



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323392-25

<b>Development</b>	Construction of a dwelling.
<b>Location</b>	Ballymagarvey, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	2560318
<b>Applicant(s)</b>	Eoin Purfield
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Transport Infrastructure Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> October 2025
<b>Inspector</b>	Emma Gosnell

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

Appendix 2 – Appropriate Assessment – Stage 1 and Stage 2.

Appendix 3 – Screening for Water Framework Directive Assessment Determination.

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 1.38ha, is located within the rural townland of Ballymagarvey c. 12km to the south-east of Navan in Co. Meath.
- 1.2. The site is bounded to the south, west, and east by agricultural fields and it is adjoined to the north by a detached bungalow (the applicant's parents' dwelling) with a large farmyard/ agricultural complex being located beyond this dwelling. This larger landholding is accessible from the east via the N2 national primary road (N-2-661) which is a single lane road with a 100km/hr speed limit.
- 1.3. The wider area is predominantly rural and pastoral in character with the River Nanny being located c. 700m to the north of the site and the Hurley River being located c. 1.25km to its south. There are no Protected Structures or National Monuments within the application site, and it is not the subject of Protected Views.
- 1.4. The appeal site forms part of a large field which is laid out as pasture with this field being currently accessible only from the rear (west). The application red line also includes a new proposed access (via the adjoining field to the east) from the north-east which would connect to the property's existing access off (western side/ northbound lane) the N2. Site boundaries comprise of mature hedgerows and wooden fence posts.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of the construction of a 2-storey 3-bed detached dwelling (c. 320sq.m) with a c. 58sq.m detached single-storey domestic garage, the installation of a proprietary sewage treatment system and the creation of a new entrance from existing private lane with access to public road (N2 national road).
- 2.2. Further Information (FI) stage changes concerned clarification of access sightlines and boundary arrangements only.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted on 18/07/2025 subject to 12 no. conditions including the following:

*“2 (a) Prior to the commencement of any part of the development the roadside boundary hedgerow shall be removed, setback and replanted in strict accordance with the site layout plan submitted on 28/03/2025 and the removal of the hedgerow as shown on the ‘Trafficwise drawing No. 03331-PL02A’ submitted on the 25/06/2025. The roadside boundary shall comply with TII standard DN-GEO-03036. The boundary shall be a timber post and tensioned mesh fence to TII standard CC-SCD-0321 and shall be erected at least 1 metre behind the sightlines and a hedge planted at least 1 metre behind the fence, unless otherwise agreed. No hazards shall be placed within the Clear Zone.*

*(b) The applicant shall confirm in writing to the Planning Authority when these works have been carried out.*

*(c) The Applicant shall have regard for the provisions of the Wildlife Act, any strictly necessary hedgerow removal should be carried out outside of the main bird nesting season (March 1st to August 31st, inclusive).*

*(d) The Applicant shall provide and maintain unobstructed sightlines of 215 metres to the nearside edge of the road from a setback of 3.0 metres, measured from the edge of the metalled surface of the road – not the yellow line, in accordance with TII document DN-GEO-03060, from the entrance, as shown on the Trafficwise drawing No. 03331-PL02A. The nearside road edge shall be visible over the entire sight distance.*

**Reason:** *In the interest of traffic safety and proper planning and sustainable development of the area”.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority’s (PA) assessment:

Planner’s Report (21/05/2024) – Initial Application Stage

Key points of note raised in the report are as follows:

- *Principle of Development* - proposal for a dwelling compliant with 'RA – Rural Area' zoning and the applicant has sufficiently demonstrated their local need and compliance with Meath's Rural Settlement Strategy on the basis of their living in the local area for 10 years+ (in the family home) and their significant (full time) involvement in agriculture (employment in adjoining agricultural complex to north).
- *Design* – whilst design and scale of proposal out of character with neighbouring dwelling it is compliant with Meath Rural Design Guide and Policy RD POL 9.
- *Landscaping* – additional detail required on landscaping proposals and retention and/ or removal of existing hedgerows. **This matter formed part of FI request.**
- *Access* – basis for measurement of sightlines is not compliant with TII standards. **This matter formed part of FI request.**
- *Impact on N2* – proposal will give rise to a negligible increase in traffic on basis that applicant already lives and works on the landholding. A greater traffic impact on N2 would be created if applicant was required to move elsewhere in order to live independently (i.e. due to their work-related commute to/ from the landholding).
- *Procedural Issues* – applicant includes part of public road in red line & is proposing works to same without MCC consent. **This matter formed part of FI request.**
- *Site Services* – proposed water supply via new private well and wastewater management via new septic tank and soil polishing filter with discharge to groundwater are acceptable and compliant with EPA Code of Practice (2021).
- *Flood Risk* – site is located in Flood Zone C with low risk of flooding.

A request for Further Information (FI) issued on 21/05/2025 in relation to 3 no. items.

The applicant's response to the FI request was received on 25/06/2025 and consisted of a cover letter and revised traffic report and access road drawings.

#### Planner's Report (18/07/2025) – Further Information Stage

This report provided an assessment of the FI received as follows:

- *Item 1 (sightlines)* – revised site access proposal (as per Trafficwise drawing No. 03331-PL02A) which demonstrates a visibility splay of 215m to the nearside edge of the road from a setback of 3.0m in both directions (with the existing hedgerow

also being setback) is acceptable. The alternative RFI proposal under Trafficwise drawing No. 03331-PL01A is not acceptable on basis it relies on extinguishment of the hard shoulder in advance of the access junction and shall not be constructed). PA Transportation Department recommendation of refusal on basis of intensification of traffic movements onto N2 noted but overruled on basis of entrance being an existing junction and applicant working on immediate site/ lands.

- *Item 2 (landscaping & boundaries)* – applicant’s proposal to submit detailed landscaping scheme (and boundary details) by condition was acceptable to PA.
- *Item 3 (readvertising)* - response found not to be significant. Was not readvertised.

### 3.2.2. Other Technical Reports

#### Initial Application Stage

*Transportation Planning Section (12/05/2025)* – FI requested in respect to applicant’s method of measuring access sightlines and compliance of same with TII guidelines.

*Environment Wastewater Section (undated)* – no objection subject to conditions.

#### Further Information Stage

*Transportation Planning Section (17/07/2025)* – RFI drawing No. 03331-PL02A, showing the provision of unobstructed sightlines and the works required to provide same is acceptable to PA. However, the principle of development is unacceptable on the basis that it will result in an intensification of traffic movements at the entrance off the N2 which is not compliant with Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Refusal recommended on this basis.

