



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-322459-25

---

<b>Development</b>	Construction of a storey and a half type dwelling house and all associated site works.
<b>Location</b>	Battstown, Collinstown, Co. Westmeath, N91 FW58
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	2560050
<b>Applicant(s)</b>	Mary Manny
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mary Manny
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> August 2025
<b>Inspector</b>	Aoife McCarthy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.72 hectares and is located in Battstown, Collinstown, Co. Westmeath.
- 1.2. The site is located 7km to the south-east of Delvin 15 km north-east of Mullingar.
- 1.3. The site is accessed off the L5621 Battstown (tertiary) local road.
- 1.4. The site forms part of lands in agricultural use, and slopes from c.+98m AOD at the western end of the site, to c.+93.7m AOD at the eastern end of the site and generally towards the L5621. The roadside boundary comprises low level stone wall and hedgerow; with hedgerow on the south-eastern boundary, and open to the north-west and south-west of the site.
- 1.5. Drainage ditches (2m deep) run along the north-eastern and south-eastern hedgerow boundaries, as referenced on OS mapping. (I note that these are not referenced on EPA mapping and were not visible on site.)
- 1.6. The site and immediate area are agricultural in character with cattle within the adjoining sites on the day of site visit.

## 2.0 Proposed Development

- 2.1. The proposed development consists of permission to construct a 5-bed 2 storey, dwelling (260.9m<sup>2</sup>GFA), new entrance, boundary walls, piers and fencing, bored well, proprietary wastewater treatment unit and percolation area, and all ancillary site works.
- 2.2. The statutory notices refer 'a storey and a half dwelling'.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Council issued a Decision to Refuse Permission on the 8<sup>th</sup> April 2025, for the following reason:

Having regard to the siting and design of the proposed development and given the extent of long driveway required with proposed dwelling setback a distance of in excess of 140 metres from the adjoining public road coupled with the topography of the site, with ground levels of the proposed dwelling approximately 4m above adjoining public road level, it is considered that the proposed development, would be visually obtrusive at this open and exposed rural location and would seriously detract from the visual amenities of the area and therefore contravene policy CPO 16.32 of the Westmeath County Development 2021-2027. Accordingly, the development if permitted would set an undesirable precedent for similar development of this type in the future and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (8<sup>th</sup> April 2025)**

- The report includes details of site location proposed development.
- The applicant was advised at a Pre-Planning meeting (Ref: PP6636), to reduce the length of proposed access road from 100m to c.30m; and to set the house within the lowest part of the site.
- The report includes detailed local planning policy guidance.
- The site is defined as an Area under Strong Urban Influence in accordance with the Sustainable Rural Housing Guidelines.
- The information submitted demonstrates compliance with CPO 9.1 of the Westmeath CDP with respect to local housing need.
- With respect to siting and design, the proposed development includes a two storey dwelling on the western section of the site. The dwelling with a ridge height of 8.7m – would be positioned c.4 metres above the level of the adjacent road, due to the topography of the site.
- The road would be accessed via an excessively long access road (at least 140m in length).

- The proposal is considered contrary to Policy CPO 16.32 which requires that new developments should be sensitively sited to visually integrate with the landscape and avoid visually dominating it.
- The proposal would have an adverse visual impact and would significantly detract from the character and amenities of the area.
- The PA recommend that permission should be refused on that basis.
- Site Assessment Report indicates that the site is suitable for a proposed waste system.
- The report notes that EIA can be excluded at a preliminary stage.
- The Council have completed a Preliminary AA Screening, concluding that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### 3.2.2. **Other Technical Reports**

- **District Engineer:** No objection subject to condition.

### 3.3. **Prescribed Bodies**

3.3.1. None received.

### 3.4. **Third Party Observations**

3.4.1. A letter of support has been received from Cllr. Emily Wallace.

## 4.0 **Planning History**

### 4.1. **Subject Site**

4.1.1. **PA. Reg, Ref.: 99/1591:** Permission was refused in April 2000 for the construction of 2 dwellings, septic tanks and percolation area.

### 4.2. **Environs of Site**

4.2.1. **PA. Reg, Ref.: 00/22:** Permission granted in April 2000 for the construction of a house, septic tanks, percolation area at Battstown, Collinstown, Co. Westmeath.

