



An
Bord
Pleanála

Inspector's Report

ABP-318681-23

Development

(i) Provision of 14(no) residential units as follows:

The conversion along with alterations & extensions to 3(no) existing horse yard buildings into 5(no) long-term rental residential units & 5(no) short-term tourist stay units and

The construction of a new building accommodating 4(no) short-term tourist stay units

(ii) A new stable building with overnight staff accommodation;

(iii) New wastewater treatment plant

(iv) All associated site works.

The development is within the curtilage of a protected structure.

Location

Horse Yard Buildings, Kilsharvan, Bellewstown, Drogheda, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

2360292

Applicant(s)

Gavin & Orlaith Duffy

Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Claire & Eugene Meegan
Observer(s)	None
Date of Site Inspection	09/05/2024
Inspector	Paula Hanlon

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1.0 Site Location and Description

- 1.1. The application site (3.08ha), hereafter referred to as 'the site' is located in the townland of Kilsharvan, Bellewstown, approximately 3km south of junction 8 (Duleek) on the M1, Co. Meath. The site forms part of a walled estate, with Kilsharvan Country House and watermill (a protected structure) and extensive grounds to the south of the site (outside of redline boundary). The site and its immediate surroundings have largely retained its architectural heritage and lies unspoilt within an attractive, mature rural setting.
- 1.2. The site encompasses a complex of traditional farmyard buildings and open hay barn, which are clustered within the western side of the site, and is laid out in paddocks within the eastern side of the site. These buildings are currently utilised as livery stables and ancillary stores. The site's outer boundary consists of a 3-metre high (approx.) stone wall, and mature trees along its inner face while its southern boundary adjoins an area of significant mature trees which provide screening between the site and the wider estate lands to the south.
- 1.3. The immediate area is typified as rural. An established vehicular access serving the site's livery yard and paddocks directly accesses onto an adjoining narrow local road network (west), which thereafter connects with the R-150 regional road, approximately 120m NW of the site. The adjoining narrow cul-de-sac road which bounds the western side of the site, separates the subject site from a two-storey dwelling (appellants house), sited on lands immediately northwest of the site. There are no footpaths or public lighting provision along the adjoining roads.
- 1.4. Kilsharvan cemetery (ME03505) and church (ME01236), both of which are recorded monuments, are located on lands c.25 metres to the southwest of the site.
- 1.5. The site's topography is low-lying, and a belt of mature trees provides screening of the subject lands from the adjoining R150 (north). The wider estate lands and surrounding area comprises a gently undulating rural landscape.
- 1.6. The site is located within the River Corridors and Estuaries Landscape Character Area which is designated as being of very high value and high sensitivity. There are no designations in terms of ecology attached to this site. The River Nanny traverses lands at a distance of approximately 170m to the south of the site.

2.0 Proposed Development

- 2.1. The proposed development, within the curtilage of a protected structure, seeks the adaptive re-use of 3(no.) existing traditional farm buildings and yard along with the development of 2(no) new structures, all of which are contained within the western area of the site.
- 2.2. There are three separate development uses proposed within the overall development sought in this case, notably (i) residential units (intended for long-term rental), (ii) short-term tourist units and (iii) a stable building with ancillary staff accommodation.
- 2.3. In summary, the proposed development provides for the following:

- Residential: 5(no) Long-Term Rental Units.

These residential units would be developed by way of the conversion and alterations of existing traditional farm buildings which are of natural stone build. *Building A* which is two-storey in form and sited along the northern side of the site would accommodate 2(no) 2-bed units over two floors comprising a stated floor area of 85.4m² & 85.1m² respectively. A glazed fronted extended area is sought within the central area of this building (overall stated area 26m²) (max. height 3.34m), providing additional internal space to the central (front) area of the respective houses, each of which has a width of 3.967m with a dividing stone wall. A side access door is also sought to both units within Building A. A 'private garden boundary' is delineated along the front and sides of Building A on site layout map, dwg. no. 327/PPR/03. A similar boundary treatment is delineated on the site layout map in respect of separating both rear garden space attached to these units. No details are given in respect of the boundary finishes.

Building B, sited along the western side of the site and part two-storey (max. height 7.5m), part single storey (max height 4.05m) in form and of natural stone build, would accommodate 3(no) 2-bed units comprising two units at ground floor level (60.1m² unit and 61.1m²) respectively and a two-storey unit with a stated area of 166.6m².

The proposed external finishes as shown on drawings submitted include the retaining of the building's existing random rubble stone exterior and brick

surrounds to windows and doors, new natural/fibre cement slates and new timber/aluclad /aluminium/steel framed windows fitted into existing openings. The proposed works include alterations to existing opes, including a new entrance door (north elevation), blocking up of an existing small window ope and inclusion of new a new window ope and a number of additional door opes with new timber/aluclad/aluminium/steel frames and brick reveals to match existing brick on this building (west (rear) elevation) and inclusion of a number of rooflights to the building. The existing opes on the eastern (front) elevation will be fitted with similar material finishes to its windows and doors to those outlined above in respect of the western elevation and an existing door ope is sought to be built up and replaced by a window ope, with render finish to the bottom of the opening. 2(no) cills will be lowered from that existing.

A 'private garden boundary' is shown along the entire perimeter of residential unit B1, however no details are given in respect of the boundary finish. There is no front boundary treatment proposed to the adjoining residential units within Building B, notably B2 (2-bed unit and B3 (1-bed unit) which would face directly onto the western side of a proposed common landscaped area, which is overlooked on its eastern side by 2(no) holiday rental units within Building C. A separation distance of approximately 22m exists between Building B (central area) and Building C (central area). A private garden boundary between each of the 3 units within this Building (Building B) is shown on the site layout, however no details are outlined in respect of dimensions or finishes sought.

- Short-term Tourist Units: 9(no) Units.

