



An
Coimisiún
Pleanála

Inspector's Report PL-500878-WH-26

Development	Construction of a dwelling and all associated site works.
Location	Rattin, Kinnegad, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	
Applicant(s)	Stephen Lynam & Katie Kennedy
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Stuart O'Reilly
Observer(s)	None
Date of Site Inspection	27/04/2026
Inspector	David Freeland

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1.0 Site Location and Description

The appeal site is located in the townland of Rattin, approximately 5km south-west of Kinnegad, Co. Westmeath, close to the boundary with Co. Meath. The surrounding area is rural in character, comprising farmland in medium-sized fields bounded by mature hedgerows, with dispersed one-off dwellings and farmsteads along the local road network. Junction 2 of the M6 motorway is located approximately 3.2km to the east.

The site has a stated area of 0.3083 hectares and forms part of a larger agricultural landholding. It is bounded to the north and west by a minor local road, from which it is screened by mature roadside hedgerows and trees. An existing dwelling and garage on the same landholding adjoin the site to the west. Drainage ditches run along the western and northern boundaries, and an OPW arterial drainage channel lies approximately 15 metres east of the eastern site boundary.

The site itself is a level greenfield plot in agricultural grassland, with levels ranging from approximately 99.38m OD to 100.15m OD across the development footprint. There are no structures on the site at present.

2.0 Proposed Development

The proposed development comprises construction of a dwelling with a proprietary effluent treatment system and percolation area, entrance onto public road and all ancillary site services.

3.0 Planning Authority Decision

3.1. Decision

Westmeath County Council decided to grant planning permission for the development subject to 13no. conditions.

The conditions were generally standard in nature relating to the dwelling's single residential unit status, roads, surface water, wastewater treatment and hours of construction.

3.2. Planning Authority Reports

Planning Reports

There is two planning report on file.

The first planning report on file dated 04/02/2026 is summarised as follows:

- Development Plan Policy/Objectives: The Planning Report identifies key policies and sections of the WCDP 2021-2027 which includes Policy CPO 9.1 (Areas Under Strong Urban Influence), CPO 9.2 (Circular Letter PL 2/2017) and other policies relating to rural housing and development within the hinterland of settlements.
- Principle of Development: Having regard to the site's location within a Strong Rural Area Under Urban Influence and the submitted documentation, the Planning Authority considered the applicant's (and specifically one of the applicant's) current housing situation (renting) and the proximity of the applicant's family home from the site complied with policy CPO 9.1 point 5 - *Persons who have personal, family or economic ties within the area, including returning emigrants*.
- Siting and Design: The Planning Report determined that the proposed built form and scale reflected the design standards outlined within the Development Plan.
- Road and Traffic Safety: The Planner's Report acknowledged the District Engineer's report which indicated no objection subject to conditions.
- Public Health and Services: The Planner's Report acknowledged the District Engineer's report which indicated no objection subject to conditions relating to the proposed effluent treatment system and polishing filter.
- EIA: The need for EIA was excluded at preliminary examination and a screening determination was not considered to be required.
- Appropriate Assessment: Having regard to the submitted AA Screening Report, the Planning Authority determined that the proposed project does not need to proceed to Stage 2 of the AA Process (i.e. Natura Impact Statement).

- Flood Risk: Having regard to the submitted SSFRA and the site's location within Flood Zone C, and according to the Arterial Drainage Scheme and Drainage District maps, the Planning Authority identified that the site is adjacent to the drainage scheme C1/44/18 (ADS channel is 15m east of site boundary) and is situated within benefitted lands. The Planning Authority indicated no objection in this regard.
- Decision: The Planner's Report recommended permission is granted subject to conditions relating to first occupancy, landscaping, sightlines, sewage treatment, water supply, surface water, service cables and development contributions.

Other Technical Reports

- District Engineer: No objection subject to conditions.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Four observations were received by Westmeath County Council. Two observations were submitted in support of the proposed development, one from a nearby property owner and one from and Meath County Council. A summary of the submitted observations is as follows:

- Flooding: An observation highlighted that the site is part of the floodplain associated with a tributary of the Kinnegad River, is subject to flooding (specifically in 2012) and that it is clear from the relevant flood maps, that the vast majority of the site is located within a floodzone. It is contended that the proposed development at this site would be completely contrary to the Development Plan and the Planning System and Flood Risk Management Guidelines for Planning Authorities on the basis that it is policy to restrict development in areas of flooding, particularly floodplains and to ensure that floodplains, wetlands and watercourses are protected for their biodiversity and food production value.

- Supporting Observations: Two of the submitted observations express support for the proposed development relating to rural housing policy, the design, scale and siting, no significant impacts on residential amenities off the area and the applicant's family close links to the area. It is suggested in the context of the housing crisis that developments such as that proposed provide essential family housing in a sustainable way. It is further contended that the proposed development has been carefully planned to ensure that wastewater treatment and access will not have an environmental and community impact. Having regard to the flood risk, it is submitted that the SSFRA contains mitigation measures including appropriate finished floor levels, surface water management and site drainage.
- Meath County Council Observation (MCC): the Council indicated that the site is located on the boundary with Co. Meath and highlighted relevant characteristics of the site and policy within the Meath County Development Plan 2013-2019. The Council's noted that the site is within a Landscape Character Area – Southwest Lowland which is a low development pressure area and a landscape area of high sensitivity and high value. No key viewpoints are associated with the site. The Council highlight that the site is adjacent to a flood risk zone within the OPW PFRA Mapping/Strategic Flood Risk Assessment for County Meath. The Council indicate that the site is located 5.3km south-west of the closest Natura 2000 Site – SAC Mount Harvey Bog (Site Code: 002342).

4.0 Planning History

ABP Ref. PL25M.304829 / P.A. Ref. 186349: ABP Refused Permission following a 3rd Party Appeal of WCC's Decision to Grant Permission for the construction of a dormer type dwelling house, a detached domestic garage/fuel store, installation of an effluent treatment system/polishing filter and any associated site works.

The evidence to support social need rested on one applicant being the daughter of the landowner: her family home was approximately 860 metres from the site, she was raised in the immediate area, the lands had been in the family since 2006, and she was actively involved with the local GAA club. No economic connection to the

area was identified. The flood risk assessment submitted was based on the then-available PFRA mapping; no AA screening report was submitted.

The planning authority considered the local need case acceptable and granted permission subject to conditions. The grant was appealed by a third party on flood risk grounds.

The ABP Inspector recommended refusal on three grounds: local need (a social link was acknowledged but genuine economic or social need was not demonstrated, with concern also raised about the proliferation of one-off dwellings near the M6 corridor); flooding (a precautionary refusal based on the PFRA mapping, noting the FRA had failed to correlate finished floor levels with the drawings); and the inability to exclude likely significant effects on European sites in the absence of an AA screening report. Concerns regarding dwelling design and the proposed new entrance were also noted within the assessment.

The Board refused permission on the local need ground only, for the following reason:

“The site of the proposed development is located within an ‘Area Under Strong Urban Influence’ as set out in the ‘Sustainable Rural Housing Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the Westmeath County Development Plan 2014-2020.

Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area.

Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location.

The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

National Policy

National Planning Framework (Project Ireland 2040, First Revision, April 2025)

National Policy Objective 28 (NPO 28) is the relevant national objective on housing in the open countryside. It requires that a distinction be made between areas under urban influence and rural areas elsewhere and that, in areas under urban influence, single houses in the countryside be provided on the core consideration of demonstrable economic or social need to live in a rural area, with compliance with siting and design criteria in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

NPO 28 carries forward, in substantively identical terms, NPO 19 of the 2018 NPF, under which the previous appeal on this site (ABP-304829-19) was determined.

