



An
Bord
Pleanála

Inspector's Report

ABP-320711-24

Development	Construction of house with vehicular entrance, wastewater treatment system and percolation area and all associated site works.
Location	Greenoge, Kilsallaghan, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	24278
Applicant(s)	Kashif Mahmood.
Type of Application	Permission.
Planning Authority Decision	To refuse permission.
Type of Appeal	First Party
Appellant(s)	Kashif Mahmood.
Observer(s)	None.
Date of Site Inspection	30/11/2024.
Inspector	R Taylor

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Appendix 1 – Form 1: EIA Pre-Screening & Form 2 EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The application site is located within Greenoge, Kilsallaghan, County Meath adjacent to a public road known as the R125. This road traverses broadly east to west and there is a forked junction to the east approximately 40 metres from the northeastern corner of the site. There is an existing field access in the northwestern corner of the site. The site comprises an agricultural field which is broadly rectangular in shape and oriented at a right angle to the adjacent public road. Approximately the front half of the site is broadly level in terms of topography with the rear half rising towards the rear boundary. Approximately rear third of the site narrows in width and has level topography. There is a rise in levels of approximately 5.43 metres between the front (northern) and rear (southern) boundaries. The site is broadly orientated in a northeast to southwest alignment. The northern, eastern and southern (rear) boundaries comprise a mix of mature field hedging which is interspersed with a number of large and mature trees. Most of the western boundary consists of a block wall approximately 1.8 metres in height with the remainder towards the rear boundary comprising hedgerow and sporadic trees.
- 1.2. There is a detached single storey dwelling immediately adjacent to the west. Immediately adjacent to the east there is a further agricultural field with a water course forming its eastern boundary. Beyond there is the curtilage of a large, detached dwelling which is sited towards the rear and occupies an elevated position. This dwelling is southeast of dwelling proposed in this appeal. To the west of the site there are 5 detached dwellings all of which have large rectangular shaped plots orientated broadly at a right angle to the adjacent public road, similar to the appeal site. The most westerly of these dwellings is located a significant distance from the public road and there is a graveyard between this dwelling and the public road. These dwellings also occupy elevated positions to varying degrees above the adjacent road. Opposite the site and to the northwest there are also a row of five dwellings which also have broadly rectangular shaped large plots. The Broad Meadow River is located to the rear of these dwellings further to the north.

2.0 Proposed Development

- 2.1. The proposal seeks full permission for the construction of house with vehicular entrance, wastewater treatment system and percolation area and all associated site works. The dwelling has a stated floor area of 211 sq.m and has six bedrooms. It is part 2 storey with a ridge height of 8.2m and part single storey, with a ridge height of 5.3m. A supporting entrance details drawing indicates a revised access in the northwestern corner of the site. It illustrates visibility dimensions of 2 metres x 90 metres. It also indicates the removal of vegetation along the site frontage to facilitate the entrance. A broadly “L” shaped driveway traverses southwards adjacent to the western boundary with parking area including three spaces along the frontage of the dwelling. A wastewater system is located to the northeast of the dwelling, approximately 11 metres from the front elevation at the closest point. A percolation area of approximately 120 square metres is proposed within the rear narrow section of the site approximately 23 metres from the rear elevation at the closest point.

3.0 Planning Authority Decision

3.1. Decision

The Notification of Decision by the Council dated 24/06/2024 refused permission for three reasons (summarised):

1. Failure to comply with the local needs qualifying criteria in section 9.4 of the plan and demonstrate a rural housing need. The applicant has not established a site specific rural generated housing need in this location given the applicant already owns a dwelling and has resided the majority of their life within an urban settlement and constitutes urban generated need. The authority is also not satisfied that there are “exceptional health circumstances” that would require a person to live in a particular environment. A very undesirable precedent would be established if approved.
2. The proposed development would, if permitted, add to the pattern of linear housing along this section of the public road and exacerbate the existing ribbon of development and represent an excessive concentration and density of rural

development and create additional development opportunities that would further exacerbate the situation.

3. The construction of a domestic entrance located on a regional road which is identified as a strategic corridor on map 9. 2 of the plan, the proposal contravenes policies RDPOL 38, RDPOL 39 and RDPOL 40 and associated section 9.15.3 Development Assessment Criteria as the site is not taken from a family holding. To grant the proposed development by itself, or by the precedent which the grant of permission would represent, could lead to a proliferation of similar type developments, would reduce the capacity of the road, and would interfere with the safety and free flowing nature of traffic on the road, would adversely affect the use of this strategic corridor and be contrary to the plan and proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There is a single planning report dated 07-08-2024, that sets out the Council's assessment of the proposal.
- Principle of development: the applicant is seeking permission based on exceptional health circumstances criteria. Supporting documentation from 7 medical professionals/organisations is noted, however it is not stated that it is a requirement that the applicant resides in a rural area. This could be facilitated within an urban area. The applicant already owns a home and therefore the proposal would be urban generated housing. The supporting information submitted seeks to address a refusal reason for similar issues in a previous application.
- Access: The application site opens onto a regional road, the R125. The proposal contravenes policies RDPOL 38, RDPOL 39, and RDPOL 40. The plan facilitates exceptions to these policies. However, these exceptions relate to family-owned lands and existing dwellings with vehicular entrances. The proposal does not address a refusal reason for similar issues in a previous application.