In terms of *Building C* (as denoted), five of the proposed short-term tourists stay units would be developed by way of the conversion and alterations to this traditional farm building which is comprised of a number of elements ranging in height from 8.67m to 5.99m, of natural stone build and sited along the site's southern end. Building C is laid out on a predominantly north-south axis within the subject site and its main elevation (western elevation) faces directly across to the eastern (front) elevation of Building B (long-term rentals). Its extended built form in an eastern direction, sited along the site's southern boundary, contributes to the applicant's proposed development of a courtyard arrangement, in conjunction with the proposed new building (Building D), with

both Building C & Building D to be utilised for short-term tourist stay accommodation. I note for the Board's attention that drawing number 1327/PPR(D)/29 is relevant in regard to detailing the proposed development works to Building C (with alterations shown), with this drawing incorrectly labelled as Building D.

The configuration of the proposed units within this overall farm building is as follows: 3(no) 2-bed units, with stated areas of 67.6m² [Grd. Flr.], 68m² [over 2 floors] and 71.6m² [1st Flr.] and 2(no) 1-bed units, one of which would be contained at ground floor level (51.8m²) and one at first floor level (45.5m²).

The proposed external finishes are similar to those as outlined in respect of buildings A and B in the above paragraphs.

Building D comprises the construction of a new two-storey building (259.8m²) accommodating 4(no) short-term stay units on a north-south axis to the east of Building C. Two units would be located at ground floor level and two at first floor level, comprising a floor area of 60.6m² & 58.5m² respectively. This building would be setback to the east of Building C and form a new courtyard arrangement, with the shared courtyard space to be overlooked by short-term tourist units along with eastern, southern and western sides.

The external finishes sought include random rubble natural stone finish to match existing adjoining buildings and natural blue/black fibre cement slates. The drawings denote that windows will be of timber/alluclad/aluminium steel.

- **Stable Building**

The construction of a new stable building (369m²) with a self-contained 1-bed staff apartment unit at first floor level (60.6m²) for overnight staff accommodation is sought as part of the overall development. The proposed stable building would be sited to the southeast of Building A, along the eastern side of the existing complex of farmyard buildings, sought to be converted within this application. Access into the site's paddocks within the site is shown along the northern side of the proposed stable building.

- **Wastewater**

The development proposes the installation of an on-site wastewater treatment plant and soil polishing filter, to be located within a paddock in the northeastern area of the site.

- Vehicular Access

Based on the details shown within the site layout map submitted, it is implied that all vehicular movements into the subject site (as delineated) and the proposed development as a whole, will be served via the use of an established access that serves the existing farmyard (in equine use). A supporting document entitled 'Foaling Services and new "American" type Equestrian Barn' makes reference to a separate existing farm gate into the new stable block 'from the disused part of old R150' which adjoins the site.

- All associated site works.

2.4. The application was accompanied by the following documentation of note:

- Architectural Project Statement
- Kilsharvan House Holiday Apartments Business Plan
- Statement on Foaling Services and new "American" type Equestrian Barn
- Completed Site Characterisation Report (Wastewater Treatment)
- Surface Water Drainage Details
- Photo Survey (Existing Buildings)
- 3D View (Proposed Development).

3.0 Planning Authority Decision

3.1. Decision

By Order dated 15 November 2023 Meath County Council issued a Notification of decision to grant planning permission subject to 21(no) conditions. The conditions were mainly standard, with the following specific conditions of note:

- Confirmation that Buildings A&B (5 units) to be used for residential purposes; Buildings C&D (9 units) be used as self-catering accommodation & subject to associated restrictions and that the accommodation within the barn building be used as staff accommodation & subject to other restrictions
- Submit a revised Site Layout showing on-site Car Parking (Condition 6)
- Submit a Bat Survey (Condition 8).

3.2. Planning Authority Reports

3.2.1. Planning Reports

One Planning Report is attached to the file. It forms the basis for the decision by the Planning Authority to grant permission. This report, which was completed on 13/11/2023 is generally positive overall towards the proposed development. No issues are raised in respect of roads and traffic matters, visual & residential amenities or on ecology. The planning officer detailed that the proposed unit sizes are acceptable on the basis of their intended use, notably rental and tourist accommodation.

3.2.2. Other Technical Reports

- Transportation Section (10/11/23): No Objection, condition recommended.
- Broadband Officer (09/10/23): No Objection, condition recommended.
- Transportation (Public Lighting) (05/10/23): No Comments as no public lighting proposed.
- Housing Section: Part V is not applicable.

3.2.3. Conditions

I am generally satisfied that the conditions attached by the PA in its decision to grant permission are standard conditions. Specific conditions including Condition 2 confirming the individual use (and restrictions) for each structure; Condition 6 car parking and Condition 8 bat survey are attached to the PA's decision. I will consider the appropriateness of these conditions within Section 7 of this report.

3.3. Prescribed Bodies

DHLGH (25/10/23): Recommends Conditions (Natural Heritage)

Uisce Eireann (25/10/23): Further Information sought.

3.4. Third Party Observations

The PA received 2(no) third-party submissions during the course of their determination. These submissions, one of which was made by an appointed planning consultant on behalf of Mr. Eugene Meegan and one of which was made by Ms. Clare Meegan & family, outline a number of issues in terms of the application itself, along with raised matters of concern, being adjoining residents to the subject site.

The matters raised relate predominantly to the principle of the development, residential amenity, inadequate details submitted (heritage, sightlines, ecology), on-site drainage and traffic.

4.0 Planning History

Applicant's Landholding

Pl. Ref. 23/60299: Permission granted and upheld on appeal in June 2024 for the extension and alteration of a farm building to a house, within the estate walls and immediately adjacent to the NW boundary of the appeal site.

Pl. Ref. 22/1631: Withdrawn application for 16 residential units.

Pl. Ref. 99/1108: Permission granted for alterations & extensions to listed period residence.

Pl. Ref. 99/859: Permission granted for alterations & extension to gate lodge.

