



An
Bord
Pleanála

Inspector's Report

ABP-322133-25

Development	Construction of a dwelling and domestic garage, etc
Location	Clonmore, Kildalkey, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2460269
Applicant(s)	Anthony Darby & Laura Faulkner.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Willian Hayes.
Observer(s)	None.
Date of Site Inspection	29 th May 2025.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The subject site is in the rural townland of Clonmore, in County Meath. The site is accessed via the L-40013-0, a narrow cul-de-sac road to the west of the local road that connects the village of Kildalkey, c1.4km to the south and the settlement of Athboy, c. 3.5km to the north.
- 1.2. The site has a stated area of 0.4ha and comprises part of an agricultural field that partially borders the northern edge of the cul-de-sac. The site is irregular in shape and bounded by high mature hedgerow and open drainage ditch along its eastern and south boundaries. The north and west boundaries are open having regard to the site forming part of a larger agricultural field.
- 1.3. The topography of the area is relatively flat. The site itself rises gradually in a north-westerly direction. Surrounding lands are predominantly in agricultural use. There is a strong prevalence of one-off residential developments in the surrounding hinterland. The nearest residential property is located to the south of the application site, on the opposite side of the cul-de-sac. The appellant's dwelling is located c.75m to the southeast.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a storey and a half dwelling and domestic garage. The proposal includes the upgrade of the existing agricultural entrance to a domestic entrance and for the installation of a secondary treatment system and soil polishing filter and all associated site works.
- 2.2. The following details are noted:

Site Area	0.4ha	
Dwelling	Type / Design	4-bed, three-bay, 1 ½ -storey with single storey addition to side and projecting elements to rear. The design is reflective of a traditional style farmhouse.
	GFA	205 sq. m (as stated)

	Height	7.497 meters (as stated)
	Finish	Mix of nap plaster and natural stone to external walls. Blue/black slate roof.
Garage	Type / Design	Single storey detached
	GFA	36.7 sq. m
	Height	4.643
	Finish	Nap Plaster and blue/black slate
Access	Existing agricultural gate to be upgraded to a domestic entrance. 70m sightline distances to southeast requires removal of existing hedgerow.	
Services	Foul:	Secondary treatment system and soil polishing filter
	Water supply	New connection - Private Well
	Surface Water	Soakpit

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

- Landowner letter of consent (applicants' father).
- Soil Characterisation and Site Suitability Assessment.
- Documentation relating to rural housing need was submitted to the planning authority at RFI stage (This information was not digitally scanned).

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for further information, Meath County Council decided to grant permission (24/02/2025) for the proposed development (as amended) subject to 12no. conditions. The conditions are generally standard for a development of this nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Report (June 2024)

The initial report of the Local Authority Case Planner has regard to the locational context and planning history of the site, to relevant national and local policy and to the third-party submissions received. The following points are noted from the assessment:

- Insufficient information has been submitted to demonstrate the applicants need for a new dwelling in this rural area.
- The proposed in terms of its design and siting is considered to comply with the Meath Rural House Design Guide.
- Given the distance of the application site from the nearest dwellings, overlooking is not an issue in this instance.
- Proposals for wastewater treatment and disposal are acceptable subject to compliance with standard conditions.
- The applicant has not demonstrated that adequate sightlines of 90m are achievable in both directions from the proposed entrance.
- Appropriate Assessment screening concludes that a Stage 2 Appropriate Assessment (NIS) is not required in this instance. The need for subthreshold EIA is also ruled out.
- The report concludes with a request for further information on issues raised in the report (local need and provision of adequate sightlines). The applicants were also requested to examine the third-party submission and to submit a detailed response to the items raised.

Note: a request to extend the appropriate period for receipt of further information for three months was granted by the planning authority on the 8th November 2024.

Report on Further Information (February 2025)

The second report of the Local Authority Case Planner has regard to the further information received on the 9th of June 2022 and the report of MCC's Transport Department.