## 5.0 Policy Context

### 5.1. Westmeath County Development Plan 2021-2027

### 5.2. Development Plan - Rural Housing Need Policy Objectives

5.2.1. The Development Plan includes the following relevant provisions:

#### **CPO 9.1: Areas Under Strong Urban Influence**

To accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

#### **Local Housing Need**

Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
2. Members of farm families seeking to build on the family farm,
3. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
4. Persons employed locally whose employment would provide a service to the local community,
5. Persons who have personal, family or economic ties within the area, including returning emigrants,
6. Persons who wish to return to farming and who buy or inherit a substantial farmholding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

**CPO 9.8:** Ensure that, in permitting one-off rural housing, key rural assets such as water, natural and cultural heritage and landscape quality are protected and maintained.

**CPO 9.10:** Protect the integrity of the landscapes as identified in the Landscape Character Assessment and protected views.

**CPO 9.11:** Seek that all proposed on-site wastewater treatment systems for single dwellings and extensions which will increase the population equivalent loading shall comply with the EPA Code of Practice for Wastewater Treatment and disposal Systems serving Single Houses (2009) and any revision thereof.

**CPO 9.13:** Have regard to the Department of Environment, Community and Local Government's Sustainable Rural Housing Guidelines 2005, and any subsequent amendment in the assessment of applications for rural housing.

5.2.2. The Development Plan includes the following relevant Development Management Standards:

**CPO 16.32** Apply the following guidance in assessing planning applications for rural housing:

Site Selection and Design

- The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.
- Simple design forms and materials reflective of traditional vernacular should be used.
- Have regard to the scale of surrounding buildings. A large house requires a large site to ensure effective integration into its surroundings (either immediately or in the future, through planned screening)
- The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.

- The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).
- New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.
- Larger houses (e.g., in excess of 200sqm) should incorporate design solutions to minimise visual mass and scale e.g., sub-divided into smaller elements of traditional form to avoid bulky structures.
- Use a simple plan form to give a clean roof shape – a long plan in preference to a deep plan. This will avoid the creation of a bulky shape.
- Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build.
- Clustering with existing rural buildings is generally preferable to stand-alone locations.
- The applicant should determine if the proposed development is located on any designated natural heritage, archaeological or architectural heritage site. The existence of any of these designated sites within the proposed development site may have implications for the proposed dwelling.

#### Materials and Detailing

- The detail, texture, colour, pattern, and durability of materials of the proposed development should be sustainable and of a high quality, and sensitive to its proposed location.
- Local Stone (sandstone/limestone - area specific) and render such as stucco, traditional lime render or lime wash, rough cast render or napped render finish and glass is encouraged. Metal cladding such as copper, timber shingle, self-finished modern renders, and painted timber finish may be acceptable in certain instances or in cases where the design solution calls for an accent material. Brick, stone cladding which clearly reads as non-structural and non-

Local Stone or dashes and cladding and other metal or timber finishes which give an engineered or artificial appearance will generally not be permitted.

- Where contemporary materials are proposed they should complement and harmonise with traditional materials.
- Simple design forms and roof designs with narrow spans (gable-widths) and pitches/profiles are preferable.
- Particular attention should be paid to the solid to void ratio of windows and doors. Openings should be proportionate to complement the style of the building.

### Boundary Treatment

- Application sites should be flanked with a minimum of two established natural boundaries to aid visual integration and help soften the visual impact of the development in the landscape.
- Existing hedgerows and landscape features on site should be retained and augmented on site. Where hedgerow removal is required to achieve sight lines, new hedgerow(s) of a native species must be planted inside the line of visibility.
- New roadside frontage should be incorporated into existing roadside treatment using compatible hedgerow planting, walls, timber fencing and/or drystone work.
- Boundary treatment should reflect local traditions. Traditional dry-stone wall construction or limestone walls with lime mortar, and/or post and wire/timber fencing back planted with indigenous hedging are considered appropriate at entrances. Over-scaled and elaborate designs should be avoided.
- The design of entrance gates should be in keeping with the rural setting. Entrances, wing walls and piers which are not demonstrated to be in character with the rural location of the proposed development will generally not be permitted. All planning applications must include detailed drawings and specifications for vehicular entrance arrangements.