Pl. Ref. 98295: Retention permission granted for extension & relocated road entrance.

Adjoining Residential Site (West)

LB201801: Permission granted for extensions and other associated works to house.

Lands Located to the west of Kilsharvan Graveyard (Approx. 100m SW of subject site)

Pl. Ref. 22432: Permission refused for a house on a number of grounds including tree/hedgerow removal, visual amenities, archaeology, setting of a protected structure and appropriate assessment.

Pl. Ref. 22433: Permission refused for a house on similar grounds to those stated in Pl. Ref. 22/432 (as summarised above).

5.0 Policy Context & Guidelines

5.1. Meath County Development Plan 2021-2027

5.1.1. The Meath County Development Plan 2021-2027 (CDP) which came into effect 3 November 2021 is the operative Development Plan.

5.1.2. The site is located on lands that are designated in the CDP as 'RA - Rural Areas', with the objective 'to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage'.

The stated guidance attached to this RA land use objective outlines that the primary objective is to protect and promote the value and future sustainability of rural areas. Tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted.

Residential which is compliant with the Rural Settlement Strategy is a stated permitted use and agri-tourism is also a stated permitted use on RA – Rural Areas zoned lands (Refer Section 11.14.6, Chapter 11, CDP).

5.1.3. The following Chapters are relevant in the consideration of this appeal:

Volume 1 - Written Statement: Chapter 2 Core Strategy, Chapter 3 Settlement & Housing Strategy, Chapter 4 Economy & Employment Strategy, Chapter 6

Infrastructure Strategy, Chapter 8 Cultural & Natural Heritage Strategy and Chapter 11 Development Management Standards & Land use Zoning Objectives.

5.1.4. Policy, Objectives and Sections of particular relevance include:

Core Strategy

CS OBJ 1: To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.

Architectural Heritage

HER POL 14: To protect and conserve the architectural heritage of the County...

HER POL 15: To encourage the conservation of Protected Structures, and where appropriate, the adaptive reuse of existing buildings and sites in a manner compatible with their character and significance. In certain cases, land use zoning restrictions may be relaxed in order to secure the conservation of the protected structure.

HER POL 16: (Protect the setting of Protected Structures).

HER POL 17: To require that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.

HER POL 21: To encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features.

Vernacular Rural Buildings

RD POL 33: To consider the limited conversion of outhouses and other structures attached to large country houses or other heritage structures where acceptable conservation practice is observed in line with the other policies and objectives of this plan and where acceptable site suitability

has been established in terms of access, car parking, open space, wastewater disposal and maintaining the setting and amenities of the main structure.

RD POL 34: To respect the sensitive restoration and conversion to residential use of disused vernacular or traditional dwellings or traditional farm buildings, including those which are Protected Structures, such proposals shall not be subject to the Rural Housing Policy (i.e. local need) that applies to new dwellings.

Tourism

ED POL 45: (Encourage new and high-quality investment in the tourism industry ... incl. accommodation in terms of choice, location & quality of product).

ED POL 64: Facilitate a variety of quality tourist accommodation tourist types, at suitable locations, throughout the County.

ED POL 69: (Facilitate, where appropriate, the conversion of former demesnes or estate dwellings and their outbuildings into tourism facilities subject to good planning and architectural conservation practice...).

ED POL 70: To ensure that the provision any accommodation (ED POL 69 refers), shall not be occupied as permanent place of residence. This accommodation type will in any event only be considered favourably in the case of refurbishment and adaptation of a Protected Structure or group of structures within attendant grounds for tourism use.

ED POL 72: To require new holiday home / self-catering developments to locate within either established settlements or at established tourism/recreation facilities, other than those developments involving the renovation/conversion of existing buildings.

ED POL 73: Holiday home/self-catering developments on a farm holding shall be provided by farmhouse extension or by the utilisation of other existing dwellings/structures on the property. Only where it has been demonstrated that these are not viable options, will permission be considered for new build development. Any new build development shall be in close proximity to the existing farmhouse.

RD POL 10: Encourages and facilitates agricultural diversification, subject to the retention of the holding for primarily agricultural use...

Rural Enterprise

ED POL 24: To consider, on their individual merits, the reuse of redundant agricultural buildings and the development of new buildings to accommodate farm diversification / enterprise within an overall farmyard complex.

RD POL 13: To protect agricultural or agri-business uses from unplanned and/or incompatible urban development.

Transport & Car Parking

MOV POL 3: To promote sustainable land use planning measures which facilitate transportation efficiency, economic returns on transport investment, minimisation of environmental impacts and a general shift towards the greater use of public transportation throughout the County.

DM OBJ 89: Car parking Requirements = 2 spaces per residential unit & 1 space per self-catering accommodation unit, with a minimum of 1 space to be an accessible space.

DM OBJ 94: EV Charging Requirements.

5.2. Section 28 Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities (2011) **[DHAG]**

Section 1.1.2: Sympathetic maintenance, adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even where the original use may no longer be viable. The creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand, and to retain its character and special interest on the other.

Sustainable Urban Housing: Design Standards for New Apartments (July 2023)

Appendix 1

Required Minimum Floor Areas and Standards

Minimum overall apartment floor areas = 2-bed (3 person)** 63 sq m (n/a)* and 2-bed (4 person) 73 sq m (55 sq m)*.

* Figures in brackets refer to 1995 guidelines / **Permissible in limited circumstances.

Section 6.9 requests that PA's practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings... where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation including empty buildings and vacant upper floors commensurate with these building standards requirements.

5.3. Natural Heritage Designations

The site is not located within any designated Natura 2000 site or Natural Heritage Area/pNHA. Laytown Dunes/Nanny Estuary (000554) pNHA is the nearest located approx. 4.1km (east) and River Nanny Estuary and Shore SPA (004158) located approx. 5.2km (east) of the site.