### 3.3. Prescribed Bodies

#### Initial Application Stage

*Transport Infrastructure Ireland (06/05/2025)*

- Proposal would create adverse impact on N2 national road contrary to policy on control of development on/ affecting national roads in Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- Proposal would intensify/ generate increased traffic from an existing direct access onto a national road contrary to Section 2.5 (control of frontage development).

- Proposal would endanger public safety via traffic hazard and road user obstruction.

#### Further Information Stage

No submissions received.

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

#### Initial Application Stage

No submissions received.

#### Further Information Stage

Submission received from Cllr. Suzanne Jamal (07/07/2025) outlines support for applicant's proposal to construct a new home on his family land on basis of their living and working on the adjacent family farm.

## **4.0 Planning History**

### **4.1. Wider Landholding (incl. appeal site)**

*P.A. Ref. 941081* – application (by applicant's father) for the construction of a dormer bungalow, domestic garage, stables, septic tank and percolation area and to close off existing entrance and open a new one, granted permission on 08/02/1995 subject to 14 no. conditions [permitted development is parental property adjoining appeal site].

*P.A. Ref. AA171214* – application (by applicant's father) for retention of machinery shed/ dry store extension to side of existing Potato Stores as constructed, together with permission for proposed new detached Dry (Potato) Store and all associated works to existing farm complex, granted permission on 24/01/2018 subject to 12 no. conditions.

*P.A. Ref. 901303* – application (by applicant's father) for erection of a new potato store, granted on 22/01/1991 subject to 2 no. conditions.

### **4.2. Relevant Planning Precedents Cited by Planning Authority/ Appellant**

*ABP-320530-24 (P.A. Ref. 2460027)* – Application for retention of a new recessed entrance gate and winged fencing at Starinagh, Collon, Co. Meath (east side of the

N2) refused by MCC (for contravention of Policy RD POL 3) and granted on appeal on 26/11/2024 subject to 3 no. conditions including:

*“The applicant shall provide and maintain unobstructed sightlines of 215 metres to the nearside edge of the road from a setback of 3.0 metres, in accordance with TII Document DN-GEO-03060, from the agricultural entrance. The nearside road edge shall be visible over the entire sight distance. **Reason:** In the interest of traffic safety”.*

ABP-306684-20 (P.A. Ref. LB191585) – Application for solar farm and associated works at Newtown, Beauparc, Navan (west side of N2) refused permission by MCC and by ABP on appeal on 15/10/2020 for 2 no. reasons: 1. AA screening and 2. visual and residential amenities.

ABP-309896-21 (P.A. Ref. 2153) – Application for retention for single storey demountable dwelling unit and waste treatment system at Cushinstown, Rathfeigh, Navan (gated access directly off the N2) refused permission by MCC and by ABP on appeal on 15/07/2021 for 2 no. reasons: 1. non-compliance with Rural Housing Policy and 2. Material contravention of Policy RD POL 36 (re: intensification of access).

## 5.0 Policy Context

### 5.1. National Policy

Project Ireland 2040 – National Planning Framework (NPF) (2025):

- o NPO 24: housing in rural areas under urban influence.
- o NPO 28: siting and design criteria for rural housing.

Climate Action Plan (2024 & 2025).

National Biodiversity Action Plan (NBAP) 2023-2030.

Our Rural Future Rural Development Policy 2021-2025.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024).

EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) (2021).

Development Management Guidelines for Planning Authorities (2013).

Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007).



Sustainable Rural Housing Guidelines for Planning Authorities (2005).

## 5.2. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) – Rural Areas:

- RPO 4.80: provision of single houses in rural areas under strong urban influence based on consideration of demonstrable economic or social need.
- RPO 4.81: siting and design criteria for rural housing
- RPO 4.84: support for the rural economy and rural employment creation.
- RPO 8.1: integration of transport and land use planning and Transport Strategy.

## 5.3. **Development Plan**

The Meath County Development Plan 2021-2027 (MCDP) applies.

### Zoning

Section 11.14.6 (Land Use Zoning Categories) site is zoned 'RA – Rural Area' where 'residential' is a permitted use subject to compliance with Rural Settlement Strategy.

### Rural Settlement Strategy

Section 9.1 (Rural Development Strategy Goal) - To encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the County.

Section 9.2 (Rural Settlement Strategy) and Policy RUR DEV SP 2 (to satisfy same).

Section 9.3 (Rural Area Types), Map 9.1 (Rural Area Types Development Pressure) – site located in 'Area 1 - Rural Area under Strong Urban Influence'

Policy 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.

Policy RD POL 2 and Sections 9.4 (Persons who are an Intrinsic Part of the Rural Community), 9.5 (All Areas) and 9.5.1 Development Assessment Criteria.

Section 9.5.3 and Policy RD POL 7 (Attachment of Occupancy Condition).

### Housing Design Guidance

Section 9.6 (Rural Residential Development: Design and Siting Considerations).

Section 9.6.1 and Policy RD POL 9: To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

### Landscape/ Natural Heritage

Section 9.16 (Roadside Boundaries): Occasionally, the removal of substantial lengths of roadside boundaries is proposed as part of an element of improving visibility at the junction of a new entrance onto a road. Where an alternative site is available and otherwise suitable, applicants and Planning Authorities should consider a location that avoids the necessity for widespread boundary removal.

Policy HER POL 37: To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required

Policy RD POL 41: To avoid the removal of existing roadside boundaries where they are more than 3 m from the road edge (edge of carriageway), except to the extent that this is needed for a new entrance and where required for traffic safety reasons.

Site located within a 'Lowland Landscape' area, namely the 'Central Lowlands', which has a high landscape character value and a moderate landscape character sensitivity.

#### Drainage/ Servicing/ Parking

Section 9.18.2 (Groundwater Protection and Planning System) and Policy RD POL 44. Section 9.18.3 (Wastewater Disposal) and Policies RD POL 46 – RD POL 53. Sections 11.9.1, Table 11.2, DM OBJ 89 (Car Parking) and 11.9.3 (Cycling Parking).

#### Access

Sections 9.15 (Restricting Access to Certain Categories of Roads), 9.15.1 (National Primary and National Secondary Routes), 9.15.3 (Development Assessment Criteria (for regional and county roads), 5.8 (Developments of National and Regional Strategic Importance), 5.8.3 (N2 Corridor) and 5.9 (Roads Infrastructure).