- Driveways, and surfaced areas should be located so as to minimise the visual impacts of these proposed structures for example by following existing contour lines.

#### Access and Sight Lines

- All applications for planning permission must include (at a minimum scale of 1:500) comprehensive details of the way in which safe access and egress to the site can be achieved.
- Existing roadside hedgerows and trees should be retained as much as possible. The entrance should be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow.
- Where satisfactory access can be achieved only by removing large stretches of roadside hedgerow/ditches/stone boundaries, an alternative site for the proposed development should be sought.
- The sharing of vehicular entrances will be encouraged where appropriate in order to avoid a proliferation of access points. Where a new house is to be sited adjacent to existing dwellings, use of existing entrances, avenues and driveways should be considered.
- Safe unobstructed sight distances should be provided and maintained thereafter from vehicular entrances onto the road network as follows:
  - Local Roads: 90 metres, (subject to the discretion of the Planning Authority where a lesser distance is demonstrably adequate in terms of traffic safety).
  - Regional Roads: 150 metres
  - National Roads: 230 metres

#### Landscaping

Landscaping proposals should be submitted with all planning applications for development and shall include a schedule of indigenous native plant species and implementation timeline.

### **5.3. Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031**

5.3.1. The guidelines include the following relevant objective:

**Regional Policy Objective (RPO) 4.8:** Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

5.4. **Sustainable Rural Housing – Guidelines for Planning Authorities, 2005**

5.4.1. The guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. The application relates to a person on the grounds of forming part of the rural community. The Guidelines state that,

Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence.

5.4.2. Circular Letter PL 2/2017 issued on 31<sup>st</sup> May 2017, refers to an infringement notice against Ireland in 2007, in relation to housing needs criteria contained in the 2005 Guidelines. This notice was subsequently deferred pending the outcome of an infringement case taken against Belgium, on which the European Court of Justice (ECJ) delivered its Judgement in 2013. Updated and revised Guidelines are proposed by the Department of Housing, Local Government and Heritage. However, there is no date at present for when these will be published.

5.4.3. Section 4.8 states the following:

In assessing the design aspects of specific rural housing proposals, planning authorities should make well balanced and informed judgements on the merits of each proposal, taking on board the degree to which a site is sensitive in visual and

other terms, the character of surrounding development and the wider area and the need to encourage innovation in design and construction techniques, while avoiding an overly prescriptive approach, such as an outright ban on particular materials e.g. brick, across all proposals in a given area in relation to the designs and finishes chosen.

#### **5.5. Quality Housing for Sustainable Communities, Best Practice Guidelines 2007**

- 5.5.1. These Guidelines set out national planning policy and guidance in relation to housing design.
- 5.5.2. The guidelines do not contain guidance for a 5 bed/2storey/10Person dwelling. The following targets relate to a two storey 4B/7P dwelling; target floor area (110m<sup>2</sup>); minimum main living room (15 m<sup>2</sup>) aggregate living area (40m<sup>2</sup>); aggregate bedroom area (43m<sup>2</sup>) and storage (6m<sup>2</sup>).

#### **5.6. Quality Housing for Sustainable Communities, Best Practice Guidelines 2024**

- 5.6.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed.
- 5.6.2. Development standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16m between opposing windows serving habitable rooms above ground floor level), SPPR 2 in relation to private open space.

#### **5.7. Climate Action Plans 2024 and 2025**

- 5.7.1. The Acts, to be read in conjunction outline measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. They include budgets appropriate across a range of sectors. Of relevance to residential development is the built environment sector. The Commission must be consistent with the Plan in its decision making.

#### **5.8. National Biodiversity Action Plan (NBAP) 2023-2030**

- 5.8.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

5.8.2. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

### 5.9. **Natural Heritage Designations**

5.9.1. There are no European sites within the subject site.

5.9.2. The closest European site to the subject site is the River Boyne and River Blackwater SAC (Site Code: 002299), located c.2.7km to the south-east of the site.

5.9.3. The closest proposed Natural Heritage Area is the Lough Shesk pNHA (Site Code: 000556), located 1.2km to the north-east of the site.

### 5.10. **Water Framework Directive Assessment**

5.10.1. I conclude that on the basis of objective information, that 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. (Refer to WFD Assessment in Appendices of this Report).