The site lies within the rural hinterland of Kinnegad, approximately 3.2km from Junction 2 of the M6 motorway, in an area under strong urban influence.

Sustainable Rural Housing Guidelines for Planning Authorities (DEHLG, 2005)

The Guidelines remain the operative section 28 guidance on rural housing. They distinguish between areas under strong urban influence, stronger rural areas and structurally weak areas, and indicate that in areas under strong urban influence housing should be accommodated only where the applicant demonstrates a need, rather than a desire, to live in that rural area. Circular Letter PL 2/2017 requires rural housing policies to be applied consistently with the NPF pending updated guidelines.

The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG/OPW, 2009)

The Guidelines, read with Circular PL2/2014, require a sequential approach steering development away from flood risk areas. Flood Zone A carries the highest fluvial risk (greater than 1% AEP), Zone B moderate risk (0.1% to 1% AEP) and Zone C low risk (less than 0.1% AEP). Dwelling houses are highly vulnerable development

(Table 3.1) and, under Table 3.2, are appropriate in Zone C without a Justification Test, subject to a Justification Test in Zone B, and generally inappropriate in Zone A. Site-specific flood risk assessment is to be appropriate to the scale and nature of the risk.

EPA Code of Practice: Domestic Waste Water Treatment Systems (PE ≤ 10), 2021

The Code sets the standards for site characterisation and for the design, installation and maintenance of on-site wastewater treatment systems serving single houses, and is the operative benchmark for assessing wastewater disposal in rural areas not served by a public sewer.

Climate Action Plan 2025

Climate Action Plan 2025 sets out the Government's strategy for meeting Ireland's climate obligations. The Plan notes that, under the Climate Action and Low Carbon Development (Amendment) Act 2021, Ireland's national climate objective requires the State to pursue and achieve, by no later than 2050, the transition to a "*climate-resilient, biodiversity-rich, environmentally sustainable, and climate-neutral economy.*"

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

The Guidelines provide relevant standards relating to the planning and design of residential development. Of particular relevance to this appeal are the standards relating to residential amenity, including private open space provision requirements.

Regional Policy

Eastern and Midland Regional Spatial and Economic Strategy 2019–2031

Section 4.8 of the RSES (Rural Places) supports housing within rural towns and villages as a viable alternative to one-off housing. RPO 4.80 requires local authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that single houses in the open countryside are provided on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans.

Westmeath County Development Plan 2021–2027

Section 2.14.1 of the WCDP describes Rural Areas Under Strong Urban Influence as areas characterised by stable population levels, well-developed town and village structures, and a strong agricultural base. The objective is to maintain stable rural populations within a strong network of towns and villages by facilitating housing development for persons with strong links to, and who form an intrinsic part of, the rural community, while encouraging those without such links to locate within established settlements.

Section 9.4 sets out a two-part rural typology for the county (Map 9.1): Rural Areas Under Strong Urban Influence and Structurally Weak Areas. The site is located within a Rural Area Under Strong Urban Influence, where the Council will facilitate single houses in the countryside based on the core consideration of demonstrable economic or social need, siting and design criteria, and compliance with statutory guidelines and plans.

CPO 9.1 (Areas Under Strong Urban Influence) is the operative rural housing need policy. It accommodates demand from individuals 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. Its Local Housing Need provision permits residential development in six circumstances:

- 1) persons actively engaged in agriculture, horticulture, forestry, bloodstock and the peat industry;
 - 2) members of farm families building on the family farm;
 - 3) landowners of five years' standing;
 - 4) persons employed locally whose employment provides a service to the local community;
 - 5) persons with personal, family or economic ties within the area, including returning emigrants; and
 - 6) persons returning to farming who acquire a substantial holding kept intact.
- The local area is defined as the area generally within a 10km radius of the applicant's family home.

CPO 9.2 commits the Council to reviewing rural housing policy in line with Circular PL 2/2017 having regard to NPO 19 (now NPO 28).

On siting, design and environmental matters, CPO 9.8 requires that key rural assets including water, heritage and landscape quality are protected in permitting one-off housing; CPO 9.9 requires soil conditions suitable for effluent disposal and the avoidance of flood areas; CPO 9.13 requires regard to the 2005 Guidelines; and CPO 9.18 requires retention of existing hedgerows and trees insofar as practicable, with native replacement. Design standards are set out in Chapter 16 and the Westmeath Rural Design Guidelines. CPO 9.11 and CPO 10.100 require on-site wastewater treatment systems to comply with the EPA Code of Practice, as amended.

On flood risk, CPO 10.104 commits the Council to implementing the recommendations of the Strategic Flood Risk Assessment prepared for the Plan; CPO 10.105 requires regard to the 2009 Guidelines and Circular PL2/2014 through the sequential approach and Justification Tests; CPO 10.106 requires a flood risk assessment, appropriate to the scale and nature of the risk, for any proposal within 200m of a watercourse and at risk of flooding; and CPO 10.109 provides for consultation with the OPW on development in the vicinity of drainage channels for which the OPW is responsible. CPO 12.51 protects floodplains, wetlands and watercourses for their biodiversity and flood protection value. The SFRA underpinning the Plan's flood mapping derives from the PFRA dataset and indicates that lands in the vicinity of the site may be at risk of fluvial flooding associated with the Kinnegad River.

5.1. Natural Heritage Designations

The site is not located within or adjacent to any European site, Natural Heritage Area or proposed Natural Heritage Area. The closest natural heritage areas to the subject site include; Milltownpass Bog NHA (Site Code: 002323) located 4km to the north-west; Mount Hevey Bog pNHA (Site Code: 001584) located 5.2km to north-east; and the Royal Canal pNHA located 5.9km to the north.

There are six European sites within 15km of the site. The nearest is Mount Hevey Bog SAC (Site Code: 002342), approximately 5.2km to the north-east. The River Boyne and River Blackwater SAC (Site Code: 002299) and SPA (Site Code: 004232) are approximately 7.9km to the north-east.

5.2. EIA Screening

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). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) '*Construction of more than 500 dwelling units*'. 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.

5.3. Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged by Stuart O'Reilly of Rattlin, Kinnegad, Co. Westmeath, N91W0C9 (neighbouring property to the immediate west). The appeal is against the Council's decision to grant permission. The grounds raised in the appeal substantially mirror the appellant's observation submitted to the planning authority. A summary of the appeal is as follows:

- It is stated that the proposed development is situated on a floodplain and in extreme close proximity to a river.
- The appellant states that the site is part of the flood plain associated with the Kinnegad River and that the vast majority of the site is located within a floodzone. The appellant highlight that the application site was completely flooded in 2012.
- The appellant therefore contends that the development would be contrary to the Westmeath County Development Plan 2021-2027 which seeks to restrict development in areas at risk of flooding in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities and Policy P-WET1 which seeks to protect the floodplains, wetlands and watercourses for biodiversity and flood protection value. It is submitted that the development is contrary to the Flood Risk Management Guidelines which requires Councils to avoid development in areas at risk of flooding except where there are no suitable alternative sites in the area at lower risk. The appellant states the development will be contrary to the proper planning and sustainable development of the area.

6.2. Applicant Response in the case of a 3rd Party Appeal

The applicant submitted a response to the appeal which is summarised as follows:

Role of ACP to Consider Application De Novo:

- The applicants point to the requirement that ACP assess the application de novo and will therefore consider all pertinent planning issues afresh in accordance with national, regional and local planning policy and guidelines.