Section 9.18.1 and Policy RD POL 43 (One-Off Houses and Stopping Sight Distance).

Policy MOV POL 24: To safeguard the capacity and safety of the National road network by applying the provisions of the Department of Environment Community and Local Governments – 'Spatial Planning and National Roads-Guidelines for Planning Authorities, 2012' to avoid the creation of any additional development access to national roads and intensification of existing access to national roads to which speed limits greater than 60kph apply, save in accordance with agreed 'exceptional circumstances' included in MOV POL 33.

Policies MOV POL 25 (implement Meath Road Safety Strategy) and MOV POL 32 (protection of existing roads infrastructure).

Policy MOV POL 33: To avoid the creation of any additional access point from new development/ intensification of traffic from existing entrance onto national roads outside the 60kph speed limit, except at the following locations including: N2 at Knockharley in the vicinity of existing regional landfill facility [i.e. c. 4km to north of appeal site and to north of Balrath junction of N2 and R150 as per Map 5.3].

Policy RD POL 36 (protect national primary roads from one-off housing development).

Policy RD POL 37: To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document 'Spatial Planning and National Roads - Guidelines for Planning Authorities'.

Policy RD POL 38 (avoid endangering public safety by way of a traffic hazard).

#### **5.4. Other Policy/ Guidance**

##### Policy/ Guidance Specifically Cited by TII

NTA Greater Dublin Area Transport Strategy 2022-2042 [cited by TII].

Our Journey Towards Vision Zero: Ireland's Government Road Safety Strategy 2021–2030 (RSA) [cited by TII].

TII DN-GEO-03060 (Geometric Design of Junctions) (2023).

## **6.0 Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 8 km from River Boyne and River Blackwater SPA (Site Code 004232).
- c. 10km from River Boyne and River Blackwater SAC (Site Code 002299).
- c. 14km from River Nanny Estuary and Shore SPA (Site Code 004158).
- c. 14km from North-West Irish Sea SPA (Site Code 004236).
- c. 15km from Boyne Estuary SPA (Site Code 004080).
- c. 16km from Boyne Coast and Estuary SAC (Site Code 001957).

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 1.5km from Balrath Woods pNHA (Site Code 001579).
- c. 4.5km from Thomastown Bog pNHA (Site Code 001593).
- c. 6km from Duleek Commons pNHA (Site Code 001578).

## **7.0 EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 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.

## **8.0 Water Framework Directive Screening**

I have concluded, 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 form in Appendix 2 for details).

## **9.0 The Appeal**

### **9.1. Grounds of Appeal**

A third party appeal from Transport Infrastructure Ireland (TII) was received on 14/08/2025. The grounds of appeal (GOA) can be summarised as follows:

#### General

- The national road network comprises approx. 5.4% of Ireland's road network and accounts for c. 45% of all road traffic and 50% of public transport travel.
- The N2 road adjoining the site is strategically important and heavily trafficked.
- Proposal constitutes the intensification of an existing vehicular access onto the nationally and strategically important N2 contrary to national policy and guidance.
- Proposal has potential to compromise safety and efficiency of N2 and is at variance with road safety policy, with potential to set an undesirable precedent.
- TII concerns were flagged at application stage, but TII had no further opportunity to comment at FI stage.
- PA assessment and decision did not give appropriate consideration to national roads guidance/ related policy or to the concerns raised by TII at applicant stage and PA's rationale for granting permission does not have a sound policy basis.
- TII not satisfied that PA considered an alternative location/ access for the proposal and insufficient land ownership information on file to assess viability of same.

#### Compliance with National and Regional Policy

- NPF/ NDP require the strategic function, safety and condition of national roads to be protected and maintained.

- Spatial Planning and National Roads Guidelines (2012) state, in relation to lands adjoining 60k/hr+ national roads, new development should avoid generating increased traffic from existing (direct onto N2) access points (Section 2.5 refers).
- RSA Road Safety Strategy (Vision Zero) seeks to improve road safety via a safe system approach and interventions to ensure safe roads and roadsides.
- RSES RPO 8.1/ Transport Strategy requires that the strategic traffic function of national roads and associated junctions be maintained and protected. This objective is reiterated in NTA Greater Dublin Area Transport Strategy 2022-2042, in the Rural Housing Guidelines (2005) and by the MCDP.

#### Road and Public Safety Considerations

- RSA data shows increase in fatal collisions on Irish roads in period 2022 - 2023.
- TII data shows an overall increase in fatal and serious injuries collisions on national roads in the period 2018 – 2024.
- 46% of 2024 collisions on national roads, with majority being vehicle to vehicle.
- Restricting the intensification of use of a direct N2 access will reduce collision risk and avoid endangerment of public safety by reason of traffic hazard.
- RFI compliance with technical sightline design requirements under TII DN-GEO-03060 (Geometric Design of Junctions) does not address issue of intensification of the existing access that will arise from the proposal.
- Risk of property ownership passing to a 3<sup>rd</sup> party in future (with associated potential increase in trip generation onto N2) exacerbates issue and assessment of intensification risk should not be limited to circumstances of current landowner/ applicant only.
- Cumulative trip generation impact of proposed house, existing house and commercial agricultural enterprise on the lands needs to be taken into account.

#### Local Development Plan Policy

- MCDP identifies and protects N2 as a strategically important infrastructural asset - Section 5.8 and Policies MOV POL 24, 25, 32, 33 (no exceptional circumstances) and RD POL 1, 36, 37 and 38.
- Proposal contravenes MOV POL 24 & 25, MOV POL 32 & 33, RD POL 1, 36, 37 and 38 and the goal of Meath's Rural Development Strategy (sustainable development without compromising, inter alia, physical resources).
- TII notes Meath Road Safety Strategy 2021-2030 was never completed/ made.

#### Protecting Public Investment

- The number of recent and ongoing exchequer-funded national road improvement schemes in vicinity of this section of the N2 illustrate its strategic importance.
- Proposal does not reflect/ consider continuing public investment needed in N2 to maintain it at an acceptable operational and safety standard.

#### Planning Precedent

- Issues raised with the validity and applicability of the PA and ABP/ACP planning precedents cited in PA's 2 no. reports.
- TII's own research determined that only the decision under ABP-309896-21 (refused) was an equivalent proposal/ relevant planning precedent.
- Granting proposal would set undesirable precedent for other similar development impacting on the strategic national road network.

The GOA are accompanied by a copy of the TII submission made to the PA at application stage and a copy of correspondence acknowledging receipt of same.