### 5.11. **EIA Screening**

5.11.1. 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal may be summarised as follows:

- The scheme complies with CPO 16.32 of the Development Plan:
  - The site is located on a natural plateau at +2.7m AOL and is considered the topography to be flat.
  - The proposal will be screened with landscaping and proposed agricultural lands on all sides.
  - Ground conditions support the provision of foundations at this location, rather than closer to the edge of the site as referenced by the planning authority.
  - The scale of the house is suitable for the site.
  - The siting and design would maximise solar gain at this location.
  - The proposal will include limited to no cutting or filling.
  - The proposed dwelling would not impact on the natural skyline.

### 6.2. Planning Authority Response

6.2.1. None received.

### 6.3. Observations

6.3.1. None received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the main issues in this appeal relates are as follows:

- Procedural Matters
- Principle of Development
- Design and Visual Impact
- Access and Transportation
- Site Services

### 7.2. **Procedural Matters**

7.2.1. As noted above, the notices refer to the provision of ‘a storey and half type dwelling house’; as opposed to a two storey dwelling. The Commission may wish to seek revised notices from the applicant, to accurately reflect the nature of the subject application.

7.2.2. Notwithstanding, having regard to the fact that my recommendation in this instance is to refuse permission, the Commission may deem this to be unnecessary.

### 7.3. **Principle of Development**

7.3.1. The proposed development relates to the provision of a 5 bed two storey dwelling, new entrance, boundary walls, piers and fencing, bored well, proprietary wastewater treatment unit and percolation area, and all ancillary site works.

7.3.2. The applicant is seeking to provide a home on lands within the wider family landholding. Further to review of the file, the acceptability of the subject proposal, is in my opinion, subject to assessment under the following considerations:

- **Local Need**

7.3.3. The application relates to the provision of a rural dwelling, within an Area under Strong Urban Influence under the Sustainable Rural Housing – Guidelines for

Planning Authorities, 2005 Rural Housing Guidelines as referenced in the Development Plan.

- 7.3.4. The documentation sets out that the applicant currently works part time on the farm, whilst working full time remotely in another role. It is the intention of the applicant to take over the full running of the farm in due course and in the interim work on the farm provide support to the applicant's parent's and sister with special needs, grand aunt all within 10km of the site. The farm has been in the ownership of the family of 43 years.
- 7.3.5. I am therefore satisfied that the applicant meets the local housing need requirements under Categories 1 and 4 Policy CPO 9.1 of the Development Plan.
- 7.3.6. As a result, I consider that the proposed development is acceptable in principle, subject to assessment with respect to siting and design, traffic and transportation, access and site services.

#### **7.4. Design and Visual Impact**

- 7.4.1. As noted above, the site includes a marginal slope from west to east across the site. I note that the proposed dwelling is located at the highest point within the site, with a stated Finished Floor Level (FFL) of + 97.5m OD, with the adjacent road level at c.+94mOD. The house includes a standard pitched roof, overall height of 8.69m. The proposal includes extensive access roadway (152m in length) from proposed access point to the subject dwelling.
- 7.4.2. As such, whilst set back substantially from the road, the proposed house would be viewed from a position 3m below the proposed FFL of this 8.69m high dwelling.
- 7.4.3. The applicant argues that the site has been positioned at the subject location due to preferential soil conditions for construction phase at the subject location, albeit without technical justification on these grounds.
- 7.4.4. In addition, I consider that the dwelling is excessive in scale at this specific location; and in combination with the extensive access route and open rural character, would visually dominate the site and detract from the visual amenities of the site and wider area.