Principle of Development and Compliance with Rural Housing Policy:

- Appeal ABP-304829-19

The applicants refer to the Planning Inspector's report under ABP-304829-19, in which the Inspector raised doubts regarding compliance with the local need criteria under the then applicable policy. It is noted that the Inspector found demonstrating family ties to the area alone to be insufficient, and that the nature and distance of the applicants' employment was the primary basis for the finding of non-compliance.

- Planning Application Reg. Ref. 25/60594

In support of the current application, the applicants highlight that the area planner assessed compliance with rural housing policy under CPO 9.1 and was satisfied that the applicants comply with subsection (5), namely persons with personal, family or economic ties within the area. It is submitted that this acceptance by the planning authority is indicative of the applicants' local need credentials under the Development Plan.

- Differing Approaches to Assessment

The applicants identify a divergence between WCC and ACP in their approach to CPO 9.1. It is highlighted that WCC assessed compliance on the basis of family and social ties, which it considered sufficient given the either/or construction of the policy, whereas the planning history indicates that ACP previously required compliance on the basis of both family and economic ties. It is argued that the current application addresses both limbs of the policy, providing a more comprehensive evidential basis than was available at the time of the previous refusal.

- Restatement of Compliance with Policy CPO 9.1

It is submitted that both family and economic ties to the area have been demonstrated. Maps are provided showing the proximity of the site to both applicants' family homes and to the landowner's property. School attendance records are referenced at Appendix C.

- Applicants, Landowner and Supporting Documentation

The landowner is described as a close family friend of the applicants' family rather than a relation. The long-standing nature of that friendship, extending across two generations of the first-named applicant's family, is set out in a letter appended to the applicant's response.

The first-named applicant's childhood family home is approximately 5.4km from the proposed site. He has been employed full-time as a carpenter with a construction company based in Kinnegad since 2019 and works part-time on his uncle's farm in the local area. The second-named applicant's childhood family home is approximately 4.6km from the site. She is employed as a childcare trainer working across the Midlands, a role that does not require daily commuting to a fixed location.

In support of social ties to the area, letters are submitted from both applicants' former national schools, two local GAA clubs, the local parish, and local voluntary and community organisations. Economic ties are supported by a letter from the first-named applicant's employer confirming the local nature and importance of his employment, and by a letter from his uncle confirming part-time farm work of approximately 15 hours per week.

- Conclusion on Compliance with Rural Housing Policy

It is submitted that both applicants have demonstrated family, social and economic ties to the immediate rural area in compliance with Policy CPO 9.1. The dual-income nature of the first-named applicant's employment in carpentry and farming is presented as further evidence of genuine economic ties to the rural area where the subject site is situated.

Siting and Design

- The applicants contend that the proposed dwelling, a simple single-storey structure with dual-aspect frontage, is of similar form and scale to other

dwellings in the area. It is submitted that the design is appropriate and will integrate with the surrounding landscape, screened by the existing mature planting on the site boundaries.

Road and Traffic Safety

- In support of the development, the applicants refer to the Area Engineer's report, which confirmed that the proposed access and sightlines comply with the development management standards set out in the County Development Plan.

Public Health and Services

- In support of the development, the applicants refer to the District Engineer's approval of the proposed private well for water supply and the effluent treatment system with soil polishing filter for wastewater treatment.

Appropriate Assessment

- The applicants submit that an AA Screening Report prepared by Whitehill Environmental has concluded that a Stage 2 Appropriate Assessment is not required, and that the proposed development will not have a significant effect on any Natura 2000 site within the 15km catchment.

Flood Risk

- In response to the appellant's contention that the site is subject to flood risk, the applicants submit a Site-Specific Flood Risk Assessment (SSFRA) prepared by ORS Consulting Engineers (ref. 251658-ORS-XX-XX-RP-EN-13d-001), which concludes that the site is located within Flood Zone C and is at low risk of flooding. It is submitted that there are no recorded historic flooding incidents within the vicinity of the site, no surface or ground water flooding extents within or adjacent to the site, and no pluvial flooding extents identified within the site boundary. While a dwelling is classified as a highly vulnerable development, the applicants highlight that this category is deemed appropriate within Flood Zone C under the Flood Risk Management Guidelines 2009. The applicant and landowner directly refute the appellant's assertion that the site was completely flooded in 2012.

- The applicants further contend that the flood mapping relied upon in the appeal is derived from the Westmeath Strategic FRA, which is itself based on the OPW Preliminary Flood Risk Assessment (PFRA) study. It is argued that this mapping has since been superseded by the National Indicative Flood Maps (NIFM), which draw on improved data including LiDAR, 2D hydrological modelling, and consistent national standards, and which do not indicate flood risk on the subject site.
- In relation to pluvial flood risk, the applicants indicate that the proposed soakpit is specified in accordance with BRE 365 standard and is capable of managing surface water generated by the development, with permeable surfacing proposed around the dwelling to allow free drainage.
- A letter from ORS Consulting Engineers dated 30th March 2026 (Appendix F) was submitted in direct response to the grounds of appeal, reaffirming these conclusions and stating that the PFRA flood outlines underpinning the Westmeath SFRA are considered outdated and should not be relied upon as an accurate representation of flood risk at the site.
- Conclusion

It is submitted that the proposed development complies with national, regional and local planning policy in respect of rural housing, siting and design, road safety, public health, appropriate assessment and flood risk. It is contended that both applicants have demonstrated the necessary family, social and economic ties to the area under Policy CPO 9.1 of the WCDP 2021-2027, and that the flood risk concerns raised in the third party appeal have been adequately addressed. It is concluded that the proposed development is in accordance with the proper planning and sustainable development of the area.

6.3. Planning Authority Response

No response was received from the planning authority.

7.0 Assessment

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

- Principle of Development / Local Housing Need
- Siting, Design and Visual Impact
- Access & Road Safety
- Flood Risk
- Site Services

7.2. Principle of Development / Local Housing Need

7.2.1. The third-party appellant did not contest the local needs assessment. Nonetheless, I consider it necessary to address the principle of the proposed development and assessment against rural housing policy, particularly considering the previous refusal of permission within the site based on local needs.

Previous Refusal

7.2.2. The Board refused planning permission for a similar development on this site in October 2019 (ABP-304829-19). The application at that time was for a dormer dwelling, garage, effluent treatment system and polishing filter. The third-party appeal in that case raised flood risk concerns only.

7.2.3. The evidence submitted with the previous application included the following, which the Board ultimately considered insufficient to demonstrate economic or social need: one of the two applicants was the daughter of the landowner, with her family home approximately 860 metres from the site. She had been raised in the immediate vicinity, the site formed part of the family landholding since 2006, and she had demonstrated active involvement with the local GAA club. No economic dimension was identified; neither applicant's employment was local in character.

- 7.2.4. The 2019 Inspector acknowledged that one applicant had demonstrated a social link to the locality but concluded that neither applicant had demonstrated genuine economic or social need for a dwelling in an area under strong urban influence. The Inspector also raised concerns about the proliferation of one-off dwellings in the vicinity of the M6 corridor.
- 7.2.5. The Inspector recommended refusal on three grounds: local housing need, flooding, and the Board's inability to exclude likely significant effects on European sites in the absence of an AA Screening Report. The Board refused on local need only and did not include an explanatory note for the omission of the flood and AA grounds for refusal.
- 7.2.6. The Board found that the applicants in that case, had not demonstratable economic or social need to live in this rural area within the meaning of National Policy Objective 19 of the 2018 National Planning Framework (the equivalent provision in the current 2025 First Revision is NPO 28, the substance of which is unchanged).
- 7.2.7. The prior decision is useful in consideration of the subject appeal although, does not constitute as a policy bar for potential future development at this location with the subject appeal to be assessed on its own merits.
- 7.2.8. The policy framework applicable to the current application differs in two respects from that applied in 2019. The current application is assessed under the WCDP 2021–2027, whereas the previous application was assessed under the WCDP 2014–2020. The relevant local need criteria are set out in CPO 9.1 of the current plan. Under the previous plan, the equivalent provisions were P-SRA1 and P-LHN1. The criteria themselves are substantively similar across both plans, with one material difference: the previous plan defined a qualifying landowner as a person who had owned the land since the year 2000, whereas CPO 9.1 of the current plan requires ownership for a period of five years prior to the date of application. This distinction does not affect the current applicants, who are not members of the landowner's family and are not relying on the landowner criterion.