Other Natura Sites including Boyne Coast and Estuary SAC (004236) and Boyne Estuary SPA (004080) are approx. 5.5km (northeast), the North-West Irish Sea SPA (004236) approx. 7.2km (east) and the River Boyne & River Blackwater SPA (004232) and SAC (002299) are approx. 6.3km NW of the site.

5.4. EIA Screening

See completed Form 2 attached by way of appendix to this report. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Issues raised within third-party submissions were largely ignored by the PA.
- Insufficient details were provided with the application.
- A number of issues raised regarding conditions attached to the PA's decision.
- Impacts on visual amenities and residential amenities.
- No alternatives were considered on proposed entrance to the development.
- A number of procedural matters are raised.

6.2. Applicant Response

- The appellants description on the site's surrounding 'laneways' and secluded rural nature is incorrect and misleading.
- Details provided on the road status, traffic volumes & activity of adjoining road network.
- The entrance shown to serve the proposed development is already in-situ.
- There is nothing outstanding in regard to procedural matters.
- Comments on the appropriateness and necessity (or otherwise) of the PA's conditions in its grant of permission.
- The proposed development is required to ensure the economic security and viability of Kilsharvan estate.
- The proposed development complies with adopted CDP policies on the rehabilitation & reuse of historic vernacular buildings and the construction of holiday accommodation in support of a rural estate.
- Justification on the proposed development is outlined in regard to the restoration works & design proposed, ensuring the continued equine use on these lands, whilst allowing for sensitive development within the curtilage of a protected structure & the greater longevity of historic vernacular structures.

- Stated compliance with relevant development management requirements and a number of stated policies is outlined.
- There are no reasonable planning grounds within the appellants submission to counteract the Council's assessment on it being incorrect or in conflict with the proper and sustainable development of the area.
- The appellants argument is not based on any applicable national guidelines, CDP policy or development management standard, is entirely subjective, and considered frivolous & of vexatious means of delaying the development.

6.3. Planning Authority Response

The PA in its appeal response 16 January 2024, is satisfied that all matters raised were already considered by the PA. It requests that its decision to grant permission be upheld.

7.0 Assessment

I note in the outset that whilst the appellants in this case made separate third-party submissions at application stage, the appeal submission has been jointly made by both third-party submitters (and family), being the residents of an adjacent house sited to the immediate northwest of the subject site. The appellants contend that the content within their submissions was largely ignored at application stage and that they were afforded unfair treatment. One of the submissions which was submitted to the PA at application stage is appended to the appeal submission.

In this context and in noting that S.37(1b) PDA requires that the Board determines the application the subject of the appeal as if it had been made to the Board *de novo*, having examined the application details and all other documentation on file, including the content of submissions made at application stage and submissions received in relation to this third-party appeal, the reports 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 to be considered in this third-party appeal are as follows:

- Principle of Development & Use(s)
- Residential Amenity
- Roads, Traffic and Access
- Character of Area and Visual Amenities
- Ecology
- Other Matters (Including Procedural Matters).

7.1. Principle of Development & Uses

7.1.1. Development Description – Procedural

I note that the development description contained within the public notices makes collective reference to the proposed provision of 14(no) residential units and that 5 of these will be for long-term rental residential and 9 for short term tourist stay use. I consider it important to highlight in the outset that there is a material difference between residential units (long-term rental) and short-term tourist stay units. In this context, the Board will note that the development sought will provide for 3 distinct uses on the subject lands, notably residential (long-term rentals), tourism (short-term tourist stay units) and equine (stable building).

Furthermore, in the assessment of this case, the Board are minded to note that long-term rental (residential) is not a specific typology which, for the purposes of the planning system, requires specific guidance or design standards. This matter was highlighted within a third-party submission made by appointed planning consultants on behalf of Mr. Eugene Meegan (appellant) at application stage.

Therefore, and in also noting that there are no provisions on long-term rentals set out within the operative CDP, and that the Planner's Report of the PA is not explicit in providing clarity on the matter of 'long-term rentals' in a planning context, I submit that the use attached to the 5(no) long term rentals sought is permanent residential and its intended future occupancy for long-term rental(s) should have no material bearing in this case. For this reason, I suggest that the Board considers the appropriateness of the 5(no) units within Buildings A & B as denoted on the submitted drawings, insofar as they would apply to the conversion of traditional farm buildings for permanent

residential occupancy, in accordance with the relevant provisions of the CDP and relevant guidelines.

7.1.2. Zoning

In examining the CDPs online map portfolio set out within Volume 2, as available on the Council's website, I submit that the subject lands are zoned RA – Rural Areas. While it is clearly set out within the CDP that both agri-tourism (short-term tourist units) and equestrian (stable building) are listed as permitted uses, I note that residential (long-term rentals) does not openly fall under the stated permitted uses for RA - Rural Areas zoned lands.

The CDP lists 'Residential' as a permissible use on RA – Rural Areas zoning where the proposed development is deemed to comply with the County's Rural Settlement Strategy (Section 14, Chapter 11). In reviewing the Rural Settlement Strategy set out in Chapter 9 of the CDP, I note that adopted policy facilitates the conversion of traditional farm buildings to residential use without subjecting such proposals to the County's Rural Housing Policy (i.e. local needs) (Reference policy RD POL 34). On this basis, I am satisfied that the substantiating of local needs does not apply to the proposed 5(no) residential units and that in this instance, the residential units proposed are deemed to be a permitted use.

It is important to note that compliance with policy RD POL 34 (conversion of farm buildings without local needs) on its own does not constitute full compliance with the site's land use zoning objective. In this context, I wish to draw the Board's attention to the stated land use objective for RA - rural areas zoned lands, which is '*to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage*'. The stated guidance attached to this RA land use objective (Section 11.14.6, Chapter 11) makes clear that the primary objective of this RA zoning is to protect and promote the value and future sustainability of rural areas and that 'a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted'. I consider that the zoning objective alongside the stated guidance for same as outlined in the CDP is sufficiently clear and reasonable. I submit that the outcome of this report, having considered each of the

substantive issues raised in this case will inform the Board in its decision as to whether the proposed development is consistent with the site's land use zoning and in terms of the proper planning and sustainable development of the area.