- Siting, design and layout: A previous application included two refusal reasons, numbers 4 and 5, relating to the design of the dwelling, compliance with the Meath Rural Design Guidelines, and impacts on landscape and visual amenity. The revised design is acceptable and in compliance with relevant policy including the Meath Rural Design Guidelines.
- Visual and residential amenity: The proposal will not result in any negative impacts all neighbouring properties in relation to daylight, overshadowing, overlooking, or loss of outlook.
- Ribbon development: The proposal would be the 6th dwelling in a row along 250 metres of this road frontage, exacerbate ribbon development, and increase the density of the area. The previous application was refused under reason 2 for ribbon development and this issue remains applicable.
- Appropriate Assessment: not be likely to have a significant effect on European Site(s).
- Environmental Impact Assessment: no real likelihood of significant effects on the environment.

Other Technical Reports

3.2.2. Internal referrals were issued to Environment Sections surface water and flooding, and the Heritage Officer. No responses were received at the time of writing. A referral was also issued to the Transportation Department, which advises further information is required. This response notes the following:

- Sightlines of 90 metres with a setback of 2 metres are proposed. The relaxation of the (setback) X distance to 2 metres is unacceptable.
- Sightlines are obstructed, and it is proposed to remove hedging and trees on lands to the West of the entrance. These works are outside the red line site boundary. Where works are required on 3rd party lands the applicant shall submit written consent of the landowner to carry out these works. The consent shall be witnessed by a practising solicitor or commissioner of oaths.
- The applicant show demonstrates that the roadside boundary complies with TII standard DN- GEO- 03036. The boundary shall be at least one metre behind the sightlines. There shall not be any hazards within the clear zone as defined in TII

publication DN- GEO- 03036. A grass verge, at least 4 metres in width, shall be provided between the edge of the road and the new site boundary.

- Roadside drainage will be provided in compliance with the Department of Transport “Guidelines For Road Drainage- second edition, 2022.” Pipe work shall be at least 300 millimetres in diameter and in any case be no less than the nearest downstream pipe.
- The access details submitted are in response to two similar issues highlighted in a previous refused application.

3.2.3. Environment Flooding: the development site is situated in Flood Zone C for fluvial flooding i.e. the probability of flooding is less than 0.1% and therefore at low risk of flooding. No objections to the proposal.

3.2.4. The submitted wastewater treatment details are in compliance with the Environment Protection agency code of practice 2021. This water drainage and water supply will be provided by connection to the public mains and no issues are discussed.

3.3. Prescribed Bodies

3.3.1 Referrals were issued to Uisce Éireann, Department of Housing, Local Government and Heritage-Archaeology, An Taisce, the Heritage Council, and An Chomhairle Ealaíon. No responses were received at the time of writing of the planning report.

3.4. Third Party Observations

None received.

4.0 Planning History

Ref: 248: the construction of new 6-bedroomed 2.5 storey house, with new vehicular entrance at existing gate, new wastewater treatment system and percolation area, and all associated siteworks. Refused 29/02/2024 for 5 reasons (summarised):

1. Failure to comply with the local need qualifying criteria as outlined in section 9.4 of the Development Plan 2021- 2027 and demonstrate a rural housing need...
The planning authority is also not satisfied that there are “exceptional health circumstances” that would require a person to live in a particular environment.

2. Contrary to policy RD POL 3 of the development plan 2021- 2027, “to protect areas falling within the environments of urban areas in this area type from urban generated and unsightly ribbon development and to maintain the identity of these urban areas.” Having regard to [i] the sighting of the proposed dwelling to the north of an existing linear pattern of development along regional road R125, and [ii] to the density, pattern and build up of continuous road frontage development at this rural location, ... the proposed development would by itself and by the “infill” sites it would create, result in an undesirable extension and coalescence of a disorderly and regimental line of ribbon development, which would be visually prejudicial to the amenities of the area.
3. Contrary to policy RD POL 43 of the Development Plan 2021- 2027, “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 design manual for roads and bridges (DMRB) specifically section TD41-42-09 when assessing individual planning applications for individual houses in the countryside.”

Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays and accordance with the requirements, the Local Planning Authority is not satisfied on the basis of the information submitted that safe visibility splays can be provided in each direction to the required standards...the proposed development would endanger public safety by reason of a traffic hazard, be contrary to the aforementioned policy provisions in the development plan and proper planning and sustainable development of the area.

4. Contrary to policy RD POL 6 of the Development Plan 2021- 2027, “to accommodate demand for permanent residential development as it arises subject to good practise in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.”

The proposal... would result in... a prominent and visually intrusive physical feature and would dominate, rather than integrate with, the local landscape... [and] fail to integrate successfully into the landscape and would erode the rural character and visual amenities of the area.

5. Contrary to policy RD POL 9 of the development plan 2021- 2027, “to require all applications for rural houses to comply with the Meath House Design Guide.”

The proposal by reason of its size, scale and massing in particular its height is considered out of keeping and fails to integrate with the character of the surrounding rural area and would form a visually obtrusive feature, which would not respect and integrate with the surrounding landscape.