Policy Framework

- 7.2.9. The site is located within a Rural Area Under Strong Urban Influence for the purposes of CPO 9.1 of the WCDP 2021–2027. The site lies approximately 5km

south-west of the Kinnegad settlement and 3.2km west of Junction 2 of the M6 motorway.

- 7.2.10. CPO 9.1 permits residential development in Rural Areas Under Strong Urban Influence where the applicant has strong links to the area and is an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection. The local area for the purposes of CPO 9.1 is defined as the area generally within a 10km radius of the applicant's family home. The policy sets out six circumstances under which local housing need may be demonstrated. I assess the current applicants against each in turn.

Assessment against CPO 9.1 Criteria

Criterion 1 — Persons actively engaged in agriculture, horticulture, forestry, bloodstock or peat industry

- 7.2.11. The first-named applicant works part-time on his uncle's farm approximately 7.7km to the south of the application site, undertaking approximately 15 hours per week of farm labour as confirmed by his uncle. This is not a primary agricultural occupation and the proposed dwelling is not required to serve an agricultural enterprise. The second-named applicant has no agricultural connection. Neither applicant satisfies this criterion.

Criterion 2 — Members of farm families seeking to build on the family farm

- 7.2.12. Neither applicant is a member of the landowner's family. The landowner is described as a long-standing personal friend of the first-named applicant's late father. This is a friendship, not a family relationship. This criterion is not met.

Criterion 3 — Landowners, being persons who own the land 5 years prior to the date of planning application

- 7.2.13. Neither applicant owns the land. This criterion is not met.

Criterion 4 — Persons employed locally whose employment would provide a service to the local community

- 7.2.14. The first-named applicant has been employed as a carpenter with a construction company based in Kinnegad since 2019. His employer's letter confirms the local nature of his employment and its importance to the company. The second-named

applicant works as a childcare trainer across the Midlands with no fixed local workplace.

- 7.2.15. This criterion is directed at employment that provides a service to the local community. It is reasonable to consider that a carpenter based in the immediate area plays a role in providing services to the local rural community. However, based on the information provided, I would not consider that compliance with this criterion has been fully demonstrated by either applicant. This criterion is not met.

Criterion 5 — Persons who have personal, family or economic ties within the area, including returning emigrants

- 7.2.16. This is the criterion on which the planning authority granted permission and on which the applicants principally rely.
- 7.2.17. The first-named applicant was born and raised in Co. Meath, approximately 5.4km to the south-west of the application site (distances measured by road travel). He attended a national school located approximately 8.4km to the south of the application site which serves the rural hinterland straddling the Westmeath-Meath-Offaly boundary. He has provided a letter from a local GAA club and the parish confirming his engagement with the local rural community approximately 6.4km to the south. He currently rents in Kinnegad, approximately 6.1km from the site. He has been employed as a carpenter with a construction company based in Kinnegad since 2019 and works part-time on his uncle's farm approximately 7.7km to the south, approximately 15 hours per week as confirmed by his uncle.
- 7.2.18. The second-named applicant was born and raised at her family home approximately 8.4km (4.6km as the crow flies) from the site. She attended a national school within Kinnegad town. She is a member of a GAA club in Kinnegad and has demonstrated involvement with a Kinnegad-based first-responder group. Her community connections are oriented more towards Kinnegad town than the wider rural hinterland. She also rents in Kinnegad.
- 7.2.19. I have had regard to the prior Board refusal at this site in 2019. I note that the previous applicants arguably had stronger local connection to the site. However, the previous applicants were assessed under a different development plan and a different NPF, and it would not be appropriate to transpose that decision directly onto

the current applicants, who must be assessed on their own merits under CPO 9.1 of the WCDP 2021–2027 and NPO 28 of the 2025 NPF First Revision.

7.2.20. Based on the evidence provided, I do not consider that the second-named applicant has demonstrated adequate ties to the rural area to meet the requirements of Criterion 5.

7.2.21. Having regard to the first-named applicant, who's connections are predominantly within Co. Meath, I refer to Section 5.3 of the NPF (2025 – First Revision) which states '*rural communities across Ireland function well beyond their immediate catchments and have a strong interrelationship with adjacent towns and villages, often beyond county or regional boundaries*'. I am satisfied that the first-named applicant's connections may be considered under the meaning of Policy CPO 9.1.

7.2.22. Having regard to the first-named applicant, I am satisfied that the evidence submitted demonstrates a longstanding and genuine connection to this rural area. His family home in Co. Meath, his attendance at a local national school, his involvement with a rural GAA club and parish, and his part-time farm work together indicate established ties to the rural hinterland rather than to the Kinnegad settlement.

7.2.23. I am satisfied that the economic dimension, while modest, is genuine. NPO 28 of the 2025 NPF requires demonstrable economic or social need. The current appeal includes both, albeit modest on the economic side.

7.2.24. On the basis of the information provided, I am satisfied that the first-named applicant's connections to the rural hinterland satisfy the requirements of Criterion 5 of CPO 9.1.

Criterion 6 — Persons who wish to return to farming and who buy or inherit a substantial farm-holding

7.2.25. This criterion does not apply. Neither applicant is acquiring or inheriting a farm holding. Criterion 6 is not met.

Conclusion on Local Housing Need

7.2.26. Neither applicant satisfies criteria 1, 2, 3, 4 or 6 of CPO 9.1. The local need case rests on criterion 5 alone. On the basis of the first-named applicant's longstanding connections to the rural hinterland in which the site is located through family home, school attendance, community and parish involvement, I am satisfied that the

applicants have demonstrated genuine social need to live in this rural area in compliance with Criterion 5 of CPO 9.1 and NPO 28 of the NPF. The principle of development is acceptable.

7.3. Siting, Design and Visual Impact

- 7.3.1. The proposed development comprises a single-storey detached dwelling, proprietary effluent treatment system with raised 90m² polishing filter, private well, new vehicular entrance and all associated site works at Rattin, Kinnegad, Co. Westmeath. The site area is 0.3083 hectares (3,083m²).
- 7.3.2. The dwelling is a single-storey structure with a gross floor area of 144m² containing three bedrooms, open-plan kitchen/dining/living area, utility room and bathroom. The dwelling is proposed with a pitched roof (with black/blue slate or tile roof) with a predominant ridge height of 5.9m reducing to 2.55m at eaves level. External wall finishes are napped plaster with smooth plastered plinth. Rainwater goods and fascia are specified in black/brown. The primary elevation to the dwelling will be to the north setback by c. 27m from the public road with the side elevation (west) set-back by c.14m.