- On the issue of 'Local Need', the reports notes that the applicant provided a cover outlining the local and rural housing needs specific to this area along with financial statements for the relevant periods from 2017 to 2024 as proof residency. The local needs form submitted, indicates that the applicant resides at a nearby family home and does not possess any residential property. The information provided was deemed adequate.
- On the provision of adequate sightline distance, the applicant submitted revised plans showing 70m sightlines in both directions. This was deemed acceptable having regard to the report of the Transportation Department.
- The report concludes with a recommendation to grant permission subject to 12no conditions as per MCC decision

3.2.2. Other Technical Reports

- Transportation Department: Report on further information received – no objection subject to conditions regarding the provision and maintenance of adequate sightline distance and entrance design. Unobstructed sightlines of 70m to the nearside edge of the road from a setback of 2.4m are requested.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The planning authority received one third-party submission from William & Suzanne Hayes, the appellants in this case. The issues raised in the submission are similar to those set out in this third-party appeal and can be summarised as follows:

- Negative impact on residential amenity by way of overlooking / loss of privacy and devaluation of property

- Lack of detail in the plans submitted. Observers dwelling along with wells/septic tanks in the area have not been indicated on submitted plans
- Concerns regarding accuracy of site notice (alleged incorrect address).

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

5.2. The Meath County Development Plan 2021-2027 (as varied) is the operative plan for the area.

5.3. Zoning: The site is in the rural area, outside of designated settlements

5.4. Landscape Designations:

The application site is located within the Central Lowlands Landscape Character Area and is of high value and moderate sensitivity. The application site is located within a Rural Area under Strong Urban Influence. There are no protected structures or recorded sites or monuments within or near the application site.

5.4.1. Meath Rural Settlement Strategy:

The goal of the Meath Rural Settlement Strategy as set out in the CDP is 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.

A tailored approach is taken to rural housing in the county, in which three types of rural area are identified with corresponding policies for each. Map 9.1 of the MCDP

indicates that the proposed development site is within a Rural Area Under Strong Urban Influence. The following policies are relevant:

- 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.

Section 9.4 - Persons who are an Intrinsic Part of the Rural Community

The Sustainable Rural Housing Guidelines outline that Planning Authorities in formulating policies recognise the importance to rural people of family ties and ties to a local area such as parish, townland or the catchment of local schools and sporting clubs. It also delivers positive benefits for rural areas and sustains rural communities by allowing people to build in their local areas on suitable sites.

The Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

- Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture.
- Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment.

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

1. 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.

Section 9.5.1 – Development Assessment Criteria – outlines criteria that the planning authority shall also take into account in assessing individual proposals for one off rural housing. These criteria include the following:

- 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.

Policy RD POL 7 relates to Meath County Council's commitment to attaching occupancy conditions to all individual one-off rural dwellings.

Section 9.6 sets out the rural residential development, design and siting considerations.

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

5.4.2. Section 9.18.3 Wastewater Disposal

It is the policy of the Council: 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.

5.5. **National Policy and Guidance:**

Regard is had to:

- 5.5.1. Project Ireland 2040: The National Planning Framework (NPF), First revision (April 2025).

National Policy Objective 28 of the NPF is of most relevance to the proposed development. Objective 28, requires that, in providing for the development of rural housing, a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- 5.5.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031 (RSES)
- 5.5.3. Sustainable Rural Housing Guidelines for Planning Authorities, (2005)
- 5.5.4. The Planning System and Flood Risk Management- Guidelines for Planning Authorities, 2009.

5.6. Other:

Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021. The purpose of the Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021 provides guidance on domestic waste water treatment systems for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate domestic wastewater treatment system

5.7. Natural Heritage Designations

- 5.8. The appeal site is not designated for any nature conservation purposes. The closest designated sites are the River Boyne and River Blackwater SAC and SPA which are located c1.7km and 1.9m to the east of the site respectively. A hydrological connection between the subject site and the River Boyne and River Blackwater SAC and SPA exists via an open drainage ditch that extends along the southern and eastern boundary of the site (c. 2km downstream and to the east).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a third-party appeal lodged by William Hayes, the owner of the residential property to the southeast of the appeal site, against the decision of Meath County Council to grant permission for development at Clonmore, Kildalkey, Co. Meath. The appeal documentation includes maps, aerial imagery and photographs to demonstrate the proximity of the proposed development to the appellants property and the potential impact on same. Screen shots of e-mails to appeals@pleanala.ie are also attached to the appeal submission. The source of these e-mails is unclear.
- 6.1.2. The issues raised in the grounds of appeal can be summarised as follows:

- Impact on residential amenity by way of overlooking / loss of privacy and visual intrusion. The appellant argues that his house is located on an elevated site and that the proposed dwelling would look directly into his back garden, kitchen and bedrooms. Potential devaluation of property is also raised.
- The proposed development would result in an increase in traffic on the lane which is in need of repair and is subject to flooding. The lane is narrow with limited passing opportunity for vehicles resulting in vehicles having to reverse onto the main road at the top of the lane.
- The appellants septic tank is too close to the proposed well location.
- Validity of application - Incorrect address (townland) on public notices
- The applicants have other more suitable sites available to them for development including a derelict cottage with its own private lane.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The applicant was granted permission to locate the dwelling behind the existing tree line that is visible from the appellants property. The appellant's property is on relatively flat ground. The proposed dwellings first floor windows is 96 sq. m from the closest window on the appellants dwelling. This window is blocked by the appellant's garage. A separation distance of c. 99 sq. m is available to other windows, far more than the minimum separation distance of 22m recommended in the MCDP.
- First floor windows of the proposed dwelling look towards the treeline and will not be overlooking the appellants property which is to the east. Given the separation distance available, it cannot be seen how there would be an impact to privacy of any neighbouring dwellings.
- The legal position is that property owners have no inherent rights to a view. It could be argued that the applicant dwelling would add value to neighbouring properties by opening up views.

- The applicant has not applied for permission for any other application on his or his family's land.
- The lane in question is in the ownership of Meath County Council, the applicant will be paying development contributions to MCC's Road Department. It is not the responsibility of the applicant or any other party to control the amount of traffic on a public road.
- There is good visibility on the lane and pull-in areas are available to allow vehicles to pass. The proposed development would provide an additional pull-in area.
- While the exact location of the proposed well is unknown, the well as shown on the submitted plans is the closest possible location to the appellants percolation area (c50m) and is well in excess of the minimum separation distance for upgradient wells.
- The proposed dwelling is in the townland of Clonmore, the address in the submitted document is correct.
- After reviewing the applicant's landholding, it was noted that other sites were not viable due to being land locked or on the main local road which would create / extend ribbon development. this is the only site for the applicant to stay within his and his parents farm partnership.
- There is no evidence of any water hens on the application site. There is no pond on the application site, only a drainage ditch.

6.3. Planning Authority Response

- The planning authority is satisfied that all matters outlined in the submission were considered in the course of the assessment of the planning application as detailed in the reports on file. They request that the Board uphold the decision to grant permission for the said development subject to the conditions applied.

6.4. Observations

None

6.5. Further Responses:

The appellant submitted a response to the applicant's appeal response on the 6th May 2025. The applicants submitted in response to the applicant's appeal submission. The applicant's submission includes a site location map indicating lines of sight; from the location of the proposed site entrance towards the appellants property; and a video to illustrate the elevated nature of his property relevant to the subject site.

- The submission reiterates and elaborates on many of the concerns raised in the grounds of appeal including those relating to overlooking / loss of privacy, devaluation of property and traffic safety.
- The appellant contends that his home is elevated above the level of the road, higher than the 90mm suggested in the applicant's appeal response.
- Construction traffic and noise will further impact on the appellants privacy and will lead to disruption.
- The appellant contends that the lane and townland is Mount Poplar, Kildalkey, Co. Meath not Clonmore as per public notices.
- The submission refers to the presence of Water Hens in the vicinity of the site and potential impacts on same arising from the proposed development as a result of construction traffic and disruption of their natural habitat.
- The appellant considers that an in-person hearing would be of help at this point. (Note: The statement of the appellant does not constitute a valid request for an oral hearing as the relevant fee was not paid etc.