5.0 Policy Context

5.1. Development Plan

- The Meath County Development Plan, 2021-2027, was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021. This has been superseded by the Consolidated version of the Meath County Development Plan 2021-2027 (incl. Variations 1 & 2) adopted on the 13th May 2024. It has regard to national and regional policies in respect of residential development and development in the countryside.
- 03. Settlement and Housing Strategy
- Chapter 9 of the Development Plan sets out the Rural Development Strategy. 10 strategic objectives are provided at section 9.1. Relevant objectives to the case include:
 - RUR DEV SO 6: To protect and enhance the visual qualities of rural areas through sensitive design.
 - RUR DEV SO 9: To ensure that plans and projects associated with rural development will be subject to an Appropriate Assessment Screening and those plans or projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 2000 site (or sites) undergo a full Appropriate Assessment.
- The rural settlement strategy at 9.2 and includes the following “Goal”:
- To ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process.
- This outlines that the Planning Authority recognises the long tradition of people living in rural areas and promotes sustainable rural settlement as a key

component of delivering more balanced regional development. It sets out that rural development should be consolidated within existing villages and settlements that can build sustainable rural communities as set out in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (RSES). The Development Plan seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards.

- The following strategic policies are of relevance:
- RUR DEV SP 1: “To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types”.
- RUR DEV SP 2: To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan.
- 9.3 Rural Area Types: three rural area types are identified on Map 9.1. The appeal site is within Area 1 - Rural Areas under Strong Urban Influence.
- Area 1: Key Challenge: To facilitate the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the development plan.
- This area exhibits the characteristics of proximity to the immediate environs or close commuting catchment of Dublin, with a rapidly rising population and evidence of considerable pressure for development of housing due to proximity to such urban areas. This area includes the commuter- belt and peri-urban to areas of the county, and are the areas that are experiencing the most development pressure for one-off rural housing. These areas act as attractive residential locations for the inflow of migrants into the county. 3 policies are stipulated for this area:
- 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.
- RD POL 4: To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- RD POL 5: 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 6: To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.
- 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.
- persons local to an area are considered to include:
- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;

- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.
- The Planning Authority also recognises that exceptional health circumstances may require a person to live in a particular environment or close to family support. In such cases, the exceptional health circumstances would require supporting documentation from a registered medical practitioner and a disability organisation supporting a planning application. 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.
- 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. Where there is a history of individual residential development on the landholding through the speculative sale of sites, permission may be refused;
 - The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan;
 - The degree to which the proposal might be considered infill development.

- 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 the proposal might be considered infill development, and;
 - 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.
- Meath County Council will endeavour to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.
- 9.5.3 Occupancy Conditions: RD POL 7: To attach an occupancy condition to all individual one-off rural dwellings, including those located in Nodes, and on unzoned land/rural area, pursuant to Section 47 of the Planning and Development Act 2000 (as amended), restricting the use of the dwelling to the applicant, as a place of permanent residence. The period of occupancy will be limited to a period of 7 years from the date of first occupation. No such occupancy condition shall be imposed with respect to housing located in Rural Area Type 'Low Development Pressure Area'.
- 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'.
- 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.
- 9.6.1 Access and Other Ancillary Works
- 9.15.2 Regional and County Roads (Refer to Map 9.2)
- 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.
- 9.15.3 Development Assessment Criteria
- 9.18.2 Groundwater Protection and the Planning System.
- RD POL 44: To ensure that new development meets the highest standards in terms of environmental protection.
- 9.18.3 Wastewater Disposal:
- RD POL 46: To ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites

prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided.

- 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.
- RD POL 50: To ensure a maintenance agreement or other satisfactory management arrangements are entered into by the applicant to inspect and service the system as required. A copy of this must be submitted to the Planning Authority.
- 11. Development Management Standards and Land Use Zoning Objectives:
- Section 4 – General Development Standards: 11.4 General Standards applicable to all Development Types.
- 11.4.4 Trees and Hedgerows: DM OBJ 11: Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible.
- 11.5.24 Family Flat Extensions
- **Other Relevant Policy and Guidance Considerations:**
- Meath Rural House Design Guide.
- Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG April 2005
- National Planning Framework 2040
- Regional Spatial and Economic Strategy (RSES)
- Appropriate Assessment of Plans and Projects, Guidance for Planning Authorities (2009)
- Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)' (2021)
- National Housing Strategy for Disabled People 2022-27
- UN Convention on the rights of persons with disabilities
- Housing for all (2021)
- DN-GEO-03060 TII Publications Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) May 2023.

5.2. Natural Heritage Designations

- The appeal site is not located within or directly adjacent to any Natura 2000 sites. The nearest sites are:
- Malahide estuary SAC site code 000205, approximately 9.81 km southeast;
- Malahide estuary SPA site code 004025, approximately 9.81 km southeast
- Rogerstown estuary SAC site code 000208 approximately 10.41 km northeast
- Rogerstown estuary SPA site code 004015, approximately 10.41 km northeast

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant's grounds of appeal are set out in a supporting statement provided by Reid associates.
- **Refusal reason 1/Case of need:**
- Supporting medical documentation is provided from the GP and Occupational Therapist Clinical Director. There are exceptional medical needs which translates into complex special housing needs and only a house located within a rural area can satisfy those needs. The complexity of medical need is profound and requires a rural environment beside family to facilitate independent accommodation with care in a secure and nature affirming environment and access to safe, secure, and private open space for exercise.