Siting and Landscape Context

- 7.3.3. The site is situated in a rural landscape to the south-west of Kinnegad, in an area characterised by undulating farmland with mature hedgerow boundaries and arterial drainage channels. The landholding within which the site is located is bounded by a local road to the north and west. An existing dwelling and garage are situated to the west of the proposed site. The ADS channel and associated riparian vegetation form the eastern boundary. The site itself is well-screened on the roadside elevations by existing mature hedgerows and trees. The site is generally level with site levels between approximately 99.42 OD and 99.86OD and sits below the public roads to the west with site levels of approximately 100.00 – 100.23 OD.
- 7.3.4. In landscape character terms, the site is located to the eastern edges of the Lough Ennel and South Eastern Corridor LCA 10 (per Section 13.6 and Figure 13.1 of the WCDP). There are no designated scenic routes, protected views or Areas of High Amenity or Natural Heritage Areas in the immediate vicinity of the site under the WCDP 2021–2027.

- 7.3.5. The site sits close to the Westmeath-Meath county boundary. Meath County Council submitted an observation at application stage noting the proximity of the site to the county boundary and its location within a Landscape Character Area of high sensitivity under the Meath County Development Plan. The Meath CDP landscape sensitivity designation applies to lands within Co. Meath and has no direct application to a site in Co. Westmeath. No scenic views from the Meath side have been identified as being affected by the proposed development and no objection was raised by Meath County Council to the granting of permission.

Design Assessment

- 7.3.6. The relevant design guidance is the Westmeath Rural Design Guidelines (2005), to which section 9.5.1 of the WCDP require regard, and the Sustainable Rural Housing Guidelines for Planning Authorities (2005). Chapter 16 Development Management Standards of the WCDP sets out the quantitative standards applicable to rural dwellings.
- 7.3.7. The proposed dwelling is a single-storey structure with a low profile pitched roof, which is the form most consistent with the established built character of the rural area and the suggested structural form within the Westmeath Rural Design Guidelines. The napped plaster finish, smooth plastered plinth and slate/tile roof material are appropriate to the rural context and generally consistent with the guidance.
- 7.3.8. I note that the 2019 Inspector in ABP-304829-19 raised concern about the design of the previous application on this site, finding it not fully consistent with the Westmeath Rural Design Guidelines in terms of overall built form, fenestration detailing and solid to void articulation on the southern elevation. That application proposed a dormer dwelling. The current proposal presents a simpler, lower-profile single-storey form which addresses the most substantive of those concerns. I am satisfied that the design is consistent with the guidance in the Westmeath Rural Design Guidelines and with the design standards in Chapter 16 of the WCDP.

Siting within the Site and Boundaries

- 7.3.9. The dwelling is proposed centrally within the site, set back approximately 26.9 metres from the northern roadside boundary and approximately 14 metres from the western roadside boundary. This set-back is consistent with the general principle in

section 9.5.1 of the WCDP that rural dwellings should be sited to impact minimally on their setting.

- 7.3.10. The site layout plan (drawing 251-009-02) includes proposals to strengthen and maintain existing mature roadside boundaries with native tree species which adequately compensates for the area of hedgerow removal to facilitate the entrance to the site and increase screening from public roads. Native tree planting to form a hedgerow is proposed at 10m intervals to the east and southern boundaries where the site will be subdivided from the wider agricultural landholding.
- 7.3.11. CPO 9.18 requires that existing hedgerows and trees be retained insofar as practicable and that replacement planting be of native species. The landscaping proposals are consistent with this objective. The removal of hedgerow material to achieve sightlines is minimised and compensated by the native species replacement planting indicated on the drawings. A condition requiring completion of the landscaping scheme prior to occupation is appropriate.

Ribbon Development and Proliferation

- 7.3.12. CPO 9.15 of the WCDP seeks to control ribbon development, particularly on approach roads to settlements. The site is located adjoining two minor local roads to the south-west of Kinnegad. It is not on a main approach route into the town. The adjoining roads serves a relatively small number of existing dwellings.
- 7.3.13. The 2019 Inspector raised a concern about the proliferation of one-off dwellings in areas under strong urban influence and in the vicinity of the M6 corridor. This concern must be assessed on the merits of the current appeal. I am satisfied that the proposed dwelling at this location will not in itself constitute ribbon development in the context of CPO 9.15 and relevant standards within the 2005 Rural Housing Guidelines. The proposed dwelling is set back from both roadside boundaries, is generally of a modest scale and height and will be visually contained by the existing/proposed boundary.
- 7.3.14. On proliferation more generally, there is no evidence suggesting a pattern of recent one-off dwellings in the immediate vicinity that would give rise to concern about cumulative impact. The appeal has been assessed on its own merits and I am satisfied that it does not give rise to ribbon development or result in an unacceptable proliferation of rural housing contrary to CPO 9.15.

Development Standards

- 7.3.15. The proposed dwelling is assessed against the relevant standards in Chapter 16 of the WCDP 2021–2027 and the Quality Housing for Sustainable Communities guidelines. The proposed dwelling will have an area of 144m² which is in excess of the requirements for a three-bedroom rural dwelling. Quality Housing for Sustainable Communities identifies 73m² as the minimum floor area for a three-bedroom house 1 storey house. A review of the internal floor areas and room width of living space and bedrooms indicate the dwelling will meet the required standards
- 7.3.16. The site provides generous front, rear and side garden areas typical of a rural dwelling and as such significantly exceeds the minimum standards for private open space for a 3-bedroom dwelling as per the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- 7.3.17. The proposed development is consistent with the development management standards in Chapter 16 of the WCDP, the Quality Housing for Sustainable Communities standards and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The dwelling is appropriate in scale and design for a family dwelling in the rural area and does not represent an overly large, visually intrusive or commercially speculative form of development.

Conclusion on Siting, Design and Visual Impact

- 7.3.18. The proposed development is acceptable in terms of siting, design and visual impact. The single-storey form and proposed materials are consistent with the Westmeath Rural Design Guidelines. The landscaping proposals protect and strengthen the existing boundary structure in accordance with CPO 9.18. The development does not give rise to ribbon development or proliferation contrary to CPO 9.15. The development management standards and Quality Housing for Sustainable Communities requirements are met.

7.4. Access and Road Safety

- 7.4.1. The proposed development will be served by a new vehicular entrance onto the local road adjoining the western boundary of the site. The relevant policy provisions are CPO 9.16 and CPO 9.17 of the WCDP 2021–2027. I have also had regard to the TII

Rural Road Link Design Standard DN-GEO-03031 (May 2023) as part of the assessment.

- 7.4.2. The site is accessed from a minor local road and is subject to the default speed limit of 60km/hr. Having regard to the character and alignment of the road in the vicinity of the site and proximity to a junction, the prevailing operating speed is likely to be materially lower than the default speed limit, consistent with the constraint imparted by the narrow carriageway width, the absence of lane markings and the meandering alignment.
- 7.4.3. The site layout plan (drawing 251-009-02) indicates sightlines of 2.4m x 45m to the north and 2.4m x 90m to the south from the proposed entrance. The shallower sightline of 45m to the north is a consequence of the road junction in that direction and not a physical obstruction of the sightline. The 90m sightline to the south is unobstructed.
- 7.4.4. The planning authority's conditions require that a minimum of 2.4m x 90m sightlines be achieved and maintained at the access point at all times, including having regard to the extent of summer hedgerow vegetation. Existing hedgerow and verge is to be reduced or set back where required. The entrance gradient is required not to exceed 1 in 20 for a distance of 5m from the roadside boundary, and surface water from the site is not to be permitted to discharge onto the public road.
- 7.4.5. I note that the 2019 Inspector in ABP-304829-19 raised concern about the proposed new access in that application, noting the proximity of accesses in the vicinity, the loss of mature hedgerow and trees required to achieve sightlines, and the limited sightlines available in both directions from the proposed entrance. The current proposal addresses those concerns in part. The site layout plan proposes to step back the existing hedgerow along the roadside boundary to achieve the required sightlines, with replacement native species, consistent with CPO 9.18 and the planning authority's landscaping conditions. The replacement planting will, over time, reinstate the boundary structure along the road frontage.
- 7.4.6. The District Engineer raised no objection to the proposed access subject to the conditions set out above. Having regard to the minor local road character, the indicated sightlines, the junction proximity condition, and the absence of any technical objection from the local authority, I am satisfied that the proposed access is

acceptable in terms of road safety and complies with CPO 9.16 and CPO 9.17 of the WCDP 2021–2027.