7.1.3. Proposed Development - Uses & Compliance with Policy

While the considerations in this case are multifaceted, I consider that the primary matters in determining the appropriateness of the three uses sought within the proposed development fall under key considerations which are connected to the site's location & its built heritage, and compliance with adopted policy.

I note in the outset that the proposed site layout is predominantly based on the established clustered arrangement of traditional farm buildings of natural stone build on this rural site. In measuring off the site layout plan submitted, I estimate that the footprint of all structures (i.e. proposed to be converted & proposed new build) and their ancillary outdoor areas (outside of paddocks area) in this case would collectively encompass an area of c.0.43ha, with the remainder of the delineated site c.2.65ha to remain in paddocks and also accommodate the proposed wastewater treatment system. It is therefore reasonable to state that the three uses attached to the structures put forward for development are contained within a relatively confined area, at the western side of the delineated site and northwest of the applicant's wider landholding which adjoins this site. I am supportive of the principle of the conversion of the site's traditional stone farm buildings on the basis that their conversion would contribute positively to the protection and regeneration of the site's built heritage and would facilitate the continued use of these buildings into the future. I also acknowledge that adopted policy provides support to protecting and conserving the architectural heritage of the County (incl. policy HER POL 14). However, whilst the regeneration and continued re-use of these buildings in principle, is the essence of sustainable development, I am of the view that a conflict exists in terms of balancing the need to protect the existing fabric and character of these buildings, which, without doubt are worthy of protection, with the need to ensure that the future use(s) and scale for this site is appropriate at this rural location. I propose to examine this matter further in terms of each of the three respective uses sought within this application.

Residential Accommodation

The concerns in which I have in regard to the inclusion of 5(no) permanent residential units within Buildings A&B as part of the overall development are multifaceted, owing to the site's rural location, site configuration and the applicant's overall plan for the existing farmyard complex (0.43ha) which forms a part of the applicants overall site. The site is located within an unserviced, rural area, which is designated as a 'rural area under strong urban influence' in the CDP. Whilst the applicant is not required to substantiate a rural housing need in this case, it is important to note that the site is at a complete remove from any rural node, village or town within the County's settlement hierarchy, and is not specifically targeted for housing development in the County's Core Strategy (Chapter 2, CDP). The nearest designated settlements to the subject lands are Bellewstown (south), Duleek (west) and Julianstown (east), all of which are in excess of 3.5 kilometres from this site. There is no connectivity in terms of footpaths, cycleways or public lighting serving this site and its adjoining road network which connects these lands with the nearest settlements. The site is not served by public transport. In light of this, I am of the view that the provision of 5 permanent residential units would give rise to an unsustainable form of development at this unserviced, rural location, which would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposal therefore, would, in my opinion, run contrary to the Council's objective in seeking to direct growth towards designated settlements in so far as practicable so as to secure the implementation of the Core Strategy and Settlement Strategy (CS OBJ 1).

Furthermore, whilst I note that the Apartment Guidelines (2023) request that a practical and flexible approach be applied in regard to refurbishment schemes, particularly in historic buildings, and given that I do not consider that the provision of permanent residential units would provide for the most effective usage of Buildings A & B on this site, I am concerned that the unit sizes in respect of unit B2 and B3 do not meet the minimum overall apartment floor areas as set out within Appendix 1 of the Apartment Guidelines and that there are shortfalls in regard to storage requirements for these units. While I note to the Board that these Guidelines are applicable to residential units whether they are for owner occupation or for individual lease (Section 1.10), I also accept that the guidelines allow for a flexible approach to be applied in relation to the refurbishment of existing buildings.

Short-Term Tourist Stay(s) Accommodation Units

A key objective of the local planning system is to deliver sustainable rural settlement. In this context and given the site's characteristics including the relationship of the existing farm buildings within this attractive rural site of heritage value, it is my view that the delineated site as a whole, is akin to accommodating rural development, including diversification for rural tourism, the latter of which is supported by adopted policy (policy ED POL 64), alongside other supporting policy in the facilitating of a variety of quality tourist types at suitable locations throughout the County (policies ED POL 45 & ED POL 64).

Notwithstanding, whilst I am generally supportive of the principle of tourist accommodation on this site by way of the conversion of existing vernacular buildings, as proposed in respect of Building C, I wish to highlight my concern in regard to the proposed development of an entirely new structure with intended use for short-term tourist stay units. I note that the applicant's Business Plan for the "proposed holiday apartments" which accompanies this application refers to the repurposing of the site's "picturesque stone stables" and proposed new stable unit along with potential long-term plans for the overall development of the Kilsharvan Estate including tea rooms at Kilsharvan Mill and walkways throughout the property and other possible activity, however it makes no reference to the need to develop an additional building (259.8m²) for short-term tourist stay units (Building D). Whilst it could be argued that the proposed short-term tourist stay units are consistent with policy ED POL 72 in that the overall proposal involves the renovation/conversion of existing buildings, I am not convinced that there is a specific tourist product at this location that would justify approval for the construction of an entirely new building (259.8m²), containing 4(no) of the 9(no) short-term tourist stay units, so far removed from an established settlement boundary.

Further to this, I consider it necessary to restate my concerns in regard to the future use of Buildings A & B for residential use, which is also relevant in examining whether the development of Building D (new build) for short-term tourist stay units complies with adopted policy. Should the Board reach a similar conclusion in regard to the provision of 5(no) residential units as outlined in paragraph above on Residential Accommodation, I submit that the proposed new building (Building D) sought for the purpose of accommodating 4(no) self-catering tourist units would be contrary to policy

ED POL 73 which prioritises the utilisation of other structures on a farm holding and requires that it be demonstrated that these are not viable options prior to considering permission for new build development on the property.