- There is no disagreement between the council and the applicant that the applicant has exceptional and complex special housing needs and medical need, which is supported in the Sustainable Rural Housing Guidelines. The planning authority has failed to translate that special exceptional medical need into a housing requirement to live in a rural area and treated the application as a standard application for the purposes of rural housing local needs policy. The evidence of medical need is overwhelming. In the absence of other grounds, the planning authority should grant permission. The council materially erred in the application and interpretation of the plan.
- The plan recognises exceptional medical need as justifying a rural house. An applicant does not have to satisfy local need and exceptional need. It is one or the other and there is a requirement for sensitivity. The National Housing Strategy for Disabled People and United Nations Convention on rights of persons with disabilities support the development and have not been considered.
- The applicant is seeking to address specific needs due to the lack of public provision of appropriate housing. The applicant is taking the initiative to provide suitable housing. The reason for refusal is unsustainable and socially regressive.
- **Refusal reason 2: Ribbon Development**
- This reason fails to balance the policy and housing strategy for disabled people and undermines the importance of medical need justification. Inclusivity is a core value of the plan and Disabled Housing Strategy. The Council corporate mission statement includes an objective “to provide a blend of solutions to the complex housing challenges at local level.” The circumstances of the applicant must be considered.
- The building line does not appear as a linear ribbon development. The proposal does not result in unsightly ribbon development and will be screened from view / subsumed within the landscape, secured by a future landscape plan. There are no additional development opportunities created due to the case of exceptional medical need justifying the proposal. The site has strong rural character enclosed by mature trees and hedgerows which are essential to the applicant’s well-being. It complies with the Meath Rural Design Guide.

- **Refusal reason 3: Access / Precedent:**
- The case is reliant on exceptional medical need and therefore would not set a precedent. The applicant not having a farm holding further undermines the importance of the exceptional medical need. This is contrary to plan policies for inclusivity, facilitating disabled housing, and acknowledgement of exceptional medical need as outlined in section 9.4 and Sustainable Rural Housing Guidelines 2005 which supports the proposal.
- There is an existing access and gate serving the established agricultural use for transport of animals and agricultural machinery. The proposal improves existing access arrangements to provide improved sightlines in both directions, traffic safety, and the neighbouring entrance. The improvements are in compliance with policies RDPOL 38 and 39, and section 9.15.2 of the plan.
- Policy RDPOL 40 relates to restriction of new accesses for one off dwellings where the 80 kilometre per hour speed limit applies. The site is within the 60 kilometre per hour speed limit. Improvement of sightlines at this location will provide benefits to road infrastructure and safety in the area. The Design Manual for Roads and Bridges requires a visibility distance from minor roads of 90 metres for major roads with a 60 kilometres per hour speed limit. The submitted drawings demonstrate a 90 metre sightline layout.
- The proposal is supported by policies within the plan including SHPOL 6, SHOBJ 18 and SOCPOL 13, Meath County Council corporate plan 2019- 2024, Sustainable Rural Housing Guidelines 2005, National Housing Strategy for Disabled People, Housing for all (2021), and National Planning Framework 2040.
- The refusal to grant permission precludes the applicant's full participation in life and the community. This is contrary to the charter of fundamental rights, the UN Convention on the rights of persons with disabilities, and the National Housing strategy for disabled people.

6.2. Applicant Response

- The applicant is the appellant.

6.3. **Planning Authority Response**

- The planning authority response states that it is satisfied that all matters are considered in the planning report and request the Board uphold the decision to refuse permission.

6.4. **Observations**

- None received.

6.5. **Further Responses**

- None received.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:

- a) Principle of development / need;
 - b) Ribbon development;
 - c) Traffic, access, and safety issues and Precedent;
 - d) Impact on Trees and vegetation;
 - e) Wastewater and drainage;
 - f) Design & Amenity.
- a. Principle of development / need

7.2. In the Meath County Development Plan, 2021-2027 the site is located within 'Area 1 - Rural Areas under Strong Urban Influence in map 9.1. Policies RD POL 1, 2 and 3 of the Meath County are applicable. Section 9.4 of the Development Plan refers to the Sustainable Rural Housing Guidelines, defining 'persons who are an intrinsic part of the rural community'. It sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas.

- 7.3. The criteria relate to housing for “persons in natural resources related employment” and “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.” The fourth paragraph also provides criteria for “exceptional health circumstances may require a person to live in a particular environment or close to family support.” The applicant seeks permission on health-related exceptional circumstances not for themselves, but for an immediate family member and this criterion is therefore relevant.
- 7.4. This paragraph goes on to state that “in such cases, the exceptional health circumstances would require supporting documentation from a registered medical practitioner and a disability organisation supporting a planning application. 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.”
- 7.5. The policy does not define or elaborate on what constitutes a “disability organisation.” The appeal evidence includes responses from the GP and occupational therapy. I am satisfied that the occupational therapy report constitutes a “disability organisation” given the nature of health-related assessments undertaken by these organisations. I also note from the planning report refers to a more comprehensive range of supporting reports submitted with the application. However, these were not included within the evidence, planning report, or supporting information. I must therefore rely on the supporting medical reports with the appeal statement.
- 7.6. The supporting documentation outlines the needs and circumstances of the applicant’s family member and background issues in relation to their condition. In summary, they conclude that the applicant’s family member requires to live in a secure and quiet rural environment, close to immediate family, and subject to constant supervision and monitoring. There is no evidence presented to dispute the recommendations of these reports. On the basis of the evidence submitted, I am satisfied that the applicants family member has medical needs.
- 7.7. The evidence does not indicate that there is a site-specific need for the applicant or their family member to live at this location. There is no supporting evidence

indicating that other suitable rural locations or urban sites have been considered or have been unobtainable by the applicant. I therefore conclude that, whilst the applicant has a medical need, they do not have an exceptional medical need to live at this location.

