong Urban Influence

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 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.

- Section 9.4 Persons who are an Intrinsic Part of the Rural Community
- Section 9.5.1 Development Assessment Criteria
- Section 9.5.3 Occupancy Conditions

RD POL 8 To ensure that the provision of housing in all rural nodes shall be reserved for persons who are an intrinsic part of the rural community. In all cases applicants shall certify to the satisfaction of the Planning Authority that they have been a rural resident for a minimum of 5 years. The node shall be within 12 km of their current place of residence.

- 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'. Section 9.15.2 Regional and County Roads (Refer Map 9.2)*

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 Development Assessment Criteria
- Section 9.18 Technical Requirements

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.*

- Appendix 13 – Rural Design Guide

5.2. National Policy

National Planning Framework Project Ireland 2040 (NPF)

- 5.2.1. The NPF includes National Policy Objective (NPO) 19 which seeks to facilitate rural housing in rural areas under urban influence based on economic or social need to live in an area and siting and design criteria per guidelines and plans having regard to the viability of smaller towns and rural settlements.

Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES)

- 5.2.2. RPO 4.80 of the RSES seeks that Local Authorities manage urban generated growth in Rural Areas under Strong Urban Influence (commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by providing single houses in the countryside based on demonstrable economic or social need to live in a rural area.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.2.3. These guidelines seek that people from rural areas are facilitated by the planning system in all rural areas, including those under strong urban influence. Circular Letter 5/08 was also issued. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes. Ribbon development is not favoured in the Guidelines (see Appendix 4 thereof).

5.3. Natural Heritage Designations

- 5.3.1. In terms of proximity to designated sites, the subject site is located c.1.9km to the west of Balrath Woods Proposed Natural Heritage Area (PNHA)(site code 001579), 5.4km south-west of Thomastown Bog PNHA (site code 001593), c.6.4km south-west of the River Boyne and River Blackwater Special Area of Conservation (SAC)(site code 002299), c.6.9km south of Boyne Woods PNHA (site code 001592), c.6.7km west of the River Boyne and River Blackwater Special Protection Area (SPA) (site code 004232), c. 7.4km south-west of Rossnaree Riverbank PNHA (site code 001589), c. 7.8km south-west of Crewbane Marsh PNHA (site code 000553), c. 12.8km south-west of King William's Glen PNHA (site code 001804) and c.13.8km west of Cromwell's Bush Fen PNHA (site code 001576).

5.4. EIA Screening

- 5.4.1. See Forms 1 and 2 attached below. Having regard to the nature, size and location of the proposed development 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. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points can be summarised as follows:

- In relation to refusal reason no. 1:

- How does being born and raised in Kentstown not comply with the local needs qualifying criteria?
- There was a failure to ask for more information in relation to this criteria instead of refusing permission.
- Kentstown village will die very soon without a sustainable housing plan.
- Infill such as this is the solution to the housing crisis.
- The design is in keeping with the area.
- In relation to refusal reason no. 2:
 - How will one new entrance to the road cause an issue in relation to free flow of traffic and how will the village progress?
- In relation to refusal reason no. 3:
 - 80kms per hour is not the maximum speed limit.
 - Precedents for permission cited.

6.2. **Planning Authority Response**

The Planning Authority refers the Board to its Planner's Report.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Local needs criteria and housing demand.
- Traffic issues on public road.
- Site entrance.
- Public Health.

7.2. Local needs criteria and housing demand

- 7.2.1. At application stage, a completed local needs form was submitted. A bank and phone statement were also submitted and I have reviewed these documents. These documents give details of the applicant's current address at his parent's house in Kentstown and previous address from May 2017. The submitted form states the family links to the area for 60 years and the family tree submitted details prior family links to the 19th century. The subject site is located within a rural area under strong urban influence per Map 9.1 of the CDP and under RD POL1 individual rural houses must satisfy the housing requirements for people who are an intrinsic part of the rural community (consistent with NPO 19 of the NPF).
- 7.2.2. Noting Section 9.4 of the Development Plan which refers to persons who are an intrinsic part of the rural community, the applicant is not involved in agriculture or in the bloodstock, equine, forestry, agri-tourism or horticultural sectors. However this section recognises other criteria such as longevity in the rural area, people in substandard housing scenarios with family ties to the rural community, returning emigrants, persons with rural based employment, exceptional health circumstances, unavoidable financial circumstances where a rural dwelling was sold or having resided in a dwelling attached to a business for a substantial period. The applicant, not being from a rural area, and residing in Kentstown does not meet any of these requirements.
- 7.2.3. Section 9.5.1 also provides additional criteria which are to be taken into account and these relate to housing need as it relates to employment, social links to rural areas and immediate family, the degree to which the surrounding area has been developed, existing development on the landholding, site suitability and whether infill development applies. Noting the location of the site adjacent to two housing plots and otherwise adjacent to an agricultural field and located outside Kentstown in a rural area, I do not consider it to be an infill site and I note the lack of links to this rural area while acknowledging the family links to the settlement of Kentstown. It is also noted that while it could be said that the southern section of the road in the vicinity of the site is not particularly developed and the northern side of the road opposite the site includes a line of 9 no. detached dwellings.