7.5. Flood Risk

- 7.5.1. The sole ground of appeal concerns flood risk. The appellant contends that the site is located within the floodplain of the Kinnegad River, that the site was flooded in 2012, and that the proposed development is contrary to the Flood Risk Guidelines and Policy P-WET1 of the WCDP 2021–2027.
- 7.5.2. A Site-Specific Flood Risk Assessment (SSFRA) was prepared by ORS Consulting Engineers and submitted with the application. A supplementary letter from ORS dated 30 March 2026 was submitted in response to the grounds of appeal. I have examined both documents together with the WCDP Strategic Flood Risk Assessment (Volume 7, JBA Consulting, May 2021) (the SFRA).
- 7.5.3. Flood Risk Data and Mapping: Reliability of Available Datasets
- 7.5.4. The flood mapping underlying the WCDP 2021–2027 is primarily derived from the OPW Preliminary Flood Risk Assessment (PFRA) maps. The SFRA is explicit on the limitations of this dataset. Table 4.1 of the SFRA rates the PFRA as having Moderate/Low robustness. In respect of its application at Development Management level, the SFRA states that the PFRA maps *"cannot be used to make zoning decisions without validation through site visits."* The approach used under the WCDP SFRA has been precautionary due to the indicative nature of the flood extents under the first generation PFRA mapping (as stated under Section 4.1 of the SFRA) and notes, when the National Indicative Flood Mapping (NIFM) is issued to Local Authorities, the data will be used in conjunction with the other available datasets and site visits to provide a countrywide flood zone dataset, subject to further verification. The NIFM has since been published by the OPW.
- 7.5.5. The appellant's submissions rely primarily on the PFRA mapping and OPW Benefitting Lands extents. Table 4.1 of the SFRA addresses the Benefitting Lands maps directly, rating them as having Low robustness and noting they are superseded by other data sources. Specifically in the context of Westmeath, the SFRA states that given the extent of arterial drainage across the county, *"the benefitting lands maps are most likely to be an overestimation of risk."*

7.5.6. The applicant's SSFRA submitted with the application relies on the following datasets:

- The NIFM, produced by OPW using LiDAR data and 2D hydrological modelling applied on a national basis. The NIFM places all AEP flood extents including under mid-range and high-end climate change scenarios approximately 150 metres north of the proposed development.
- The OPW Arterial Drainage Scheme (ADS) maps, confirming the site is designated as benefitted land and that ADS channel C1/44/18 runs approximately 15 metres east of the site boundary. Section 5.2 of the SFRA notes that the Boyne ADS within which the Kinnegad River at this location falls was constructed to provide an outfall for land drainage with channel invert levels set to achieve drainage capacity, and that in many cases capacity exceeds the 1 in 3 year event, though this is not typically documented. The SFRA further notes that the catchment subject to ADS have increased hydraulic conveyance thereby leading to a reduction in overland flood storage.
- The OPW PFRA maps, engaged with for completeness but regarded by the SSFRA as superseded by the NIFM.
- GSI soil mapping, indicating cut-over raised peat over Lucan Formation dark limestone and shale.

7.5.7. Limitations of the NIFM and How It Has Been Applied

7.5.8. The OPW NIFM User Guidance Notes state that the NIFM maps are not the best achievable representation of projected flood extents, are only indicative of predicted flood extent, and *"should not be used as the sole basis for defining the Flood Zones nor for making decisions on planning applications."* The guidance further states that the NIFM should not be used to assess flood risk at individual properties or to replace a detailed site-specific flood risk assessment.

7.5.9. I am satisfied that the NIFM has not been used in that way in this case. The OPW User Guidance Notes specifically identifies the NIFM as appropriate for Stage I Flood Risk Identification to identify areas where further assessment would be required if development is being considered within or adjacent to the flood extents

shown on the maps. The submitted SSFRA has used the NIFM as a screening dataset and the NIFM did not solely determine the flood zone classification. The submitted SSFRA constitutes the Stage II Flood Risk Assessment (Initial Flood Risk Assessment) that the OPW guidance recommends where the NIFM indicates potential flood risk issues.

7.5.10. WCDP SFRA Commentary on Kinnegad

7.5.11. Section 8.13 of the WCDP SFRA contains the specific assessment of flood risk of the settlement of Kinnegad. While focused on the settlement, considering the site's positioning adjacent to ADS channel connecting to the Kinnegad River, this assessment is directly relevant to the appeal.

7.5.12. The WCDP SFRA records no historic flooding in Kinnegad. On the principal source of flood risk, the SFRA states that while the Kinnegad River presents the primary risk, it *"is subject to an OPW Arterial Drainage scheme and the channel here is widened and deepened."* The SFRA then states that *"it is highly likely that the actual flood extents are much less conservative than the Benefitting Lands and to some extent the PFRA extents as well,"* and that based on the completion of a site-based assessment *"it is highly likely that the actual flood extents are much less conservative than existing mapped flood risk."* The SFRA further notes that a more detailed assessment of flood risk from the Kinnegad River would *"potentially be able to reduce the Flood Zone extent and release further land zoned OS for future zoning and development."*

7.5.13. The SSFRA submitted with this application undertook a site-based assessment using the most current available national dataset and concluded that actual flood extents are substantially further from the development footprint than the PFRA mapping suggests. That conclusion is consistent with the SFRA assessment of the likely flood risk position at Kinnegad.

7.5.14. Flood Zone Classification

7.5.15. Having regard to the NIFM data, the ADS channel designation and benefitted land status, the WCDP SFRA commentary under section 8.13, and no history of flood event within or adjacent to the subject site (per mapping available on OPW's floodinfo.ie), I am satisfied that the proposed development is located within Flood Zone C and that is a low probability of fluvial flooding as defined in the Flood Risk

Guidelines. The proposed dwelling is a Highly Vulnerable development under Table 3.1 of those Guidelines. Highly Vulnerable development is appropriate in Flood Zone C and a Justification Test is not required.

- 7.5.16. I note that the PFRA mapping was the principal dataset available when planning permission was refused on this site in 2019 (ABP-304829-19). The 2019 Inspector's concern about flood risk was a reasonable response to the then available evidence. The NIFM was not available at that time. The 2019 Inspector's assessment does not constitute a permanent finding that this site is within Flood Zone A or B and reflected the evidence that was before the Inspector. The current WCDP SFRA anticipated that the flood risk to Kinnegad would be refined by improved data, which is now available.
- 7.5.17. The appellant has not submitted a counter SSFRA from a suitably qualified engineer. The grounds of appeal rely on the PFRA and Benefitting Lands mapping, datasets that the Development Plan SFRA identifies as likely overestimations of flood risk at Kinnegad. That reliance is not sufficient to overturn the Council's acceptability of the conclusions of the submitted site-specific assessment that has engaged with the full range of available data.
- 7.5.18. I am satisfied that the proposed development is acceptable having regard to the Planning System and Flood Risk Management Guidelines (2009) and CPO 10.106 (requirement to undertake FRA) and CPO 10.111 (protection of floodplains and wetlands) of the WCDP 2021–2027.
- 7.5.19. The NIFM future scenario maps, developed for mid-range and high-end climate change scenarios do not indicate a significant extension of flood extents towards the site. Having regard to the Flood Zone C classification and the setback of the development from the mapped flood extent, I am satisfied the development is not at significant risk of flooding under climate change projections.