- 7.8. The evidence argues that, in summary, a medical need can outweigh all other technical issues. The second sentence of the relevant paragraph relating to medical need states:

In the absence of any significant (author emphasis) 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.

- 7.9. The wording of the policy therefore indicates other tests that proposals must satisfy for a rural dwelling to be acceptable on the basis of medical need, namely environmental, access or traffic, and sensitive design and siting criteria. The appellant has no objections to an occupancy condition.
- 7.10. The evidence disputes the Council's approach in requiring to satisfy a local need and exceptional medical need. They consider that this is an either/or test.
- 7.11. Section 9.5 is titled All Areas. Section 9.5.1 lists Development Assessment Criteria. This states that "the Planning Authority will also take into account the following matters in assessing individual proposals for one-off rural housing." 5 criteria are then listed. Given the wording of the policy, and the proposal is for a one-off rural house, it is clear that these criteria apply to this case. This is also confirmed in the rural settlement strategy at 9.2 and the associated "goal" and policy must be read within this context.
- 7.12. Of the five criteria, 4 would be relevant in this case. The first bullet point of the criteria relates to rural need. The second relates to an assessment of how the surrounding area has been developed and is trending towards becoming overdeveloped. The fourth criteria repeats the requirements discussed under exceptional medical need regarding "The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan." The final criteria requires an assessment of "degree to which the proposal

might be considered infill development.” The third criteria relates to the original landholding and is not considered relevant given the circumstances of this case.

7.13. These issues are encompassed within the second and third refusal reasons.

b) Refusal Reason 2: Ribbon Development

7.14. 9.5.2 refers to Ribbon Development. It is within section 9.5 which, as discussed above, relates to all areas for rural housing proposals and is therefore relevant in this case.

7.15. The appellant considers that ribbon development has not been balanced against medical need. They accept that the site is in an area of development pressure, but this is outweighed by the medical need. They state that the site has strong rural character and is enclosed by mature vegetation, and the layout and design is in accordance with the design guide and assimilates into the landscape. They also consider that the building line does not appear as linear ribbon development and the proposal is subsumed within the rural landscape character of the area and would not contribute to a pattern of ribbon development. It is further argued that the proposal will not result in unsightly ribbon development as it will be screened from view and therefore is in accordance with section 9.3 of policy RDPOL 3. They consider that new additional development opportunities would be created but this is a specific and unique case of medical need. It complies with the plan and supported by the Sustainable Rural Housing Guidelines, National Housing Policy, and Housing For All.

7.16. The application form submitted in support of the proposal states in response to question 10 regarding legal interest and the site, that it is not owned by the applicant but owned by a company and refers to an attached letter of consent. This letter is not included with the supporting documentation. The supporting site location map indicates that the appeal site is within the ownership of the company. It also indicates the adjacent agricultural field immediately to the east is outlined in blue and therefore also within their control.

7.17. RDPOL 3 seeks “to protect areas falling within the environments of urban areas in this area type from urban generated and unsightly ribbon development and to maintain the identity of these urban areas.” Section 9.5.2 provides an indicative definition of ribbon development as a line of five or more dwellings within a 250m stretch of road, broadly repeating Appendix 4 of the Sustainable Rural Housing

Guidelines. In this case the application site immediately abuts an existing detached dwelling to the west and there are a further 4 dwellings beyond. These are all located within approximately 132m of the existing site entrance. To the east, there is a dwelling immediately adjacent to the agricultural field outlined in blue on the supporting site location map. The frontage of this site is approximately 36m from the existing entrance of the appeal site. All of these adjacent sites are therefore within the stated distance of 250m referred to in the definition.

7.18. Four of the five dwellings read as a collective group in a linear arrangement from public viewpoints on approach from the west and from mid and close distance views when approaching from the east. If approved, the appeal site would become more readily visible from eastern and western approaches, as existing site frontage vegetation would require removal to facilitate access. The existing dwelling to the east of the site is not readily visible due to mature boundary vegetation around this site, the appeal site, and adjacent agricultural field that is outlined in blue. I also consider that there is a linear arrangement of dwellings opposite the site.

7.19. I consider that the definition of 5 dwellings in the policy is indicative and does not constitute a standard or minimum in defining ribbon development. This must be assessed on the basis of specific circumstances of the proposal site in relation to the context.

7.20. The policy goes on to refer to “whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant;
- The degree to which the proposal might be considered infill development, and;
- 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.”

7.21. In this case the rural area is subject to strong development pressure, and this is acknowledged by the applicant. I do not consider that the existing circumstances would constitute infill development. The dwelling, if approved, would extend the existing line of dwellings to the west. Notwithstanding the extensive set back of the

most westerly dwelling, I consider that the proposal, if approved, would extend a ribbon of development. Collectively existing development on both sides of the road read as a build-up of dwellings which impact on rural character. The circumstances of the applicant in this case does not relate to a need based on employment or historic links to the area. Rather it is based on an exceptional medical need. This issue therefore must be weighed against other considerations under the exceptional needs policy tests as discussed above.