Stable Building

In regard to the proposed stable building, I am satisfied that the use of this site for equine facilities is already established and that the proposed stable building, in principle, is consistent with the site's land use zoning objective and conducive to a rural area.

Overall Development

In acknowledging the applicant's submission within its Business Plan that the economic benefit which would result from the proposed development would contribute towards the on-going maintenance of Kilsharvan House and estate, I submit that economics does not constitute grounds for planning permission on its own. The Board, in its consideration and making of an informed and reasoned decision on this case must also afford due cognisance to the principles of proper planning and sustainable development. In this regard, while I note that Section 4.3 of the applicant's appeal response references that the reuse of historic buildings and the construction of holiday accommodation in support of a rural estate is consistent with the principles of proper planning and sustainable development and compliant with adopted policies, I consider that the proposed development overall is not fully consistent with all of the 17 referenced policies highlighted by the applicant. I am of the view that the development proposed due to the number and configuration (including floor area) of the permanent residential units would be more compatible within a designated settlement as opposed to the rural area. For this reason, I consider that the proposal is contrary to policy RD POL 13 which is 'to protect agricultural or agri-business uses from unplanned and/or incompatible urban development' and policy ED POL 73 which provides that new build holiday home/self-catering development on a farm holding will only be considered where it has been demonstrated that the utilisation of other existing structures (being Buildings A&B in this case) on the property are not viable options.

Similarly, I am of the view that the proposed development is not wholly consistent with all policies stated within Section 4.4 of the applicant's appeal response, some of which are unrelated to this case. I have addressed the matter of compliance with specific

policies insofar as I have considered it appropriate and necessary within the relevant Section's of my report.

In terms of the extent of development proposed, having examined the site location map(s) submitted with this application and the planning history of the applicant's overall landholding (delineated in blue), which includes an extant permission on a farm building immediately to the rear (north) of Building A for residential use, I submit that the overall proposal, if permitted, would result in the removal of all existing farm/equine use(s) attached to the vernacular farm buildings within the subject site, which lies within the curtilage of Kilsharvan House. In this context, I note to the Board that a conflict may exist in terms of compliance with policy RD POL 33 which provides support for the limited conversion of structures attached to large country houses or heritage structures and the need to facilitate appropriate development which allows for the protection of the site's built heritage and its continued future use.

In light of above, I conclude that whilst I welcome the restoration and conversion of the site's existing traditional farm buildings in principle, I am of the view that the development as proposed overall, is not sufficiently justified on planning grounds or supported by adopted policy. I therefore am of the opinion that the application submitted should be refused.

7.2. Character of Area and Visual Amenity

I propose to review the proposed development and its likelihood to impact on the character of the area and visual amenities in terms of the site's context within the adjoining area and in terms of the site's architectural heritage.

7.2.1 Site Context

The site is located within the River Corridor and Estuary Landscape Character Area which is designated as very high value and high sensitivity within the CDP. In examining the development at a local level, I note that the proposed development works would be wholly contained within the subject site. The 2(no) new structures sought, notably Building D (short-term stays) and Stable Building would be clustered with existing traditional farm buildings and significantly setback within the subject lands. The drawings submitted indicate that the proposed development would utilise an established vehicular access which currently serves the livery stables and yard. In

this regard and in noting that the applicant in its appeal response confirms same, I am satisfied that the existing 3-metre-high (approx.) estate wall which extends along the western side of the site would remain in-situ as part of the proposed development and continue to contribute positively to the overall setting of Kilsharvan Estate and the attractive rural character of this area. Also, the Site Plan (dwg. number 1327/PPR/02) submitted denotes the extent of existing mature trees within the site to be retained as part of this development and proposed additional landscaping measures including new trees, shrubs and hedging within the site.

Given the nature and extent of the development works sought and that the site's outer boundary would be retained, with views into the site largely screened by the site's outer boundary treatment, I am satisfied that the proposal would not negatively impact on the rural character or visual amenities of the area.

However, should the Board be minded to grant permission, for the purposes of clarity in ensuring the protection of visual amenities and the character of the site, I suggest that a suitably worded condition be attached which requires that a more Comprehensive Landscaping Scheme, undertaken by a suitably qualified person be submitted for the PA's approval which details the species, condition, variety, number, size and locations of all existing tree to be retained and measures to be put in place for their protection, along with hard landscaping works (specifying surfacing materials) & soft landscaping works and a timescale for the implementation of the approved Scheme.

7.2.2 Architectural Heritage

The existing structures (Buildings A, B & C) which are the subject of this case, are not expressively listed on the Council's Record of Protected Structures, however they are sited within the curtilage of Kilsharvan House, a protected structure (LA RPS ID 9100 – Country House (Late 18thC, incl. watermill)). I therefore note to the Board that the obligation to preserve a protected structure applies to its curtilage and any other structures & their interiors within its curtilage.

In this context, whilst I am of the view that the submitted Photo Surveys in respect of Buildings A, B and C are limited in detail, I am generally satisfied, based on the details shown within the submitted drawings that the proposed development would largely

retain the physical expression of the traditional farm buildings which are the subject of this case. I further consider that the retention of the existing random rubble natural stone finish and use of similar in the case of the proposed 2(no) new buildings i.e. western (front) elevation of stable building and Building D, would allow for the successful integration of the proposed development works into this site and that outstanding matters on material finishes, notably in terms of windows, doors and roof finishes can be agreed at a later date, by way of condition, should the Board be of a view to grant permission. In the interest of clarity and in ensuring the protection of the existing structure's heritage, I also suggest that a suitably worded condition be attached to any grant of permission which requires that a detailed method statement covering all works proposed to be carried out, including a full specification and details on materials and methods to be employed, be submitted for the written agreement of the PA, prior to the commencement of any works on the site.