7.6. **Site Services**

- 7.6.1. The application site is bounded to the west and north by drainage ditches which feed into an ADS channel to the east, which drains into the Kinnegad River and ultimately into the River Boyne system, with hydrological connections to the River Boyne and Blackwater SAC/SPA.

7.6.2. Wastewater Treatment

- 7.6.3. The proposed system comprises a proprietary secondary effluent treatment system with a raised 90m² soil polishing filter, to be sited to the south of the dwelling. A Site Characterisation Form was prepared by a suitably qualified assessor in accordance with the EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021 (the EPA Code). The proposed dwelling will accommodate three bedrooms with a maximum of five residents, giving an estimated Population Equivalent of 5 per Table 3.2 of the EPA Code.
- 7.6.4. From the Site Characterisation Form, the soil type is cutaway/cutover peat over clay subsoil, with bedrock of the Lucan Formation. The aquifer is classified as Locally Important with Moderate groundwater vulnerability, within the Athboy groundwater body (status: Good). The site is within the Outer Protection Zone (SO) of a source protection area and the Groundwater Protection Response is R1, which Table E1 of the EPA Code identifies as acceptable subject to normal good practice.
- 7.6.5. The trial hole was excavated to 2.1m. Bedrock was not encountered. The water table was encountered at 1.8m below ground level, with mottling evident at 1.4m BGL, an indicator of a seasonally high-water table under Table 5.1 of the EPA Code.
- 7.6.6. The subsurface percolation value of 19.36 and surface percolation value of approximately 20.64 are both within the acceptable range of 3–75 set out in Table 6.4 of the EPA Code for discharge to a soil polishing filter.
- 7.6.7. Having regard to the seasonally high- water table, an in-ground arrangement could not reliably achieve the minimum 0.9m of unsaturated soil required beneath the polishing filter for a GWPR R1 site under Table 6.3 of the EPA Code. The applicant has proposed a raised polishing filter which the EPA Code provides for in these circumstances. The submitted detail drawing shows the filter raised above existing ground level on a minimum 0.9m depth of imported free-draining soil with a T value under 30, achieving the required unsaturated depth above the water table. The drawing also annotates the minimum separation distances under Table 6.2 of the EPA Code, including 10m to the dwelling, 7m to the tank and 3m to the site boundary, with the watercourse to the east in excess of the 10m minimum. The proposed private well is located at the northern boundary, on the opposite side of the dwelling from the treatment system and at an adequate separation distance.

- 7.6.8. The planning authority's conditions require the system to be constructed in accordance with the EPA Code, certified on completion by a suitably qualified engineer, and desludged annually by a permitted contractor. Given the seasonally high-water table and the proximity of the site to the ADS channel, I consider the post-construction certification condition to be warranted and recommend its inclusion in any grant of permission.
- 7.6.9. Based on the information contained within the Site Characterisation Form and the submitted detail drawings, I am satisfied that the site is suitable for the proposed wastewater treatment and percolation arrangements and that the proposed system complies with the EPA Code of Practice 2021. Compliance with the EPA Code by way of condition is appropriate mitigation to ensure protection of ground and surface water.

Surface Water

Surface water drainage to serve the proposed dwelling will consist of a BRE 365 soakaway located to the rear (south) of the dwelling. The soakaway will be adequate distance from the road and adjoining boundaries, the proposed percolation area, the drainage ditches to the west and north and the ADS channel to the east. The Council District Engineer had no objection. The council included conditions requiring soakaway to be constructed per BRE 365 standards.

8.0 AA Screening

Refer to Appendix 3 'Appropriate Assessment Screening Determination'.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and nature of the proposed development.

- The indirect and attenuated nature of the hydrological connection to the SAC and SPA via adjacent watercourse connecting to the Kinnegad River, and the distance from the subject site to the qualifying interest habitats and species of those sites.
- The integration of standard surface water (soakpit) and wastewater treatment measures, installed and operated in accordance with the EPA Code of Practice 2021, as integral design features of the development.

9.0 Recommendation

I recommend that permission be granted for the proposed construction of a dwelling and all associated site works based on the below reasons and considerations and subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the location of the site within a Rural Area Under Strong Urban Influence as identified in the Westmeath County Development Plan 2021–2027, to National Policy Objective 28 of the National Planning Framework (First Revision, April 2025) and the Sustainable Rural Housing Guidelines for Planning Authorities (2005), and to the documentation submitted with the application and appeal, it is considered that the applicants have demonstrated a genuine social need to live in this rural area in accordance with CPO 9.1 of the Development Plan. It is further considered that the site is located within Flood Zone C, where dwelling houses are appropriate development under the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), and that the site is suitable for the proposed on-site wastewater treatment system in accordance with the EPA Code of Practice (2021). Subject to compliance with the conditions set out below, the proposed development would not be at significant risk of flooding, would not seriously injure the amenities of the area, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

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

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

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

3. Roads: A minimum of 2.4m x 90m sightlines shall be achieved and maintained at all times at the proposed access point to the public road. Existing hedgerow and verge shall be reduced/ set back where required to meet these sightlines. These sightlines shall remain unobstructed, and nothing shall be planted, sown, constructed or erected forward of the sightlines. The following shall be complied with:

- i. Proposed entrance shall not be less than 50m from the road junction looking north.
- ii. Surface water from the site shall not be allowed to run onto the public road. Existing roadside drainage shall not be impaired, and the entrance and roadside parking area shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water and run off. Where lands are higher than the adjoining roadway, a drainage channel shall be provided at the entrance.
- iii. Any new public service utility poles shall be erected on or behind the setback front boundary/fence/wall. Any existing roadside utility poles shall be relocated to be on or behind the setback front boundary/fence/wall.
- iv. Entrance gradient shall not exceed 1 in 20 for a distance of 5m from the line of the roadside boundary/fence/wall.
- v. The developer shall apply to WCC for a road opening licence and comply with conditions imposed relating to any works on the public roads / footpaths.

Reason: In the interests of traffic safety and to ensure the proposal integrates appropriately with its setting.

4. Landscaping The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the dwelling, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within 5 years shall be replaced within the following planting season by plants of a similar size and species. The following shall be complied with:

- i. Any required hedgerow and tree removal to facilitate the proposed development or hedgerow maintenance should not take place during the breeding season between 01 March and 31 August. Developed road sightlines shall take account of the extent of summer hedgerow vegetation.
- ii. A new hedgerow of equal length should be established near any hedge lines removed to comply with required road sightlines and along the site boundary.

iii. All proposed hedgerows shall be of indigenous mixed species including at least 5 of the following: blackthorn (*Prunus spinosa*), whitethorn (*Crataegus monogyna*), ash (*Fraxinus excelsior*), crab apple (*Malus sylvestris*), downy birch (*Betula pubescens*), guelder rose (*Viburnum opulus*), hazel (*Corylus avellana*), holly (*Ilex aquifolium*), pendunculate oak (*Quercus robur*), rowan (*Sorbus aucuparia*), spindle (*Euonymus europaeus*), whitebeam (*Sorbus aria*), wild cherry (*Prunus avium*), elm (*Ulmus glabra*).