## 9.2. Applicant Response

The applicant's response to the appeal was received 29/08/2025. Points of note are:

### General

- GOA rely on general policy statements, don't take account of specifics of proposal.
- Proposal uses an existing access and junction with the N2 which will be upgraded to TII visibility/ geometry standards (PA condition no. 2), improving traffic safety.
- Proposal will not give rise to a material intensification of the N2 access junction on account of the applicant already living and working on the family farm.
- If the unlikely event the proposed residence is sold in the future, any new residential trips would be negligible relative to existing levels of farm traffic/ overall N2 flows.

### Compliance with National and Regional Policy

- Spatial Planning and National Roads Guidelines (2012) seek to protect safety and efficiency of national roads - proposal to deliver safety upgrades to existing access will reduce risk per vehicular movement and is compliant with intent of same.
- NPF/ National Development Plan seek to protect national road network – applicant funded upgrades to N2 access junction i.e. enhancement of existing infrastructure.
- RSA Road Safety Strategy – proposal comprises of a safe system betterment at a known risk point (i.e. a private access on a 100km/hr national road) by improving visibility splays and reducing potential for traffic conflicts/ collisions.
- RSES/ NTA GDA Strategy – strategic function & capacity of N2 is maintained & protected via mitigation of existing turning conflicts and visibility/ layout upgrades.

### Road and Public Safety Considerations

- Proposed access junction improvements will mitigate existing risk to traffic safety on N2 posed by large, slow moving farm vehicles (not acknowledged by TII).
- Typical trip generation yield (i.e. 6-8 two-way trips/day & 0.5-1 in peak hour) from a single rural dwelling is not a relevant consideration in context of this proposal given that applicant already lives and works (full time) on the lands.
- Proposal will give rise to a negligible increase in traffic at N2 junction access.

- TII view that added trips increase conflict probability is not justified on basis of said probability and severity per turning movement being materially reduced by proposed junction upgrades.

#### Compliance with Development Plan

- Proposal complies with Meath's rural housing policy. Notwithstanding, the applicant is amenable to accepting an occupancy condition.
- Proposal delivers on MCDP objectives to protect the national road network.

#### Protecting Public Investment

- Proposed access junction upgrades will reduce risk of collision (arising from established intensive farm-related use) thereby protecting state investment in N2.
- Proposal does not necessitate further public investment in road, signage etc.
- Applicant agreeable to fully covering cost of proposed upgrades which will also deliver an enhancement to the N2 (public road) at this location.

#### Planning Precedent

- Proposal should be considered on its own merits.
- The attachment of conditions (i.e. occupancy limitation, maintenance of visibility splays and prohibition on use of access for additional dwellings etc.) will ensure decision is not relied on as a planning precedent for unmitigated access intensification on national roads.

#### Suggested Conditions

The applicant puts forward a number of suggested planning conditions which could be attached to address TII concerns where Commission are minded to grant permission:

- Completion of all junction improvement works prior to occupation and to written satisfaction of the Road's Authority (as per PA's Condition No. 2).
- Maintain visibility splays free of obstruction in perpetuity.
- Section 47 agreement tying occupancy to the applicant etc.

### **9.3. Planning Authority Response**

The PA, in their response received 09/09/2025, state that the matters raised by TII in their appeal were addressed by the PA in the course of their assessment of the planning application (as per their reports of 18/07/2025 and 21/05/2025) and they seek that the Commission uphold their decision to grant permission for the proposal.

### **9.4. Observations**

None received.

## 9.5. Further Responses

None received.

## 10.0 Assessment

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, 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
- Intensification of Access Use and Related Matters
- Other Matters

### 10.1. Principle of Development

10.1.1. The site is zoned 'RA – Rural Area' with the Objective 'To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'. The principle of developing a house on a site with a RA land use zoning is acceptable subject to applicant's compliance with the Meath Rural Settlement Strategy and other relevant MCDP policy.

10.1.2. The proposed development is located on lands designated as 'Area 1 - Rural Area under Strong Urban Influence' as per Section 9.3 of the MCDP where the housing requirements of the rural community will be facilitated. Section 9.4 (Persons who are an Intrinsic Part of the Rural Community) states that the PA will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can, inter alia, "*Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture*". In these cases, it will be required that the applicant satisfy the PA with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and



running of family farms and/or the sons and daughters of farmers would be considered within this category of local need.

- 10.1.3. The applicant has submitted a range of documentation to support the establishment of local needs, which range from 2015-2025. These documents include a completed Meath Local Need Form and a cover letter and a copy of their driving license; herd number details; electoral register details; agricultural grant letter 2015 – 2023; census agricultural details 2020; Department of Agriculture, Food and the Marine official letter 2021 & 2024 and statement 2016; insurance letters etc. – all addressed to the applicant at his family home at Ballymagarvey Farm in Balrath, Navan, Co. Meath.
- 10.1.4. Having reviewed the information submitted, I am satisfied that sufficient evidence has been provided to show that the applicant has lived in the local area for the last 10 years, that they are intrinsically linked to the local area and, crucially, that they are significantly involved in agriculture. As such, I am satisfied that the applicant complies with the Meath Rural Settlement Strategy.
- 10.1.5. Notwithstanding, the TII have raised an issue with the principle of developing a new house on the lands on the basis that it would give rise to additional turning movements onto the N2 and therefore to additional safety risks and a greater degree of traffic hazard which is contrary to national, regional and MCDP policy on the safety and operational efficiency of national roads. I consider these matters further in Section 10.2 of this report.

## **10.2. Intensification of Use of Access and Related Matters**

### **Background**

- 10.2.1. The development consists of a new 3-bed 6-person rural house that will utilise an existing access junction onto the N2 national road at Ballymagarvey. The PA granted permission on the basis of the RFI proposal to provide a visibility splay of 215m to the nearside edge of the road from a setback of 3.0m in both directions (as per drawing No. 03331-PL02A) in compliance with technical sightline design requirements under TII DN-GEO-03060 (Geometric Design of Junctions). Notwithstanding, I note the concerns raised by the PA's Transportation Department in relation to traffic safety risk that would arise from the intensification of traffic movements and their recommendation of refusal in light of same (which the Case Planner recommended not be carried

forward on basis of entrance being an existing junction and applicant being a farmer on immediate site and lands).