7.22. The refusal reason also refers to the creation of additional development opportunities. Notwithstanding the medical need in this case, I consider that if approved, the proposal could result in an infill site opportunity on the adjacent lands that are outlined in blue between the appeal site and existing dwelling further to the east. The wording of the policy would not preclude such an infill opportunity on the basis of an exceptional need for this site. This could result in extending the existing ribbon of development from 5 dwellings to 8. I therefore agree with the conclusions of the Council in relation to this issue.

c) Reason 3: Traffic, access, and safety issues and precedent;

7.23. There is dispute between the parties regarding safe access to the site. The appellant considers the speed limit of the adjacent road is 60 kilometres per hour. The Council consider that it is contrary to section 9.15.3 assessment criteria as the site is not taken from a family holding, and contravenes policies RD POL 38, 39 and 40. The Council's Transportation Department concluded that the related proposals are unacceptable and further information is required.

7.24. Map 9.2 of development plan identifies the R125 road adjacent to the site as a regional road. 5.9.2 discusses Regional and Local Roads. 9.15.2 refers to Regional and County Roads (and Map 9.2) and states "It is vitally important that new housing in rural areas that is located along non-national routes is located in such a manner as to avoid endangering public safety by way of a traffic hazard". RD POL 38, 39 and 40 provide policy considerations for regional roads and development affecting these routes. 9.15.3 provides Development Assessment Criteria.

7.25. 9.15.3 provides two exceptions to the broadly preclusive roads policies within RD POL 38, 39 and 40. The first relates to circumstances on rural housing need on family-owned land. The council consider the proposal fails this criterion as part of

refusal reason 3 and state that a grant of permission would result in a precedent for unacceptable development.

- 7.26. The need in this case relates to exceptional medical circumstances and not to agricultural employment. The appeal site and adjacent field are the only lands in the control of the appellant. I therefore do not consider that this exception to the criteria is relevant in this case and agree with the related comments by the appellant on this issue. It therefore follows that the proposal would not result in a precedent.
- 7.27. The second exception criteria relates to “where an existing dwelling with a vehicular entrance that is not considered to constitute a traffic hazard is to be demolished and replaced with a new dwelling.” This is also not applicable in this case due to the nature of the proposal as there is no existing dwelling on site.
- 7.28. The criteria continues with three further bullet points for “New development proposals onto certain regionally and locally important county road type routes that act as particularly important transport links that traverse Co. Meath.”
- 7.29. The first criteria requires avoiding unnecessary new accesses. The proposal does not meet this criteria due to the characteristics of the site relative to the adjacent public road.
- 7.30. The second criteria relates to safety and requires “effective visibility for both users of the entrance and users of the public roads.” There is dispute between the parties on the appropriate set back x distance from the public road and associated visibility. The Council consider the x distance should be 2.4 metres x 90 metres, whilst the appellant’s supporting details indicate 2 metres x 90 metres at the junction with the road in both directions. I note that the refusal reason does not refer to this issue. It is also not considered in the Council’s planning report, other than repeating the response from the Transport Section.
- 7.31. The appellant states that the road speed limit is 60 kilometres per hour (kmph) at this location. I noted at my site visit that speed restriction signs of 60 kmph are erected before entry into the area when approaching from the east on the R125, approximately 178m due east of the appeal site entrance. There are no similar signs evident on approach from the west. There are also safety road markings along the site frontage on the opposite side of the road for eastbound traffic.

- 7.32. DN-GEO-03060, May 2023 is the relevant consideration for accesses, and this is referred to the Transport response. The response states that a 'y' visibility sightline distance of 90m is required. However, this distance relates to a road with a design speed of 60km per hour in table 5.5 "'y' Visibility distances from the minor road" in DN-GEO-03060. Where the design speed of the road is 80kmph, visibility of 160m is required. Table 5.5 also cites 120m for a road design speed of 70kmph. Therefore, if the design speed was 80kmph, a higher figure of 160m should have been sought. On this basis I conclude that RD POL 40 is not applicable as this relates to proposals for one-off dwellings where the 80km per hour speed limit currently applies.
- 7.33. There is disagreement between the parties on the appropriate set back distance from the public road. The Council consider a setback "x" distance of 2.4m is required. The proposal illustrates 2m. Table 5.3 in DN-GEO-03060 stipulates "'x' Distances on the minor road for visibility measurements". For "All roads" a "desirable" x distance of 3m is stipulated. For "National roads" a "relaxation" to 2.4m is stated. On "Regional & Local Roads" for "Accesses, Lightly trafficked" minor roads a "relaxation" to 2m is stated.
- 7.34. Based on the alignment of the adjacent public road, associated safety road markings, and observed vehicle speeds from my visit, I consider that road safety is an issue at this location. I therefore do not agree with the appellant that a relaxation to the minimum set back x distance to 2m is appropriate for the new access at this location. A minimum x set back distance of 2.4m is necessary.
- 7.35. The appellant has not provided any justification for the visibility and associated set back distance, other than to state that there is an existing agricultural access at this location and access improvements would also benefit road safety in the area. There is no evidence provided that this would be the case. The policy is clear in relation to accesses for new dwellings. These represent a more intensive use than agricultural accesses and appropriate visibility must be provided. This is further evidenced at Table 5.3 Direct Access layouts in DN-GEO-03060 which gives "Predicted Traffic Movements" of less than 10 movements a week for field accesses, and less than 150 movements a week for accesses to dwellings.
- 7.36. The access details and associated visibility provided by the appellant show vegetation and structures within/forward of the visibility space/areas in both