- 7.4.5. I also consider that the design has not taken sufficient account of the specific characteristics of the site, including contours, as advised within the design standards for rural housing of the Development Plan (CPO 16.32 refers).
- 7.4.6. In my opinion, the proposal is also contrary to DP guidance that driveways should be designed /located to minimise visual impacts through, for example aligning along contours of a site.
- 7.4.7. The guidance advises that dwelling design should seek to minimise mass and scale through, inter alia, the use of built smaller components. I consider that the scale of the dwelling is excessive and would benefit from such a redesign, to integrate more appropriately within the site.
- 7.4.8. It is noted that the proposed dwelling would exceed the standards for the provision of a 4 bed two storey dwelling, as set out within the Quality Housing for Sustainable Communities 2007, noting that the Guidelines do not include minimum standards for 5-bedroom houses. The proposed development would also exceed minimum standards for private amenity space and separation distances, as set out in the Sustainable Housing Guidelines 2024.
- 7.4.9. The proposed development includes native trees on both sides of the access road, planting areas on both sides of the access road and to the front (east) of the proposed dwelling. I consider that the landscape proposals accord with the development plan standards with respect to boundary treatments for a rural dwelling.
- 7.5. Notwithstanding, having regard to the above, I consider that the scale, design and location of proposed development including extensive access road (152m in length) would be visually obtrusive at this open contoured site, would seriously detract from the visual amenities of the area ,and would therefore contravene Policy CPO 16.32 of the Westmeath County Development 2021-2027.
- 7.6. I recommend to the Commission that permission should be refused on this basis.

**7.7. Roads and Access**

- 7.7.1. The proposed development would be accessed off the L5621 Battstown (tertiary) local road, connecting to the N52 to the north of the site.

- 7.7.2. From a review of the Plans and site visit, I am satisfied that adequate sightlines of 90m can be achieved in both directions on egress from the site, and accord with Access and Sightline development management standards (CPO 16.32).
- 7.7.3. The proposed development includes an access road of 152m from site entrance to the proposed dwelling within the western end of the site, the acceptability of which is discussed above.

## 7.8. **Site Services**

### **Water Supply**

- 7.8.1. It is proposed to connect via a new connection to Uisce Éireann infrastructure. A submission or observation has not been received from Uisce Éireann on the application and appeal.
- 7.8.2. Notwithstanding, having regard to the scale of the development and no objection from the relevant party, I am satisfied that the proposed development can be serviced.
- 7.8.3. In the event the Commission decide to grant permission, I recommend the inclusion of a condition requiring the applicant to enter a Connection Agreement to Uisce Éireann, to provide for any service connection to public water supply and adhere to the standards and conditions in that agreement.

### **Surface Water Drainage**

- 7.8.4. As discussed below, it is proposed that surface water will be disposed to watercourse.

### **Effluent Treatment System**

- 7.8.5. It is proposed to install an Aeration Treatment plant, raised tertiary filter and percolation area to serve the proposed development.
- 7.8.6. From a review of the documentation, it is noted that the Applicant's Site Characteristics Form confirms that the site is located in an area with a locally important moderately vulnerable aquifer.
- 7.8.7. The trial hole depth was 2.1m and the soil types are noted to consist of clay at surface level with angular gravel within the subsurface. The water table was logged

at -2.0m within the trial hole. The form indicates the site to have a sub-surface value of 17.36mm and surface value-rating of 16.36min/25m, that is, medium to good percolation characteristics of the subsoil and medium of the topsoil.

- 7.8.8. The applicant proposes to install an aeration treatment plant with raised tertiary filter before discharging to a soil percolation area. The percolation area is at a lower site level than the proposed house and wastewater treatment unit.
- 7.8.9. In this context, the Planner's Report states that the site is suitable for a proposed wastewater system.
- 7.8.10. Based on the information as submitted, and in the event that the Commission decide to grant permission, I am satisfied that the site can accommodate waste water on site, and that the proposed development would not be prejudicial to public health.

## **8.0 AA Screening**

- 8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).
- 8.2. I have considered the construction of a one and a half storey house dwelling, new entrance, boundary walls, piers and fencing, bored well, proprietary wastewater treatment unit and percolation area and all ancillary site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.3. The closest European site to the subject site is the River Boyne and River Blackwater SAC (Site Code: 002299), located c.2.3 km to the south-east of the site.
- 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 it could not have any effect on a European Site.
- 8.6. The reason for this conclusion is as follows:
  - The distance from nearest European site.
  - The small scale and nature of the subject proposal.

- 8.7. I conclude, 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.
- 8.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

- 9.1. I recommend that, permission should be refused for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the siting, design of the proposed development, the length of the driveway, associated with a dwelling set back in excess of 140m from the adjoining public road, topography of the site with ground levels of the proposed dwelling approximately 3.5m above the adjoining public road level, it is considered that the proposed development would be visually obtrusive at this open rural location, and would seriously detract from the visual amenities of the area and would therefore contravene Policy CPO 16.32 of the Westmeath County Development 2021-2027. 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.