10.2.2. The TII GOA consider that, notwithstanding their RFI proposal, the principle of developing a new rural house at this location would generate an increased level of traffic from the existing vehicular access and additional turning movements directly onto the N2 and would have an adverse impact on the national road in terms of public/road safety and traffic efficiency. This impact being contrary to national to local policy on control of development on/ affecting national roads in MCDP Sections 2.5, 5.8 and 5.9, RSES RPO 8.1 and in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and to RSA road safety policy. The view that the proposal will give rise to material intensification is strongly contested by the applicant who considers that the GOA rely upon generic policy and don't take account of the specifics of the proposal or the road safety betterment that will arise, and which will reduce potential for traffic conflicts and collisions at this location.

10.2.3. In short, the crux of the issue subject to the appeal before the Commission is whether or not the proposal would constitute an intensification in the use of the existing access onto the N2 which currently serves both the applicant's parents' dwelling and the family's farm enterprise and, whether the applicant's compliance with technical sightline design requirements under TII DN-GEO-03060 (and related road betterment/upgrade and investment proposals) provide sufficient mitigation to address this issue.

#### Intensification

10.2.4. The applicant contends that the typical trip generation yield from a single rural dwelling (which they state in their response to the GOA accounts for 6-8 two-way trips/day and 0.5-1 in peak hour or for 3 no. trips per house in Section 4.3 of their Roads Report) is not a relevant consideration, on the basis that they already currently live and work on the lands. They are also of the opinion that the proposal will give rise to a negligible increase in traffic at the N2 junction access. The TII are of a contrary view (which is shared by the PA's own Transportation Department who recommended refusal) and they emphasise the importance of considering the cumulative trip generation impact on the N2 arising from the proposed house, existing house and agricultural enterprise.

10.2.5. Section 9.15.1 (National Primary and National Secondary Routes) of the MCDP states that it is the policy of the PA to avoid the generation of increased traffic from existing

accesses to national roads to which speed limits greater than 60kmh apply and that this provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant. I note that this policy statement is linked to Policy MOV POL 24 which seeks to safeguard the capacity and safety of the National road network by applying the provisions of the Department of Environment Community and Local Governments – ‘Spatial Planning and National Roads-Guidelines for Planning Authorities, 2012’ (as per Policy RD POL 37) in order to avoid the intensification of existing access to national roads to which speed limits greater than 60kph apply, save in accordance with agreed ‘exceptional circumstances’ included in MOV POL 33 (as detailed in Section 5.3 of this report).

- 10.2.6. Therefore, whilst I acknowledge the rationale behind the applicant’s commuting-based argument (together with the PA’s alternate commuting rationale outlined in Section 3.2.1 of this report), I note that this would only apply in a scenario where they were the sole occupant of the proposed house (a 3-bed 6-person dwelling) and that it does not take account of the house being fully occupied (i.e. with potential to lead to an increase in trip generation over time if fully occupied). In addition, I consider that the argument put forward in respect to their current housing/ employment circumstances does not address the trip generation additionality that would arise from factors other than commuting i.e. new traffic arising from visitors, deliveries and servicing of the proposed dwelling. When this trip generation potential is combined with baseline daily flows (incl. seasonal fluctuations) outlined in Section 3.4 of the applicant’s Roads Report it has the potential to give rise to a cumulative intensification in the use of the existing access.
- 10.2.7. For the reasons outlined above, I consider that the proposal is likely to give rise to additional traffic on, and an intensification in the use of, the existing N2 access junction and, on this basis, I am not satisfied that the proposal complies with the requirements of Section 9.15.1, with Policy MOV POL 24 (on the basis that none of the exceptional circumstances (which would allow the intensification of traffic from existing entrance onto a national road) listed under MOV POL 33 apply) or with Policy RD POL 36 which seeks to protect national primary roads from one-off housing development. I, therefore, do not consider that the grounds of appeal should be upheld and I am of the opinion that permission should be refused on the grounds of the aforementioned policy pertaining to national primary routes.

10.2.8. TII have also raised an issue in respect to the ownership of the proposed dwelling passing to a 3<sup>rd</sup> party, with potential for a future further increase in trip generation onto the N2 and are of the view that the assessment of intensification risk should not be limited to the circumstances of current landowner/ applicant only. It is the applicant's view that, in the unlikely event the proposed dwelling is sold in the future, any new residential trips would be negligible relative to existing levels of farm traffic/ overall N2 flows. Notwithstanding, they are amenable to the attachment of a planning condition (Section 47 agreement) to restrict the occupancy of the proposed dwelling for a period of 7 years post completion. Whilst I acknowledge the views of both parties in relation to this matter, the Commission can only have regard to the information before it in making their decision and cannot base same on potential or hypothetical future scenarios.

#### Mitigation

10.2.9. The applicant argues that their proposed access junction improvements will mitigate the existing risk to traffic safety on N2 posed by the turning movements of farm vehicles and that the TII's view, that added trips increase conflict probability, is not justified on the basis of the probability/ severity per turning movement being materially reduced by their proposed junction upgrades. It is the opinion of TII that compliance with technical sightline design requirements under TII DN-GEO-03060 (Geometric Design of Junctions) does not mitigate or address intensification and related issues. I note this opinion is shared by the PA's Transportation Department who recommended a refusal of permission in their FI stage report of 17/07/2025.

10.2.10. I have reviewed the RFI proposals put forward under drawings No's 03331-PL01A and 03331-PL02A and assessed them in the context of the conditions I observed on site. I note that the proposals under the latter comply with the technical sightline design requirements specified in TII DN-GEO-03060 in that they provide for unobstructed sightlines setback 3m from the nearside edge of the road (i.e. the metalled roadway rather than from existing yellow line) and would therefore improve visibility for drivers (both current and proposed) exiting the landholding onto the N2 (with corresponding negative implications for hedgerow retention and the proposal's compliance with Policy HER POL 37 which are discussed in Section 10.3). However, I am not satisfied that these proposed changes to sightlines and betterment of road markings etc. along the road frontage boundary address the risk to the N2/ traffic

safety arising from the increase in traffic and turning movements and the intensification of the existing vehicular access.

- 10.2.11. For these reasons and the reasons outlined in paragraphs 10.2.6 – 10.2.7 above, I consider that, notwithstanding the applicant's demonstrable location specific rural housing need (which neither TII nor the PA's Transportation Department considered justified the related impact on the N2), their proposal is at variance with national, regional and development plan policy on the safety and operational efficiency (level of service/ carrying capacity) of national roads and I recommend to the Commission that permission be refused on this basis.