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 report/s 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:

- Principle of Development - Demonstration of rural housing need

- Amenity Impacts
- Access and Traffic Safety
- Drainage
- Other Matters

7.2. Principle of Development -Demonstration of Rural Housing Need

- 7.2.1. The applicant is seeking permission for the construction of a new dwelling in the rural area of County Meath and as such compliance with the county's rural settlement strategy is required.
- 7.2.2. It is a strategic policy (RUR DEV SP1) of Meath County Council to adopt a tailored approach to rural housing within the county, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types. Three rural area types have been designated in the county; it would appear from MCDP Map 9.1 Rural Area Types Development Pressure that the appeal site is within Area 1 – a rural area under strong urban influence. Policy RD POL 1 is relevant.
- 7.2.3. Policy RD POL 1 seeks 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. Section 9.4 of the plan sets out the definition of persons who are an intrinsic part of the rural community. This policy section supports proposals for individual dwellings on suitable sites in rural areas relating to natural resource related employment while also recognising the interests 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.
- 7.2.4. The applicants need for a new dwelling in this rural area was raised at RFI stage. The applicants were requested to submit a fully completed local needs form and supporting documentation to demonstrate the applicant (Anthony's Darby) residence in the family home at Clonmore, Kildalkey. The report of the local authority Case

Planner on the further information received notes that the following local needs documentation was submitted in support of the application:

- A local needs form
- A copy of applicant's birth certificate
- Bank statements dating from 2018-2023
- Accountants letter
- Bank statement from 13.09.2023
- Letter from PP with confirmation of attendance in the local primary school
- Letter from GAA
- Letter from the National School
- Utility bill from March 2024
- A Historic Map (SD-PL-005) showing the location of the applicants (Anthony Darby) family home, approximately 400m to the east of the proposed development site, fronting onto the local road.

Other than the historic map, the above documentation was not submitted as part of the appeal documentation to the Board.

- 7.2.5. I note that the planning authority in their assessment, deemed the applicant eligible for rural housing on this basis of the information / documentation submitted. I further note that the applicant's qualification for a rural house was not raised as an issue in the grounds of appeal. Having regard to Meath's rural housing strategy, the assessment and conclusions of the Planning Authority and the information / documentation on file which indicates that the applicants are proposing to build on family-owned land within proximity to Mr. Darby's family home, I have no objection to the proposed development in principle, subject to compliance with normal planning criteria. As per MCDP Policy RD POL 7, an occupancy condition would be required in the event of a grant of permission.

7.3. Amenity Issues:

- 7.3.1. The appellant has raised concerns regarding the potential of the proposed development to negatively impact the residential amenities of his property by way of overlooking / loss of privacy and visual intrusion. Concerns of potential impacts

arising during the construction phase of the development (noise / traffic etc) and devaluation of property are also raised.

- 7.3.2. The proposed development comprises a storey and a half dwelling with a ground to ridge height of c. 7.5m. The dwelling has a southern orientation and is to be situated c. 18m from the property boundary at the closest point. A separation distance of c. 58m is available between the proposed dwelling and the closest existing dwelling to the south, while a separation distance of more than 90m is available between the proposed dwelling and the appellants property to the southeast. These separation distances far exceed the minimum 16m separation distance recommended in the current MCDP. The available separation distances, together with the arrangement of buildings, landscaping proposals (which include the retention of the existing mature hedgerow along the eastern site boundary) is I consider sufficient to ensure privacy and protection of residential amenity. While I accept that the proposed dwelling may be visible from neighbouring properties and thus may alter the outlook from those properties, this is not a material planning consideration, and I am satisfied that the development as proposed would not give rise to any undue residential amenity impact by way of visual intrusion.
- 7.3.3. Development by its nature can have an undue impact on the amenities of adjoining properties, particularly in terms of construction traffic, noise, nuisance, dust etc. however, such impacts are temporary in nature and can be managed through implementation of good building practice. Therefore, I would recommend that, any grant of permission include appropriate conditions to ensure that during the construction phase nuisances are kept to a minimum and in accordance with best accepted practices for the same.
- 7.3.4. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.4. Access and Traffic Safety