directions and on lands outside the ownership of the appellant. The left-hand side emerging splay includes walls and hedging immediately adjacent to the R125. The right-hand side emerging splay is obscured/impacted by a bridge structure and vegetation to the northeast of the site on the opposite side of the R125. I also note that on easterly approach, the R125 has a staggered alignment that impacts on the extent of forward visibility of vehicles as they approach the appeal site. There is no evidence provided that the appellant has agreement for alterations to third party lands to provide the visibility splays as proposed. Therefore, the lesser setback and visibility details proposed by the appellant are not achievable. It therefore follows that the required sightlines in accordance with DN-GEO-03060 also cannot be provided. On the basis of the evidence provided, I am not satisfied that the proposal would adequately facilitate safe access and egress from/to the site. I therefore concur with the conclusions of the Council. The details as proposed are unacceptable and do not satisfy relevant policies.

d) Impact on Trees and vegetation (new issue);

- 7.37. The plan includes policy for the retention of hedgerows and trees at RD OBJ 9. RD POL 20 requires the submission of landscape plans where appropriate to accompany planning applications for rural development. 8.9.7 Woodlands, Hedgerows and Trees is also relevant. HER POL 37 seeks “retention of hedgerows and other distinctive boundary treatments in rural areas... prevent loss and fragmentation, where practically possible. Where removal...is unavoidable, mitigation by provision of the same type of boundary will be required.” HER POL 40 encourages the retention of mature trees.
- 7.38. As discussed above in the site description section, the appeal site includes a number of mature trees and vegetation throughout the existing field/site boundaries. The Council planning report does not consider or assess the impact of the proposal on these natural features.
- 7.39. Policy RD POL 20 requires the submission of landscape details. These are not included with the submission, save for the location of existing trees and hedgerows and limited locational details of proposed tree and hedgerow planting.
- 7.40. I note from the submitted layout that the single storey element of the dwelling and car parking area is within the crown spread of a number of very mature trees within

the adjacent eastern side boundary. The gable of the dwelling is approximately 5 metres from this site boundary. A tree health and condition survey with associated root protection area details has not been provided. Given the extensive crown spread of these trees, the proposed dwelling and associated excavation and site works could infringe on the root protection areas associated with these features. Evidence to conclusively demonstrate otherwise has not been provided. I am not satisfied that existing natural features and screening would be safeguarded and therefore consider that the proposal is contrary to policies HER POL 37, HER POL 40, and RD POL 20.

- 7.41. The appellant refers in their evidence to a future landscaping plan and I accept that this could be provided by a planning condition. However, I am not satisfied on the basis of the information submitted that the proposal would safeguard the long-term health and viability of these trees. Loss of these trees would also impact on the screening that they provide and would adversely impact on the character of the area.

e) Wastewater and drainage (new issue)

- 7.42. The Council's planning report does not address wastewater and drainage issues. Referrals were issued to Uisce Eireann and Surface Water and Flooding Sections of the Environment Section of the Council. However, no responses were received prior to the decision. Appropriate related provisions are a requirement, as specified in policies RD POL 44 (environmental protection), RD POL 46 (acceptable facilities), RD POL 48 (satisfy EPA code of practice criteria), and RD POL 50 (appropriate management and maintenance arrangements).

- 7.43. A site characterisation report was submitted in support of the application. It states that the water supply shall be provided by a mains connection. The aquifer is stated as locally important, with extreme vulnerability. The Groundwater Protection Response Category is identified as 'R2', which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems, as being 'acceptable subject to normal good practice'.

- 7.44. The depth of the trial hole was 2.2 metres, and bedrock was encountered at this point. The soil/sub-soil is classified as clay with a blocky structure and lightly compacted, with "good soakage expected". In respect of the percolation characteristics of the soil, the subsurface test result is indicated as 24.53min/25mm.

The surface test result is stated as 23min/25mm. The comments on the results claim that the site is suitable for a wastewater treatment system and polishing filter to discharge to groundwater. The submitted drawings indicate that the required separation distances set out under Table 6.2: 'Minimum separation distances from the entire DWWTS' of the EPA's Code of Practice, based on site size and separation from site boundaries and identified features.

- 7.45. I note that the proposed wastewater system and percolation area are also included within the crown spread of the existing mature trees around the site boundaries. The associated works to provide this infrastructure could adversely impact on these trees. Table 6.2 of the Code of Practice recommends a minimum separation distance of 3m from trees. However, it includes a footnote that states "Tree roots may lead to PFPs developing. The canopy spread indicates potential root coverage." Notwithstanding this issue, I consider that there is sufficient scope within the site to accommodate this infrastructure in a revised location. Should the Board decide to grant permission, I recommend that a condition is attached requiring the submission of details for this infrastructure in a revised location outside the crown spread and root protection areas of retained trees for agreement with the Council in writing prior to the commencement of development.
- 7.46. Notwithstanding impact on retained trees, I am satisfied that the site is suitable for the wastewater and percolation works proposed and associated details are acceptable, subject to provision in an appropriate location. Observations from my site visit did not indicate any drainage or surface water issues. The site is sufficient in size to locate the wastewater and percolation areas in accordance with the separation distances specified at section 6.2 of the Code of Practice. Policies RD POL 46, 48, and 50 could therefore be satisfied, albeit through agreement of appropriate location and management details prior to commencement of development by planning condition. I do not consider that there is a high density of other systems in close proximity to the site. There are significant separation distances to watercourses and accordingly these features would be safeguarded and subject to limited impacts.