### 10.3. Other Matters

The PA did not address, or did not fully address, the following matters in their assessment of the proposal, and I note that neither the applicant nor the appellant raised issues in this regard. Notwithstanding, in the interest of completeness, I consider that these outstanding matters are required to be addressed before the Commission makes a decision on the appeal.

#### Residential Amenity

##### *Compliance with Design Standards*

- 10.3.1. I am satisfied that the proposal complies with the applicable standards and requirements in relation to floor areas, room sizing and dimensions, storage, private open space, design and siting etc. set out under the 2005 and 2007 Housing Guidelines, Section 9.6 (Rural Residential Development: Design and Siting Considerations) of the MCDP and the Meath Rural House Design Guide.

##### *Impact on Neighbouring Residential Amenity*

- 10.3.2. The PA noted that the scale of proposal (size and 2-storey nature) deviated from the character of the adjoining single storey bungalow. However, they did provide further comment on the potential for the proposal to give rise to a negative impact on existing residential amenities.
- 10.3.3. I note that the immediate area does not have a readily identifiable built character on account of its rural setting where residential properties are typically setback from the main road and screened from public view.

10.3.4. Having regard to my review of the applicant's proposed site layout, I am satisfied that the proposed 2-storey dwelling, and 1-storey car garage, will not give rise to any negative impacts on the adjoining single storey dwelling (parent's house to the north) in terms of overlooking, overbearance/ visual intrusion or overshadowing etc. I am of this view on account of the intervening separation distance, the existence (and proposed retention) of a substantial existing hedgerow which acts as a planted buffer on the shared boundary and, the proposal for extensive landscaping and boundary planting to supplement the planted boundary to the N2 - which will provide for further visual screening of the proposal.

#### Servicing

10.3.5. I note that the dwelling's proposed water supply, surface water and foul drainage arrangements, and compliance with the EPA's Code of Practice (2021) for such infrastructure, were determined to be acceptable to the PA at initial application stage with no subsequent issues in relation to same being raised in the GOA or in the responses to same.

#### Parking

10.3.6. The proposal's compliance with MCDP's car parking policy was not addressed in the PA's reports. Notwithstanding, I note that it is proposed to provide 2 no. spaces (in the detached car garage) which is compliant with the standards set out for dwellings in peripheral locations in Section 11.9.1, Table 11.2 and DM OBJ 89 of the plan.

10.3.7. The applicant makes no specific provision for cycle parking as part of proposal, and I consider this omission to be acceptable give that Section 11.9.3 (Cycling Parking) sets no minimum quantitative requirements for bike parking serving individual houses.

#### Landscaping and Hedgerows

10.3.8. The PA sought additional information on the applicant's landscaping and treatment of hedgerows as part of their FI request, specifically as they related to the access sightline proposals. I note that in assessing the RFI, the PA considered that the revised site access/ sightline proposal under RFI drawing No. 03331-PL02A was the more acceptable option from a technical compliance (with TII DN-GEO-03060) perspective.

10.3.9. The applicant, in their response to the FI request, highlights that the favouring of the proposal set out on RFI drawing No. 03331-PL02A over that proposed on RFI drawing

No. 03331-PL01A, will necessitate the removal (relocation and replanting behind the existing boundary fence to the landholding) of a c. 270m long stretch of existing mature hedgerow bordering the N2 in order to achieve the required visibility splay of 215m to the nearside edge of the road from a setback of 3.0m. The applicant also noted that the final landscape and boundary treatment plan (as requested under RFI item No. 2) could not be prepared until after the PA decided on required sightlines (i.e. option PL01A or option PL02A) at which point these matters can be addressed by condition.

- 10.3.10. Notwithstanding the policy provisions of Section 9.16 and Policy RD POL 41 which allow for some degree of hedgerow removal in connection with improving visibility at road junctions, I note that the removal of such a substantial expanse of existing hedgerow is not in compliance with the requirements of MCDP Policy HER POL 37 which seeks encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and to prevent their loss and fragmentation, where practically possible. Furthermore, whilst the policy does allow for mitigation by provision of the same type of boundary where removal of an existing hedgerow is unavoidable (with the applicant committing to replanting native hedging in a setback position), I note that there is no supporting information on file in respect to the biodiversity value of the existing hedgerow or as to whether it acts as a wildlife corridor or supports flora or fauna subject to protection under national or European legislation. This lacuna is a significant concern given the nature and extent of the boundary works proposed and the potential for an ecological impact.

#### Legal Ownership

- 10.3.11. RFI item No. 1 sought clarification from the applicant on whether they had consent from MCC to include a part of the N2 public road in their application red line in order to achieve the required access sightlines. I note that this matter was not addressed as part of the applicant's RFI and that the PA raised no comment on this fact in their FI report of 18/07/2025 and also did not raise it as a validation issue. Notwithstanding, as per the Development Management Guidelines for Planning Authorities (2013), I note that a grant of planning permission does not confer legal rights to the ownership of land and that such matters are civil matters to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development (2000) as amended.

### Planning Precedent

10.3.12. In relation to the planning precedent cases cited by the PA and TII in support of their respective (opposing) views, I note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. In this specific case, having regard to the information on file, I have determined that a refusal of permission is warranted on the basis of the proposal's non-compliance with Section 9.15.1 and Policies MOV POL 24 & RD POL 36 (as detailed in Section 10.2).

### Procedural Issues

10.3.13. I note that TII were not satisfied that PA had considered an alternative location or an alternative access for the proposal. Having regard to the description of development applied for, to the insufficient information on file in respect to the overall family landholding and to the statement that 'there is no alternative access to the public roads network other than directly to the N2. The Applicant cannot provide access onto any regional or county road and therefore needs to access to N2' in the Roads Report submitted at application stage, I do not consider that the PA erred procedurally in not considering an alternative access.

## **11.0 AA Screening**

### **11.1. Stage 1 – Screening Determination for Appropriate Assessment**

#### **Finding of likely significant effects**

11.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Nanny Estuary and Shore SPA (Site Code 004158) in view of the conservation objectives of a number of qualifying interest features of that site.

11.1.2. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### **11.2. Stage 2 – Appropriate Assessment**



11.2.1. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on the River Nanny Estuary and Shore SPA (Site Code 004158) in view of that site's conservation objectives. I have had regard to all relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the Commission to carry out an Appropriate Assessment.

11.2.2. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually and/ or in-combination with other plans or projects would not adversely affect the integrity of the River Nanny Estuary and Shore SPA (Site Code 004158) in view of this site's conservation objectives and qualifying interests.