Please note that beech, field maple, Laurel and Leylandii are not native/indigenous species.

Reason: In the interests of the visual amenities of the area and sustainable development.

5. Sewage treatment and disposal system: All foul sewage generated at the development shall be directed to the proposed secondary wastewater treatment system and raised polishing filter area, which shall be constructed and maintained strictly in accordance with the details and specifications of the supplier, and in accordance with the requirements of the current “Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)”, published by the Environmental Protection Agency;

- i. On completion of the proposed development the applicant shall submit to the planning authority, a compliance certificate from a suitably qualified engineer that the proposed secondary wastewater treatment system and soil polishing area is constructed in line with documents submitted and the requirements of the current “Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)”, published by the Environmental Protection Agency at met;
- ii. The proposed secondary wastewater treatment system and raised polishing filter area shall be inspected and desludged annually.

Reason: In the interests of public health, environmental protection and orderly development.

6. Water Supply The proposed well shall be constructed in accordance with the 2013 EPA Advice Note No. 14: Borehole Construction and Wellhead Protection in conjunction with the IGI Private Water Well Construction Guidelines.

Reason: In the interests of public health and orderly development.

7. Surface Water: All uncontaminated surface water, including roof water, shall be separately collected and discharged to drain or to on-site soakaway, and shall not in any circumstances be allowed discharge to the septic tank or proprietary foul sewage treatment system. All soakaways shall be designed and constructed and maintained to BRE Digest 365.

Reason: In the interests of public health and orderly development

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

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

referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

David Freeland
Planning Inspector

15/06/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500878-WH-26		
Proposed Development Summary	The proposed development comprises construction of a dwelling with a proprietary effluent treatment system and percolation area, entrance onto public road and all ancillary site services.		
Development Address	Rattin, Kinnegad, Co. Westmeath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X	10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		X	Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	PL-500217-LS-25
Proposed Development Summary	The proposed development comprises construction of a dwelling with a proprietary effluent treatment system and percolation area, entrance onto public road and all ancillary site services.
Development Address	Rattin, Kinnegad, Co. Westmeath
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises the construction of a new dwelling and a new on-site wastewater treatment system. The development comes forwards as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within or immediately adjacent to any designated site. The proposed development would include a private well and installation of a new wastewater treatment system. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: 500878-WH-26	
Step 1:	
Brief description of project	<p>Construction of a dwelling, proprietary effluent treatment system and polishing filter, new vehicular entrance and all associated site works at Rattin, Kinnegad, Co. Westmeath.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The site comprises agricultural lands of c. 0.3ha located in a rural area in the townland of Rattin, c. 3.7km south-west of Kinnegad. The site is largely grassland, bounded by hedgerows to the road frontages.</p> <p>A tributary/drainage channel runs along the eastern perimeter of the field containing the site. The dwelling lies more than 20m from it. Drainage channel flows north to join the Kinnegad River c. 171m north of the site and onward to the River Boyne. An indirect surface-water pathway therefore exists between the site and the River Boyne and River Blackwater SAC/SPA.</p> <p>Surface water is directed to a soakpit designed in accordance with BRE365.</p> <p>Wastewater treatment includes a secondary treatment system and a raised soil polishing</p>

	<p>filter discharging to ground which will be installed and operated in accordance with the EPA Code of Practice 2021.</p> <p>The potential impact is the construction phase surface water runoff and sedimentation entering the drainage channel and operational phase discharge of inadequately treated effluent to ground and onward to the watercourse.</p>			
Screening report	Y			
Natura Impact Statement	N			
Relevant submissions	<p>No submissions received specifically in relation to Appropriate Assessment. The third party appeal and the observation of Meath County Council relate to flood risk and landscape matters and are addressed in the body of the report.</p>			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
River Boyne and River Blackwater SAC	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion)	c. 7.9 km to north-east	Indirect, via surface water – drainage	Y

(002299)	<p>incanae, Salicion albae) [91E0]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>		<p>channel to east connecting to the Kinneaghd Rive and the wider Boyne catchment.</p>	
River Boyne and River Blackwater SPA (004232)	Kingfisher (Alcedo atthis) [A229]	c. 7.9 km to north-east	Indirect, via surface water, as above.	Y
Lough Ennell SAC (000685)	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Alkaline fens [7230]</p>	14.5km to west	None — no watercourse connecting the site to this SAC and no source-pathway-receptor links	N
Lough Ennell SPA (004044)	<p>Pochard (Aythya ferina) [A059]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Coot (Fulica atra) [A125]</p> <p>Wetland and Waterbirds [A999]</p>	14.8km to west	None — no source-pathway-receptor linkage.	N
Mount Hevey Bog SAC (002342)	<p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>	5.2km to north-east	None — no source-pathway-receptor linkage.	N

	Depressions on peat substrates of the Rhynchosporion [7150] CO002342.pdf, NPWS (www.npws.ie/protected-sites/sac/002342), accessed May 2026		Raised bog habitat in a separate catchment.	
Wooddown Bog SAC (002205)	Degraded raised bogs still capable of natural regeneration [7120].	11.4km north-west	None — no source-pathway-receptor linkage. Separate catchment.	N

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Name (code) River Boyne and River Blackwater SAC (002299) Alkaline fens [7230] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	Direct: None. The works lie outside the SAC and there is no land-take, habitat loss or interference with its boundaries. Indirect (construction phase): Potential for surface water runoff and sedimentation from site works to enter the drainage channel to the east and travel downstream toward	Salmon, River Lamprey and Otter depend on clean, unpolluted water and are sensitive to sedimentation and changes in water quality; the alluvial forest and alkaline fen habitats are concentrated in separate sub-catchments hydrologically removed from and upstream of the site. Having regard to the small scale of the development, the >20m separation of the works from the watercourse, the discharge of clean and treated water to ground

	<p>the SAC. The main construction footprint lies more than 20m from the watercourse.</p> <p>Indirect (operational phase): Discharge of treated effluent to ground via a secondary treatment system and polishing filter, and of surface water to a soakpit. Installation and operation in accordance with the EPA Code of Practice 2021</p>	<p>rather than to the surface drain, and the c. 15.5km of downstream attenuation between the site and the SAC, the potential for water-quality effects of a magnitude capable of affecting these qualifying interests is very low. The conservation objectives, including the restore objectives for Salmon, River Lamprey and the alluvial forest habitat, would not be undermined or made more difficult to achieve.</p>
	<p>Likelihood of significant effects from proposed development (alone):</p> <p>N</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>N</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>River Boyne and River Blackwater SPA (004232) Kingfisher (Alcedo atthis) [A229]</p>	<p>Direct: None.</p> <p>Indirect (construction and operational phases): As above for the SAC — potential for temporary water-quality effects</p>	<p>The Kingfisher qualifying interest depends on water quality and the prey availability it supports. Given the small scale of the development, the integral surface-water and wastewater design, the >20m construction setback,</p>

	conveyed via the drainage channel to east and the Kinnegad River toward the SPA.	and the c. 15.5km downstream separation between the site and the SPA, the development would not give rise to water-quality effects of a magnitude capable of affecting prey availability or otherwise undermining the conservation objectives for Kingfisher.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
<p>*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.</p>		
<p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on any European sites. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>		
<p>Screening Determination</p>		

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and nature of the proposed development.
- The indirect and attenuated nature of the hydrological connection to the SAC and SPA via adjacent watercourse connecting to the Kinnegad River, and the distance from the subject site to the qualifying interest habitats and species of those sites.
- The integration of standard surface water (soakpit) and wastewater treatment measures, installed and operated in accordance with the EPA Code of Practice 2021, as integral design features of the development.