- 7.2.4. Noting that the onus is on the applicant to demonstrate compliance with the local needs policies of the Development Plan and to furnish information to support this, and noting the lack of any additional supporting documentation submitted in this regard as part of the appeal, I fail to see a rationale by which the applicant meets the local needs criteria for a rural house in this area.
- 7.2.5. The applicant has not demonstrated a rural housing need and where it is the policy of the Development Plan that such housing need can be met within existing and planned settlements in a sustainable manner, I do not see a rationale for a new house outside of the settlement area where the applicant has not demonstrated an economic or social need to reside in the area. To provide such a rural dwelling at this location would thus be contrary to policy including policy RD POL 8 which is *“To ensure that the provision of housing in all rural nodes shall be reserved for persons who are an intrinsic part of the rural community”*.
- 7.2.6. Based on the personal circumstances outlined by the applicant, I am satisfied that this proposal would constitute urban generated housing within a rural area under strong urban influence and this is contrary to RD POL 1, RD POL 3 and RD POL 8 of the CDP and I recommend that permission be refused on this basis.
- 7.2.7. In relation to whether the design is in keeping with the relatively flat and open site and with the rural area, also having regard to Section 9.6 (Design and Siting Considerations) of the CDP, I note the part single storey and part two storey design form. The horizontal emphasis windows on part of the front elevation and lack of window openings on the two storey element give rise to the appearance of a rear gable facing the front. While I note the general rural farm house type form which lacks appropriate elevation design treatment, I do not consider that these design issues merit refusal and should the Board decide to grant permission, I recommend that the front facing blank gable façade be revised to include windows with vertical emphasis on both levels by the use of a prior to commencement of development condition.

7.3. Traffic issues on public road

- 7.3.1. In relation to refusal reason no. 2 and RD POL 40 which seeks to restrict new access for one-off dwellings where the 80 km per hour speed limit applies together with the failure to demonstrate rural housing need (see Section 7.2 above), I have visited the site and can confirm its location within the 80m km per hour speed limit zone which commences c.0.5km to the east at the edge of the Kentstown settlement.
- 7.3.2. Policy RD POL 40 states that it is policy *“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”*. While the appeal questions how one such additional entrance will materially effect this matter, I note the significant number of residential entrances along this stretch of the public road such that I consider that a material impact already arises in this location.
- 7.3.3. In this context, I consider that one additional entrance in this context while relatively small in marginal impact, where the rural needs policy has not been met, can only exacerbate the situation which the Development Plan policy seeks to address. Moreover, the precedent that would be set in this context, would give rise to larger impacts as it would contribute towards the proliferation of such domestic entrances along regional roads. RD POL 40 is, in my view, justified in planning terms from a strategic roads perspective for such regional roads which serve an important function in linking rural towns and villages in a safe and efficient manner, allowing for the free flow of traffic without undue hindrance and would adversely affect the use of the strategic road corridor. In terms of impact on the Kentstown settlement, this will serve to further erode the quality of its road links to the surrounding area and I recommend that permission be refused.

7.4. Site entrance

- 7.4.1. As outlined above, I have observed the site to be located within an 80km per hour speed limit zone. The appellant lists a number of planning permissions which he considers to be precedents for the provision of the vehicular access at this location. In relation to the permission granted for a rural dwelling and vehicular entrance under reg. ref. AA190415 at Follistown, Navan, it appears that 160m sightlines were demonstrated in both directions along the R153 and this was accepted on the basis that the rural house needs policy was satisfied.
- 7.4.2. In relation to the permission granted for a new dwelling and vehicular entrance at Follistown, Navan under reg. ref. 21/982, a condition of the permission was that 160m sightlines be provided for the vehicular entrance along the R153 and this appears to have been demonstrated on the site layout plan. This was accepted on the basis that the rural house needs policy was satisfied.
- 7.4.3. In relation to the permission granted to change the existing vehicular entrance to provide two no. entrances at Sicily, Balrath, Navan, under reg. ref. 23/510, the applicant demonstrated 160m sightlines along the R150 in both directions and this grant of permission altered the permission granted under reg. ref. 21/1992.
- 7.4.4. It is noted that the drawings submitted with the application include annotations stating “250m viewline” while not showing this fully given the size of the drawings submitted which cut this off at c.114m to the east and at c.175m to the west and including a lack of detail in relation to showing this from a setback point from the road. I do not find the permissions cited in the appeal to be persuasive in the context of the failure to demonstrate compliance with the rural housing needs policy. I note the report from the Transportation section which found that sightlines to the nearside had not been demonstrated, that the entrance layout had not been demonstrated in line with the Meath Rural Design Guide and that it has not been demonstrated how the remaining agricultural lands would be accessed. I also note the lack of any updated drawings or engineering reports with the appeal. However, having examined the site location maps, I am of the view that, while not demonstrated on

the drawings in detail, the required 160m sightlines can be achieved at the vehicular entrance.