11.2.3. This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the River Nanny Estuary and Shore SPA (Site Code 004158).
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects provided for under the Meath County Development Plan 2021-2027
- There being no reasonable scientific doubt as to the absence of adverse effects on the integrity of River Nanny Estuary and Shore SPA (Site Code 004158).

## 12.0 Recommendation

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

## 13.0 Reasons and Considerations

1. The location of the entrance to the proposed development is directly onto the N2, a national strategic route, at a location where the speed limit of 100 km/h applies. It is the policy of Spatial Planning and National Roads: Guidelines for Planning Authorities (2012) (DOECLG) as reflected in Section 9.15.1 and Policies MOV POL

24 and RD POL 36 of the Meath County Development Plan 2021-2027 to safeguard the capacity and safety of the National road network and to avoid the intensification of existing access to national roads to which speed limits greater than 60kph apply, in order to facilitate the efficiency and effectiveness of the national strategic road network. The likely increase in traffic and additional turning movements created by the development interfere with the unobstructed, safe and free flow of traffic on the adjoining national route and therefore materially contravenes Section 9.15.1 and Policies MOV POL 24 and RD POL of the Meath County Development Plan 2021-2027, contrary to the proper planning and development of the area.

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

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Emma Gosnell  
Planning Inspector  
24<sup>th</sup> November 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323392-25
<b>Proposed Development Summary</b>	Construction of 1 no. dwelling with all associated site works.
<b>Development Address</b>	Ballymagarvey, Navan, Co. Meath
	<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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit.</p> <p>Part 2, Class 1(a) - (rural restructuring/ hedgerow removal) – section adjoining the N2 national road.</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>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323392-25
<b>Proposed Development Summary</b>	Construction of a house and all associated site works.
<b>Development Address</b>	Ballymagarvey, Navan, Co. Meath
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (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).	The development is for 1 no. rural dwelling house, a car garage and related works and it comes forward as a standalone project, and it does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

<p><b>Location of development</b> (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 development is situated on a predominantly greenfield site adjoining another detached dwelling on a family farm complex at Ballymagarvey, Navan, Co. Meath.</p> <p>The River Nanny is located c. 700m to the north of the site with the Hurley River being located c. 1.25km to its south with these watercourses providing very indirect hydrological links with</p> <p>However, it is considered that there is no pathway from the appeal site to this river as per Section 11 of the Inspector's Report (AA Screening).</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.

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

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

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Appropriate Assessment – Stage 1 and Stage 2

Screening for Appropriate Assessment				
Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
Case file: ACP-323392-25				
<b>Brief description of project</b>	Normal planning appeal. Construction of a house and all associated site works at Ballymagarvey, Navan, Co. Meath – see Section 2.0 of Inspector's Report for further details.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The appeal site is greenfield, part of a farm and set within a rural environment.</p> <p>The domestic nature and scale of the proposed development (a rural house) is not exceptional in the context of the existing environment.</p> <p>No demolition or substantial site clearance/ enabling works are required.</p> <p>Water supply for the proposed development will be via a deep bore well on site and it will be served by a surface water soakpit and an on-site waste water treatment system (O'Reilly Oakstown Treatment System and Soil Polishing Filter with percolation area) that will discharge to groundwater – full details in Section 11 of Inspector's Report.</p> <p>The following watercourses/ ecological features in the vicinity of the site are of note:</p> <ul style="list-style-type: none"> <li>The River Nanny (NANNY (MEATH)_020) is located c. 700m to the north of the site.</li> <li>The Hurley River (HURLEY_030) being located c. 1.25km to its south</li> </ul> <p>Of these watercourses, the River Nanny provides an indirect hydrological link with the River Nanny Estuary and Shore SPA (Site Code 004158).</p>			
<b>Screening report</b>	No			
<b>Natura Impact Statement</b>	No			
<b>Relevant Submissions</b>	None			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
1 no. European sites (as detailed under Step 1 above) are potentially within the zone of influence of the proposed development on the basis of its possible ecological connection/ pathway to the appeal site (i.e. via the River Nanny).				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup></b>	<b>Distance from proposed development</b>	<b>Ecological Connections<sup>2</sup></b>	<b>Consider further</b>

	Link to conservation objectives (NPWS, date)			in screening <sup>3</sup>
River Nanny Estuary and Shore SPA (Site Code 004158).	<u>River Nanny Estuary and Shore SPA   National Parks &amp; Wildlife Service (2012)</u>	c. 14km	Indirect hydrological connection via groundwater/ surface water discharges during construction phase.  Indirect hydrological connection via groundwater/ surface water discharges during the operational phase.	Yes
<sup>1</sup> summary description / cross reference to NPWS website is acceptable at this stage in the Report. <sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species. <sup>3</sup> if no connections: N.				

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

#### AA Screening matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>River Nanny Estuary and Shore SPA (Site Code 004158)</b>  Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Herring Gull (Larus argentatus) [A184] Wetland and Waterbirds [A999]	Indirect pathways to SPA:  <u>Construction Phase:</u> - Hydrological: Uncontrolled release of silt, sediment, dust and other construction related pollutants/ compounds including hydrocarbons to	<u>Construction Stage:</u> Potential damage to the habitats and qualifying interest species whose foraging depends on same, an impact of sufficient magnitude could undermine the sites conservation objectives;

	surface water. <u>Operational phase:</u> - Indirect hydrological connection via surface water/ groundwater discharges during the operational phase.		
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>		
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?		

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

Based on the information provided in the screening report, site inspection, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on River Nanny Estuary and Shore SPA (Site Code 004158).

**Appropriate Assessment**

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed residential development in view of the relevant conservation objectives of River Nanny Estuary and Shore SPA (Site Code 004158) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- NPWS Data
- Soil Characterisation And Site Suitability Assessment Report.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.



**Submissions/observations**

No relevant submission received.

**European Sites****River Nanny Estuary and Shore SPA (Site Code 004158)****Summary of key issues that could give rise to adverse effects (from screening stage):**

(i) Water quality degradation (construction and operation).

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (as relevant - summary)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>
Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Herring Gull (Larus argentatus) [A184]	To maintain the favourable conservation condition of:  - population trend - distribution.	Minor, temporary: - Habitat degradation - Pollution - Silt ingress from site runoff - Downstream impacts - Negative impacts on the aquatic environment, aquatic species and qualifying interests.	- Attachment of condition to ensure that the design and installation of the proposed WWTS complies with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent $\leq 10$ (2021).  - Best Practice Construction/ Site Management.
Wetlands [A999]	To maintain the favourable conservation condition of: - the wetland habitat		- Soakaway standard, best practice design, installation and maintenance.