---

Aoife McCarthy  
Planning Inspector

22<sup>nd</sup> August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322459-25
<b>Proposed Development Summary</b>	Construction of a storey and a half type dwelling house and all associated site works.
<b>Development Address</b>	Battstown, Collinstown, Co. Westmeath
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" 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><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold.</p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322459-25
<b>Proposed Development Summary</b>	Construction of a storey and a half type dwelling house and all associated site works.
<b>Development Address</b>	Battstown, Collinstown, Co. Westmeath
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(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>This application relates to the construction of a detached two-storey dwelling, site entrance and all ancillary works.</p> <p>The operational development will be served by an aeration treatment system, percolation areas and connection to public water supply.</p> <p>The operational phase will also be served by a new vehicular access off a local road.</p> <p>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><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is located within a Category 1 Rural Area under the County Development Plan.</p> <p>The closest settlement is Delvin, located 7.2km from the subject site.</p> <p>The development is removed from sensitive natural habitats, designated sites, protected views, protected structures as designated within the Development Plan.</p> <p>The subject site is not located within or adjacent to any Natura 2000 sites. The River Boyne and River Blackwater SAC (Site Code: 002299), is located c.2.28km to the south-east of the site.</p> <p>Drainage ditches are located along the north-eastern and south-eastern site boundaries, but do not provide a link to the above referenced SAC and SPA.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,</p>	<p>Having regard to the scale and nature of works, distance of the site from sensitive habitats, 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.</p>

cumulative effects and opportunities for mitigation).	
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Bord Pleanála ref. no.</b>	<b>322459-25</b>	<b>Townland, address</b>	Battstown, Collinstown, Co. Westmeath.  Townland of Battstown.
<b>Description of project</b>		Construction of a two storey dwelling, new entrance, boundary walls, piers and fencing, bored well, proprietary wastewater treatment unit and percolation area, and all ancillary site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>Good to medium percolation characteristics within the subsoil.</p> <p>Water table at -2.0m below OD.</p> <p>Site within a locally important moderately vulnerable aquifer.</p> <p>Drainage ditches 2m in depth run along the north-eastern and south-western site boundaries.</p> <p>These are not shown on EPA mapping but are shown on OS mapping.</p>	
<b>Proposed surface water details</b>		Surface water to discharge to watercourse.	
<b>Proposed water supply source &amp; available capacity</b>		<p>Supply to connect to public mains under management of Uisce Eireann.</p> <p>No response from UE as part of application, however as the proposal relates to a single unit, it is considered that the authority would facilitate a connection to the public water supply network</p>	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Proposed aeration tank filtration system with percolation area on site at a lower level to dwelling. System to discharge to groundwater.
<b>Others?</b>	No.

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

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Deel Raharney River 030 (07 Boyne Catchment)	389	IE_EA_07D0102 00		Not at risk	None	Discharge to groundwater during construction phase.
Deel Raharney River 040 (07 Boyne Catchment)	644	IE_EA_07D0103 00		Not at risk	None	Discharge from WWTS to groundwater during operational phase.

On site drainage ditches	NW and SW site boundaries	N/A	N/A	N/A	N/A	Discharge to watercourse during construction phase.
On site drainage ditches	NW and SW site boundaries	N/A	N/A	N/A	N/A	Discharge from WWTS to watercourse during operational phase.

**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	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	IE_EA_07D010200	hydrocarbon spillage to groundwater.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.

2.	Ground	IE_EA_07D010200	hydrocarbon spillage to groundwater.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.
1.	Surface	On site drainage ditches	hydrocarbon spillage to watercourse.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.
2.	Ground	On site drainage ditches	hydrocarbon spillage to groundwater.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.
<b>OPERATIONAL PHASE</b>							
3.	Surface	IE_EA_07D010200		None	Standard Construction Measures / Conditions	No	Screened out.
4.	Ground	IE_EA_07D010200		WWTS discharge to groundwater	Standard construction and operational	No	Screened out.

					conditions in accordance with EPA Guidance.		
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						