- 7.4.5. I note the policy of the CDP under Policy RD POL 40 to restrict new accesses for one-off dwellings where the 80km per hour speed limit applies. This is to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads through the creation of excessive levels of individual entrances and to secure the investment in non-national roads. In relation to this reasonable policy objectives I consider that an additional vehicular entrance would exacerbate the situation in the vicinity of the site where there are multiple vehicular entrances and I recommend refusal of permission in this context.

7.5. Public Health

Drainage

- 7.5.1. In relation to drainage and related matters, I note that the site is not located within a flood zone and that the site coverage would be such that no significant concerns arise in relation to the ability for all surface water drainage to be dealt with through SUDS methods on site and should permission be granted this matter can be dealt with by condition.

Wastewater Treatment

- 7.5.2. In relation to the proposed wastewater treatment system, the Planning Authority noted no issue with same. While not at issue in the appeal, having reviewed the submitted Site Characterisation Report prepared by Hydrocare Environmental Ltd, I note that it found using a trial hole depth of 2.1m that the soil type (grey brown podzolics, brown earths) and bedrock type (limestones) to be favourable for secondary wastewater treatment. An elevated water level was found (depth 0.9m) such that a raised polishing filter is required. In relation to percolation, the T-value was noted to be 45.11 and the P-value was 41.56. A soil polishing filter of 180sqm was recommend per the EPA Code of Practice. On this basis I have no significant concerns and, should permission be granted, a condition can added to ensure compliance with the EPA Code of Practice.

Water Supply

- 7.5.3. It is noted that no indication of the proposed water supply for the dwelling has been included with the application. In this context, if the Board otherwise disagrees with the refusal recommendations of this report, I advise that permission cannot be granted without indication of how an acceptable water supply is to be provided.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located remote from and with no hydrological or ecological pathway to any European site.
- 8.2. The proposed development comprises a dwelling house, garage, entrance and wastewater treatment system. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The small scale and domestic nature of the development and lack of impact mechanisms that could significantly affect a European site,
 - The nature of existing habitats on the rural site,
 - The distance from European sites and absence of ecological pathways, such as a watercourse, to a European site,
 - The Screening Determination carried out by the Planning Authority.
- 8.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that the planning application be refused permission for the following reasons and considerations.

10.0 Reasons and Considerations

1. The subject site is located in a rural area which is identified in the Meath County Development Plan 2021-2027 as being under strong urban influence. National Policy Objective 19 of the National Planning Framework (2018) outlines that in such areas, single housing proposals shall be facilitated based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements and Policy RD POL 1 of the Development Plan also requires that individual house developments shall satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed. The applicant has not demonstrated an economic or social need to live in a rural area and has not demonstrated that he is an intrinsic part of the rural community in which the development is located. The proposed development, therefore, does not accord with National Policy Objective 19 of the National Planning Framework and contravenes the rural housing policies of the Development Plan including RD POL 1, RD POL 3 and RD POL 8 and is contrary to the proper planning and sustainable development of the area.
2. The location of the entrance to the proposed development is directly onto the R153, a regional strategic route, at a location where the speed limit of 80 km/h applies. It is the policy of Meath County Development Plan 2021-2027 as reflected in Policy 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 through the creation of excessive levels of individual entrances and to secure the investment in non-national roads. The entrance and the additional turning movements created by the development would interfere with the unobstructed, safe and free flow of traffic on the public road and therefore contravene Policy RD POL 40 of the Development Plan and this would be contrary to the proper planning and 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.

Ciarán Daly

Planning Inspector

21st November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
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| An Bord Pleanála Case Reference | | | |
| Proposed Development Summary | Construction of a house, waste water treatment system & polishing filter, domestic garage, vehicular access into site and all ancillary site works | | |
| Development Address | Veldonstown, Kentstown, Navan, 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 | X |
| | | 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 | | | EIA Mandatory EIAR required |
| No | X | | 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 | |
| Yes | X | 500 units | Class 10(b)(i) |
| | | | Conclusion |
| | | | No EIAR or Preliminary Examination required |
| | | | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

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| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____

Date: _____

Form 2
EIA Preliminary Examination

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| An Bord Pleanála Case Reference Number | ABP-320271-24 |
| Proposed Development Summary | Construction of a house, waste water treatment system & polishing filter, domestic garage, vehicular access into site. |
| Development Address | Veldonstown, Kentstown, Navan, 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> | |
| <p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | The proposed development is for a dwelling house, garage, wastewater treatment plant and vehicular entrance in a rural area and which not connected to water and wastewater services. The modest scale development does not require the use of substantial natural resources or give rise to a significant risk of pollution or nuisance. This presents no risks to natural resources or human health. |
| <p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | The development is situated in a rural area on arable agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. |
| <p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | The proposal will be connected to its own wastewater treatment plant. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for |

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| | | significant effects on the environmental factors listed in section 171A of the Act. |
| Conclusion | | |
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | No |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |

Inspector:

Date: _____

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____