- 7.4.1. Access to the site is proposed via an existing agricultural entrance which is to be upgraded to facilitate the traffic turning movements generated by the proposed development. Upgrade works include the setting back of the existing roadside boundary to the west of the site entrance to achieve sightline distances of 70m to the nearside road edge. I note conditions 3 and 4(a) as attached to the planning authority's decision relating to the design of the entrance and landscaping and I would recommend similar conditions in the event of a grant of permission.
- 7.4.2. The entrance is located on the L40013-0, a narrow public road (cul-de-sac) which currently serves approx. 9 no. one-off dwellings as well as agricultural lands / holdings. The cul-de-sac connects with the local road between Kildalkey and Athboy, c. 470m to the east. The appellant considers the access road serving the site to be substandard in terms of width and structural condition to cater for the additional traffic movements generated by the proposed development.
- 7.4.3. Having visited the site and travelled along the L40013-0, I consider the access road to be substandard both in terms of width, as it is only sufficient for a single car and, condition due to grass growing along its centre. Roads of this nature can have limited carrying capacity and while the road did not appear to be heavily trafficked during site inspection (no other traffic encountered), I would have concerns regarding its ability to accommodate any notable increase in traffic movements. Notwithstanding, I note that the nature of the road as a cul-de-sac, which limits the volume and speed of traffic. The cul-de-sac towards its junction with the local road is relatively straight with good visibility and there are opportunities for vehicles to pull-in to allow opposing vehicles to pass. In my opinion, the traffic movements generated by a single dwelling at this location would be unlikely to have a significant impact upon the carrying capacity or safety of traffic on the cul-de-sac. I note that the proposed works at the site entrance will improve visibility along this section of the cul-de-sac and will provide an additional pull-in area for passing traffic.
- 7.4.4. In conclusion, I do not recommend that planning permission be refused on grounds of traffic safety. I recommend the inclusion of a condition requiring the submission of

an appropriate construction management plan to mitigate potential impacts arising from construction traffic.

7.4.5. Water Services:

7.4.6. The proposed development is to be served by a secondary treatment system and soil polishing filter located to the west of the proposed dwelling. A new well is to be located to the east of the dwelling, c 40 m from the proposed DWWTS and c50m upgradient of the appellants DWWTS. All separation distances appear to accord with EPA guidelines.

7.4.7. The applicants Site Suitability Assessment Report records the underlying aquifer as locally important, with the groundwater having high vulnerability. The ground protection response for the area has been identified as R1 which allows for acceptable drainage subject to normal good practice. The submitted Site Characterisation Report indicates that a trial hole with a depth of 1.43m was dug. Bedrock was encountered at a depth of 0.5m whilst the water table was encountered at 1.42m. The Site Suitability Assessment recorded a subsurface Percolation value of 32.14 and a surface Percolation value of 30.72. As such, Table 6.4 of the EPA Code of Practice (2021) confirms that the site is suitable for an on-site wastewater treatment system with discharge to ground. During site inspection, I observed no above-ground signs of poor drainage i.e. rushes, ponding etc. The ground was firm and dry under foot. This indicates that the test results are consistent with the ground conditions observed onsite. Overall, I am satisfied that the Applicant's proposals for the treatment and disposal of wastewater are acceptable and a condition requiring the design and installation of the proposed WWTs to comply with the EPA Code of Practice Domestic Wastewater Treatment Systems, Population Equivalent ≤ 10 (2021), can be applied

7.4.8. Regarding surface water drainage, I recommend inclusion of a condition requiring the retention of surface water onsite in the interests of preventing pollution and surface water flooding.

7.5. Other Matters

- 7.5.1. I have consulted [Irish Townland and Historical Map Viewer](#) which shows the subject site within the townland of Clonmore as per the public notices.
- 7.5.2. With reference to OPW CFRAM flood mapping and Meath County Council MapInfo flood mapping for the relevant area, the proposed development site and the access road serving same are in Flood Zone C. I am satisfied that no flood risk exists on this site and that the development of this site as proposed would not contribute to flooding elsewhere.
- 7.5.3. The appellant refers to the presence of Water Hens in the vicinity of the site. Conversely, the applicant states that there is no evidence of water hens on the subject site, that there are no ponds on the site only drainage ditches that were last cleared in 2019. I note the established agricultural use of the lands in question and the nature and extent of the development proposed and I am satisfied that the development of this site for a single rural dwelling (subject to condition as recommended) would not have a significant negative impact on local wildlife including any local population of water hens.