I have examined the drawings submitted in regard to concerns raised by a third party that the proposed American Barn type structure would be out of character with the site. In my opinion, the siting of this building, whilst clustered with the established farm buildings within this site is sufficiently setback from Building A and Building C, such that it would offset any visual dominance and coupled with its design and form, would allow for its effective integration into this site.

Therefore, it could be argued in broad terms, that the proposal would protect and promote the built heritage attached to the subject site as it would allow for the adaptive reuse of the site's traditional stone cut farm buildings which is supported by policy (HER POL 15), without detracting from the setting of Kilsharvan House itself (and watermill) (a protected structure) given the separation distance (in excess of 65m) and extent of mature trees which provide screening between the farm yard which is the subject of this case and the extended grounds attached to Kilsharvan House. In this context, I am of the view that the proposal would not adversely impact on the character and special interest of the protected structure and attendant grounds, if permitted, subject to the approval of outstanding details, by way of condition(s).

7.3. Roads & Traffic

7.3.1 Site Access & Adjoining Roads

I note the classification of the site's adjoining public road network, which includes a stretch of the former R150 along the extent of the site's western boundary (I refer the Board to Figure 1, Section 2.6 and Appendix 1 of the applicant's appeal response). Accordingly, whilst the view of the appellants and the applicants differ in regard to describing the adjoining road network which is a raised issue that is deemed to be at the core of the submitted appeal, I am of the view that the matters raised in regard to entrances, sightlines and road infrastructure, as identified by the appellants at application and appeal stage are relevant and require due consideration in the consideration of this appeal. I am further of the view that a balance needs to be achieved in terms of protecting the attractive, rural character of this area which adjoins the western side of the site, which is largely attributed to its road configuration and alignment and the outer boundary of the subject site and in ensuring that the proposal would not pose a risk to traffic safety. I refer the Board to the submitted site location map which shows the local road network that adjoins the western extent of the site. I submit that the adjoining road network, in part, is narrow in width (approx. 4m to front of appellants house) and that the adjoining road to the site is not served by footpaths, road markings or public lighting.

I submit that the proposed vehicular access to serve this development is already established. It is located along the eastern side of a junction where the road network extends in a northerly, southerly and westerly direction. In my opinion, the adjoining roads are predominantly low trafficked, serving the applicants house, appellants house and Kilsharvan graveyard. However I note reference made within the applicants appeal response to traffic generated by regular equestrian competitions in past years, the "steady stream of traffic" generated by the existing livery stables and the use of the stretch of the old R150 which wraps around the Kilsharvan Estate as a popular walking and riding route by locals. I note that the Council's Transportation Section has raised no objection in regard to road safety, subject to condition in regard to car parking. I somewhat concur with the Transportation Section on the basis that the typical speed on the adjoining road network that provides access to the site would be approximately 10kph due to its overall condition, width (approx. 4m in parts) and

alignment. Notwithstanding, having examined the documentation submitted, I note that the applicant proposes to provide perpendicular car parking spaces along both the northern and southern side of the site's access road immediately inside (east) the site's vehicular access point. Furthermore, I note that the Site Layout maps submitted imply that the site's vehicular access would accommodate all vehicular movements attached to the proposed development and its intended uses, notably residential, tourist stay units and proposed new stable building. However, an accompanying document entitled 'Foaling Services and new "American" type Equestrian Barn' references that 'there is a separate existing farm gate into the new stable block from the disused part of old R150'. I acknowledge that traffic generated by the site's equestrian use would be significantly reduced, with a reduction in stables from 16(no) currently to 6(no) proposed within the new stable building.

Whilst I can confirm that an existing gateway is currently erected across the adjoining public cul-de-sac road, to the immediate northwest of the site's established vehicular access, I am of the view that this gateway is temporary in form and that it should not be considered as a measure on controlling traffic and therefore is of no material bearing in this case.

In the absence of sufficient documentary evidence to the contrary and based on the information available to me, I am of the view that to grant permission for the development proposed at this time would be premature as the site access and parking configuration proposed in this case would pose a significant conflict and threat to traffic safety, due its positioning, proximate to the site's access and given traffic movements into and out of the site as a result of the proposed development and the lack of footpath provision immediately adjacent to the site's entrance, coupled with the restrictive achievement of sightlines in a northerly and southerly direction onto the adjoining public road (albeit low trafficked) due to the site's western boundary wall (3m high approx.).

7.3.2 Car Parking

I note that the Transportation Section recommended that a condition be attached which addresses an anomaly within the submitted documentation on car parking. There are 18(no) car parking spaces shown within the site layout map submitted. In applying the Council's car parking standard as set out within DM OBJ 89, I submit that

the car parking requirement for the proposed development is 19(no) spaces, notably 2 car spaces per each residential unit & 1 car space per each self-catering accommodation unit, with a minimum of 1 space to be an accessible space. Whilst the CDP allows some flexibility where it would be impracticable for developers to provide for on-site parking by way of a contribution (objective DM OBJ 91), I do not consider it appropriate to provide for any reduction in the standards of car parking required in this case, given my concerns outlined in regard to car parking sought inside the site's entrance, the site's overall configuration with limitations in providing an alternative car parking arrangement and that the proposed development would be car dependent, with limited scope for active travel measures attached to the site and surrounding area given its location, at a remove from any designated settlement within the CDP. Therefore, while I am satisfied that the matter of the inclusion of EV charging facilities could be addressed by condition should the Board be minded to grant permission in this case, I consider that matter of car parking overall cannot be appropriately addressed by way of condition.

7.3.3 R150 - Sightlines

In examining the raised concerns associated with sightlines onto the R150, I am satisfied that sufficient sightlines are achievable (east & west) at the existing, established junction which is located approximately 120m northwest of the site given that the adjoining roadside boundary treatment is setback by way of a grass verge and with good horizontal road alignment at this location. In my view, there are no further outstanding matters in this regard.

7.4. Residential Amenity

The concerns raised by the appellants are primarily premised on overlooking in the context of their side door and impacts on their privacy and residential amenities as a result of traffic generated from the proposed development onto the adjoining road.