f) Design & Amenity

- 7.47. The planning report by the Council concludes that the layout and design of the proposal is acceptable and would not adversely impact on and residential amenities of the area.
- 7.48. I consider that the form and proportions of the building are sufficiently reflective of a traditional two storey dwelling. The fenestration and associated solid to void ratios of the design are also sufficiently reflective of rural architecture. The proposed design is sufficiently reflective of the typologies identified as acceptable within the Design Guide and therefore conclude that the proposal is compliant with this policy.
- 7.49. The proposed dwelling is orientated towards the public road, with the western gable being the closest part of this building to the western site boundary and nearest existing dwelling. I consider that the proposed separation distance is sufficient to ensure that there would be no adverse impact in terms of overshadowing/loss of light of the existing neighbouring dwelling and garden areas to the north and south due to the aspect of the site. I am also satisfied that the proposal will not adversely impact on privacy of the adjacent existing dwelling and associated curtilage and other nearby buildings due to separation distances, boundary treatments and vegetation, and location of window openings which are all orientated towards the front and rear of the site, save for a single window in the eastern gable which relates to a bathroom and would be obscurely glazed and views filtered by the roof of the attached single storey element of the plan layout.

8.0 AA Screening

- 8.1. I have considered the proposed erection of a dwelling and associated works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located within a rural area and approximately 9.81 km to the nearest European Site as discussed at section 5 above.
- 8.3. The proposed development comprises the erection of a dwelling and associated works as discussed at section 2 above.
- 8.4. No nature conservation concerns were raised in the planning appeal.

8.5. 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. The reason for this conclusion is as follows:

- The nature of works and limited scale of the development.
- The site is not within or adjacent to a protected site or feature, and the location and distance from nearest European site and lack of connections.
- Taking into account screening by the LPA.

8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that permission for the development be refused.

10.0 Reasons and Considerations

The Appellant has demonstrated medical needs. However, the need is not specific to this site and locality, and I am not satisfied that this need could not be facilitated at an appropriate suitable site within an alternative location in the rural area or a settlement, and such options have been fully explored. The policy requirements, as discussed above, also require proposals to meet other considerations. I conclude that the proposal would result in ribbon development, fail to provide adequate access and visibility facilities, and has not demonstrated that the proposal will safeguard trees and vegetation on the site. I acknowledge the appellant's comments in relation to human rights and the rights of disabled people to housing provision and policy support for same within wider strategic policy. However, I consider that this issue does not outweigh the unacceptable aspects of the proposal which are in the public interest.

11.0 Conditions

1.	<p>The proposed development is located within a “rural area under strong urban influence” where it is requirement for applicants to (i) comply with the local needs qualifying criteria as outlined in section 9. 4 of the Meath County Development Plan 2021- 2027 (as varied) and to (ii) demonstrate a rural housing need. It is considered, based on the information submitted, that the applicant has not demonstrated that the proposal would meet the Development Assessment Criteria that would justify an exception to the policy for a dwelling at this location on the grounds of an exceptional medical need. The proposed development would be contrary to the policy of the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan 2021- 2027 (as varied) and would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
2.	<p>The proposed development is located within a “rural area under strong urban influence” in the Meath County Development Plan 2021- 2027.</p> <p>The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and exacerbate an existing ribbon of development and result in an excessive concentration and density of residential development. It would also create additional development opportunities that would further exacerbate this ribbon development. The proposed development would, therefore, be contrary to policy RD POL 3 of the Meath County Development Plan 2021- 2027 (as varied) and the proper planning and sustainable development of the area.</p>
3.	<p>The proposal is contrary to policies RDPOL 38, RDPOL 39, and development assessment criteria, in that to grant the proposed development would reduce the capacity of the road, interfere with the safety and free flowing nature of traffic on the road, adversely affecting the use of the strategic road corridor, and a safe means of access and visibility has not been demonstrated in accordance with the Meath County</p>

	Development Plan 2021- 2027 (as varied). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4.	The proposal is contrary to policies HER POL 37, HER POL 40, and RD POL 20 of the Meath County Development Plan 2021- 2027, in that that the proposal, if permitted, would not safeguard the long-term health and viability of existing trees which contribute to the rural character of the area and adequate landscaping details have not been provided. The proposed development would, therefore, 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.

R Taylor
Planning Inspector

07th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320711-24		
Proposed Development Summary	Construction of house with vehicular entrance, wastewater treatment system and percolation area and all associated site works.		
Development Address	Greenoge, Kilsallaghan, 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		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10, (b), (i) (threshold is 500 dwelling units)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 10, (b), (i) (threshold is 500 dwelling units) Proposal is for 1 dwelling	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: R Taylor Date: 07/02/2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 320711-24
Proposed Development Summary	Construction of house with vehicular entrance, wastewater treatment system and percolation area and all associated site works.
Development Address	Greenoge, Kilsallaghan, 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>	<p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and</p>	<p>The development is situated in a rural area on agricultural land which is abundant in the area. The development is removed from sensitive natural</p>

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).	habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.	
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).	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 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.	Yes
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.	N/A
There is a real likelihood of significant effects on the environment.	EIAR required.	N/A

Inspector: R Taylor Date: 07/02/2025

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)