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 appeal site is not designated for any nature conservation purposes. The closest designated sites are the River Boyne and River Blackwater SAC and SPA which are location c1.7km and 1.9m to the east of the site respectively.
- 8.2. 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 and limited scale of the development and lack of impact mechanisms that could significantly affect a European Site

- Distance from and weak indirect connections to the European sites
- Taking into account the screening report by Meath County Council

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. 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 EIA Screening

- 9.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

10.0 WFD Screening

- 10.1. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. The site is bounded by a drainage ditch along its southern and eastern boundaries, this ditch connects with the Athboy River, part of the River Boyne and River Blackwater SAC / SPA c.2km downstream to the east. The WFD status of the Athboy River is moderate and is under review. The river water body, Knockshangan_010, c. 1km to the north also connects with the Athdown River but is not directly connected to the subject site. The WFS for the groundwater waterbody Athboy, (code: IE_EA_G_001) is good and is not at risk.
- 10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.3. Further to the provisions of Appendix 5, I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.4. The reason for this conclusion is as follows:

- The nature and scale of the development proposed which includes for the installation of an on-site wastewater treatment system to current EPA standards.
- Distance from the nearest relevant water body, The Athboy River, c2km downstream.

11.0 Recommendation

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

12.0 Reasons and Considerations

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

13.0 Conditions

1. The development shall be carried out and completed in accordance with the

plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29th day of January 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

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

Reason: In the interest of public safety and amenity

4. (a) The vehicular access, including visibility splays of 2.4 metres by 70metres in both directions to the nearside road edge, as detailed on the layout drawings date received 22/04/2024, and further information submitted on 29/01/2025 shall be provided for the development hereby permitted and in accordance with TII document DN-GEO-03060. Sightlines shall be maintained unobstructed, and the nearside road edge shall be visible over the entire sight distance.

(b) The entrance layout shall comply with the Meath Rural Design Guide - the face of the entrance piers shall be at least 3 metres from the edge of the road and the entrance gate shall be recessed at least 7 metres from the edge of the road.

Reason: In the interests of visual amenity

5. External walls and roof finish shall be as shown on the plans submitted on 22/04/2024 and further information submitted on 29/01/2025 unless otherwise agreed in writing with the Planning Authority prior to the commencement of development. The use of reconstituted stone or brick shall not be permitted. Natural stone illustrated on plans and particulars submitted to the Planning Authority shall be a grey stone.

Reason: In the interest of visual amenity.

6. (a) The septic tank/wastewater treatment system hereby permitted shall be

installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent \leq 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent \leq 10)” – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

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

7. The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

Reason: In the interest of development control.

8. (a) Landscaping shall be carried out as detailed on the site plan submitted on the 22/04/2024 as amended by further information received on 29/01/2025 unless otherwise agreed. Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing back planted with hedgerow of species native to the area.

(b) Planting shall commence no later than the first planting season following

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

Reason: To protect the visual amenity and natural heritage of the area.

9. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

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

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as

amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Lucy Roche
Planning Inspector

30th June 2025

Appendix 1:
Form 1 - EIA Pre-Screening

Case Reference	322133-25
Proposed Development Summary	Construction of a dwelling and domestic garage, etc
Development Address	Clonmore, Kildalkey, Co. Meath
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (i) Part 2, Schedule 5.</p> <p>Construction of more than 500 dwelling units</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322133-25
Proposed Development Summary	Construction of a dwelling and domestic garage, etc
Development Address	Clonmore, Kildalkey, Co. Meath
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Construction of a dwelling and domestic garage with on-site wastewater treatment / disposal and private well. The site is a greenfield (agricultural) site in the rural area.
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).	Briefly comment on the location of the development, having regard to the criteria listed The site is in the rural area. surrounding land use is predominantly agricultural. There are some one-off houses in the vicinity of the site. Not environmentally sensitive, removed from pNHAs and European sites with distant hydrological connection (drainage ditch). Area not designated for the protection natural heritage. High landscape value but moderate sensitivity. No built heritage/archaeological features. The development would not result in the production of any significant waste, emissions or pollutants.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. The site is located within a rural environment. There is no other construction presently in the vicinity of the site. There is no concern in relations to a

complexity, duration, cumulative effects and opportunities for mitigation).	cumulative or transboundary effect owing to nature and size of the proposed development which is located on a limited site.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