**Assessment of issues that could give rise to adverse effects:**

(i) Water quality degradation (construction and operation).

**(i) Water quality degradation**

Water quality as it related to the SPA's wintering waterbirds and wetland habitat remains vulnerable. Decreased water quality could alter habitat quality.

### **Mitigation measures and conditions**

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and groundwater. This is to be achieved via design (avoidance).

#### Construction Phase Mitigation

Best Practice Construction/ Site Management i.e. proactive management of bund areas and site compounds, air & dust management, petrochemical interception and maintenance of drainage systems, vehicle cleaning regime and spill containment measures, ongoing site environmental management and specific protocols for storage/ use of materials, plant and equipment.

#### Operational Phase Mitigation

- Attachment of condition to ensure that the design and installation of the proposed WWTs complies with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent  $\leq 10$  (2021).
- Soakaway standard, best practice design, installation and maintenance.

### **In-combination effects**

I am satisfied that no other plans and projects could combine to generate significant effects when mitigation measures are considered and I am also satisfied that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for River Nanny Estuary and Shore SPA (Site Code 004158). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants etc. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

#### **Site Integrity**

The proposed development will not affect the attainment of the conservation objectives of the River Nanny Estuary and Shore SPA (Site Code 004158). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Nanny Estuary and Shore SPA (Site Code 004158) in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of all material submitted, I consider that adverse effects on site integrity of the River Nanny Estuary and Shore SPA (Site Code 004158) can be excluded in view of the conservation objectives of that site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Nanny Estuary and Shore SPA.

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

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



## Appendix 3

### WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Bord Pleanála ref. no.</b>	ACP-323392-25	<b>Townland, address</b>	Ballymagarvey, Navan, Co. Meath
<b>Description of project</b>	The proposal comprises of the construction of a house and all associated site works – see Section 2.0 of Inspector's Report for further details.		
<b>Brief site description, relevant to WFD Screening,</b>	Greenfield, relatively flat rural site. Located in Flood Risk Zone C. The River Nanny (NANNY (MEATH)_020 at Moderate WFD condition) is located c. 700m to the north of the site (with the Hurley River HURLEY_030 at Poor WFD condition) being located c. 1.25km to its south. No watercourses on site.		
<b>Proposed surface water details</b>	Surface water soakaway to naturally infiltrate into the subsoil.		
<b>Proposed water supply source &amp; available capacity</b>	Proposed deep bore well on site drawn from groundwater.		

Proposed wastewater treatment system & available capacity, other issues			Installation of on-site waste water treatment system (O'Reilly Oakstown Treatment System and Soil Polishing Filter with percolation area) that will discharge to groundwater is proposed.			
Others?			n/a			
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)
The River Nanny (transitional)	c. 700m to north	NANNY (MEATH)_020	Moderate	At Risk	Agriculture, Extractive Industry	No direct pathways.  Potential indirect pathway via groundwater.
Hurley River (transitional)	c. 1.25m south	HURLEY_030	Poor	At Risk	Agriculture, Extractive Industry	No direct pathways.  Potential indirect pathway via groundwater.
Bettystown Groundwater Body (IE_EA_G_016)	Below site	Dublin IE_EA_G_008	Poor	At Risk	Agriculture, Extractive Industry	Direct pathway via groundwater.

(groundwater)							
<b>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.</b>							
<b>CONSTRUCTION PHASE</b>							
<b>No.</b>	<b>Component</b>	<b>Water body receptor (EPA Code)</b>	<b>Pathway (existing and new)</b>	<b>Potential for impact/ what is the possible impact</b>	<b>Screening Stage Mitigation Measure*</b>	<b>Residual Risk (yes/no) Detail</b>	<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.	Silt-laden surface water discharges/ contaminated surface water discharges	The River Nanny (NANNY (MEATH)_020)  Hurley River (HURLEY_030)  Bettystown Groundwater (Dublin IE_EA_G_008)	Foul Drainage/ Surface water system (new)	Water pollution	Best Practice Construction/ Site Management.	No	Screened Out - No Remaining Risk

2.	Contaminated groundwater discharges	The River Nanny (NANNY (MEATH)_020)  Hurley River (HURLEY_030)  Bettystown Groundwater r (Dublin IE_EA_G_008)	Foul Drainage/ Surface water system (new)	Water pollution	Best Practice Construction/ Site Management.	No	Screened Out - No Remaining Risk
3	Alterations to natural hydrology, hydraulic conditions, functioning, and hydrogeology	The River Nanny (NANNY (MEATH)_020)  Hurley River (HURLEY_030)  Bettystown Groundwater r (Dublin IE_EA_G_008)	Foul Drainage/ Surface water system (new)	Water pollution.	Best Practice Construction/ Site Management.	No	Screened Out - No Remaining Risk
OPERATIONAL PHASE							



4.	Surface water/ groundwater pollution events from plant/ storm overflows	The River Nanny (NANNY_020)  Hurley River (HURLEY_030)  Bettystown Groundwater r (Dublin IE_EA_G_008)	Foul Drainage/ Surface water system (new)	Water pollution, Pluvial flood risk	Attachment of condition to ensure that the design and installation of the proposed WWTS complies with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).	No	Screened Out - No Remaining Risk
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## STAGE 2: ASSESSMENT

### Details of Mitigation Required to Comply with WFD Objectives

#### Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)

			achieving good ecological potential and good surface water chemical status		
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction/ Site Clearance Works	Best Practice Construction/ Site Management.	Best Practice Construction/ Site Management.	N/A	N/A	Yes
Surface Water measures/ soakaways	Standard, best practice design, installation and maintenance.	Standard, best practice design, installation and maintenance.	N/A	N/A	Yes
<b>Details of Mitigation Required to Comply with WFD Objectives</b>					
<b>Groundwater</b>					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	
<b>Construction/ Site Clearance Works</b>	Best Practice Construction/ Site Management.	Best Practice Construction/ Site Management.	N/A	Yes
<b>Soakpit</b>	Standard, best practice design, installation and maintenance.	Standard, best practice design, installation and maintenance.	N/A	Yes
<b>On-site wastewater treatment system that will discharge to groundwater</b>	Attachment of condition to ensure that the design and installation of the proposed WWTS complies with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent $\leq$ 10 (2021).	Attachment of condition to ensure that the design and installation of the proposed WWTS complies with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent $\leq$ 10 (2021).	N/A	Yes