**Appendix 2: Screening for Appropriate Assessment
Test for likely significant effects**

Step 1: Description of the project and local site characteristics

Brief description of project	Normal Planning Appeal Rural dwelling with on-site wastewater treatment / disposal system, Clonmore, Kildalkey, Co. Meath
Brief description of development site characteristics and potential impact mechanisms	Refer to Planning Report, Section 2.0 for details. In brief the proposal comprises a storey and a half dwelling and domestic garage on a site area of 0.4ha. The proposal includes the upgrade of the existing agricultural entrance to a domestic entrance and for the installation of a secondary treatment system and soil polishing filter and all associated site works. A hydrological connection between the subject site and the River Boyne and River Blackwater SAC and SPA exists via an open drainage ditch that extends along the southern and eastern boundary of the site.
Screening report	No Meath County council Screened out the need for AA.
Natura Impact Statement	No
Relevant submissions	None

<p>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</p> <p>[List European sites within zone of influence of project in Table and refer to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.]</p>				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Boyne and River Blackwater SPA (Site Code: IE0004232)	Kingfisher (Alcedo atthis) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf	c. 1.9km	Hydrological connection between the project site and the SPA via the open drainage ditch, with a channel distance of c. 2.15km between the two locations	Yes
River Boyne and River Blackwater SAC (Site Code: IE0002299)	<ul style="list-style-type: none"> Alkaline fens Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) Lampetra fluviatilis (River Lamprey) Salmo salar (Salmon) Lutra lutra (Otter) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf	c. 1.7km	Hydrological connection between the project site and the SAC via the open drainage ditch, with a channel distance of c. 2km between the two locations	Yes
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report				

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species
³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Boyne and River Blackwater SPA (Site Code: IE0004232) Kingfisher (Alcedo atthis)	<p>Direct: None</p> <p>Indirect: Localised, temporary, low magnitude impacts from dust, dust and construction related emissions to surface water during construction.</p> <p>Low risk of contaminants reaching surface waters during operational phase.</p>	<p>Given the nature, scale and location of the proposed development and the distance to designated sites it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites</p> <p>The development is to be served by a new on-site wastewater treatment and disposal system to current EPA standards.</p>

Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects
River Boyne and River Blackwater SAC (Site Code: IE0002299) <u>QI list</u> <ul style="list-style-type: none"> • Alkaline fens • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) • <i>Lampetra fluviatilis</i> (River Lamprey) • <i>Salmo salar</i> (Salmon) • <i>Lutra lutra</i> (Otter) 	As above	As above
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on [insert European site(s)]. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Screening Determination Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Boyne and River Blackwater SAC or SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The nature and limited scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak connections to the European sites
- Taking into account the screening report by Meath County Council

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	321133-25	Townland, address	Clonmore, Co. Meath
Description of project	Rural dwelling with on-site wastewater treatment and disposal system to current EPA standards.		
Brief site description, relevant to WFD Screening,	Rural greenfield site in agricultural use. Flood Zone C. Open drainage ditch along southern and eastern boundary, connects with Athboy River, part of the River Boyne and River Blackwater SAC / SPA c.2km downstream to the east. Topography is relatively flat. Soil type is Till derived chiefly from limestone Limestone till (Carboniferous)		
Proposed surface water details	Soakpits		
Proposed water supply source & available capacity	Well		
Proposed wastewater treatment system & available capacity, other issues	Proposed on-site system		
Others?	No		

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	c. 1km	Knockshangan_010 IE_EA_07K410830	poor	Review		Not hydrologically connected to surface watercourse.
River	c. 1.75km (as the crow flies)	Athboy_060 IE_EA_07A010500	Moderate	Review		Connected via Drainage Ditch
Ground	underlying	Athboy IE_EA_G_001	Good	Not at Risk		Drainage to ground

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Knockshangan_010	None	None	None	No	Screened Out
2.	Surface	Athboy_060	Drainage Ditch	Hydrocarbon Spillages;	Standard best practise construction measures	No	Screened Out
3	Ground	Athboy	Drainage	Hydrocarbon Spillages	Standard best practise construction measures	No	Screened Out
OPERATIONAL PHASE							
1	Surface	Knockshangan_010	None			No	Screened Out
2	Surface	Athboy_060	Drainage	Foul / surface water discharge from site	Design – DWWTS to current EPA Standards. Compliance with standard condition	No	Screened Out

3	Ground	Athboy	Drainage	Foul / surface water discharge from site	Design – DWWTS to current EPA Standards. Compliance with standard condition	No	Screened Out
DECOMMISSIONING PHASE: N/A							
5.	N/A						