The adjoining public road network provides a physical separation between the subject site and the appellants house. The established vehicular access sought to serve the proposed development is on the eastern side of the adjoining public road and is also forward of the front elevation of the appellants property. While I acknowledge the close

separation distance between the site and the appellants property, it is relevant to note that the appellants front (south) and side boundaries (east & west) are already passively overlooked given that they adjoin an established public road network. Furthermore, the proposed development works are wholly contained within the established grounds of the subject site. All buildings which are the subject of the proposed development lie forward of the front elevation of the appellants dwelling. The siting, orientation and proposed fenestration to Building A (c.18m east of appellants house, being the closest structure) with rooflights only sought above ground floor level would not give rise to any overlooking.

In regard to raised concerns regarding impacts arising from increased traffic volumes on the privacy and residential amenities of the appellants property, I am of the opinion that the adjoining public road already serves a level of traffic which is connected to the subject site's livery stables. In my opinion, the levels of traffic and frequency potentially generated from the proposed development onto the adjoining public road would not be so significant that it would unduly impact on the residential amenities or privacy of the appellants property due to noise or disturbance.

Overall, I am satisfied that there would be no overlooking issue on habitable rooms or private amenity space within the appellants property and that the traffic levels generated onto the adjoining public road would not have a significant impact on the appellants residential amenities to such an extent that would warrant a refusal in this case.

7.5. Ecology

There are no ecological designations attached to this site. The site is predominantly comprised of buildings & artificial surfaces and agricultural grassland. All development works are clustered within the western area of the site. The remainder of the site will remain in grassland and the landscaping works shown on the Site Plan which accompanies this application indicates that existing mature trees within the site and along its boundary are to be retained. The nearest watercourse is a distance of 65m (approx..) southeast of the site. In this context, I do not consider that an EclA is required in this case. I submit that there is no evidence to suggest that the proposal

would have a negative impact on any wildlife, including barn owls, buzzards, bats and pygmy shrews as raised by the appellant. I note that a submission made by the DHLGH informed the PA's decision in the attachment of a condition in respect of the undertaking of a bat survey, as recommended by the DHLGH. All bats are protected species under national and EU legislation. There is no evidence provided to support the case that the proposed development will negatively impact on bat species. Furthermore, there is a separate process which the applicant is required to undertake with the NPWS which requires that a derogation license be issued, should any change in circumstance arise in relation to bat roosting on this site, or where any works undertaken would capture or kill, or disturb bats at important parts of their life cycle. Accordingly, given the nature and scale of the development proposed and the recommendations of the DHLGH, I consider that the attachment of a condition similar to Condition 8 which was attached by the PA is appropriate in this case and that the proposed development would not have a negative impact on bat species and there is no likelihood of significant effects on the environment. Further to this, as previously outlined in this report, I also suggest that a condition be attached which requires that a detailed landscaping plan which incorporates the retention of existing mature trees on this site be submitted for the written approval of the PA, should the Board be of a view to grant permission. In this regard and subject to complying with the attached conditions, I am satisfied that the proposed development overall, if permitted would not impact on wildlife or result in any significant loss of local biodiversity or ecological devaluation.

7.6. Other Matters

7.6.1. Procedural Matters

A number of issues were raised in the third-party appeal with respect to procedural matters at application stage. I am satisfied that the matters raised did not prevent concerned parties from making representations to this appeal.

7.6.2. Unauthorised Works

In response to matters raised which fall under the remit of unauthorised development, whether such works relate to lands outside of the subject site or in respect of the

potential for a condition of a permission to be breached, I consider that such works and activity fall outside of the Board's remit in deciding this application.

7.6.3. Attachment of Conditions

I submit that all planning applications are assessed on their own individual merit and therefore any condition(s) insofar as they are attached to a permission on a separate site (whether adjoining this site or not) should be of no material bearing to the assessment of the subject case.

Whilst I am of the view that there is no ambiguity in regard to the stated wording contained within condition 2 of the PA's decision, I am not convinced that due consideration was given by the PA to the future residential use of these units outside of their use for long-term rental purposes. It is important that the rationale for a grant of permission is clear and precise.

In regard to the matter of phasing, as raised by the appellant, I submit that the phasing of works is normally sought in the case of larger developments. Given the scale and extent of the development proposed, I am of the opinion that the phasing of works in general and a requirement for a timeline in regard to the development of the on-site wastewater infrastructure is not warranted and that this matter would be sufficiently addressed under standard condition (condition 1) that the development be carried out in accordance with the plans and particulars submitted, in the event that permission was to be granted. Also, in reviewing the submission of Uisce Éireann, I suggest that a condition be attached in regard to the need to comply with any required Connection Agreement(s) with Uisce Éireann should the Board be of a view to grant permission.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 AA Screening

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 Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of proposed works within an established built site in a rural area.
- The site's location, over 5.2km from the nearest European site, with no direct hydrological or ecological connections.
- Taking into account screening determination by the PA.

See completed 'Template 2 Screening the need for Appropriate Assessment' which is appended to this report.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. The proposed inclusion of 5(no) units which would be in permanent residential use by way of long-term rental occupancy would give rise to an unsustainable form of development and to the inefficient and unsustainable provision of public services and infrastructure in a rural area which lacks in certain services and community facilities, remote from any designated settlement. Accordingly, the development proposed, if permitted, would be contrary to objective CS OBJ 1 of the Meath County Development Plan 2021-2027, which seeks to secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, and would therefore be contrary to the proper planning and sustainable development of the area.
2. In the absence of sufficient justification for the provision of 5(no) permanent residential units at this unserved, rural location and consequently, the

proposed development of an entirely new building for the accommodation of short-term tourist units on the subject site, it is considered that to permit the development as proposed would result in the intensification of development on this rural site in a haphazard and non-integrated manner which would be contrary to policy RD POL 13 'to protect agricultural or agri-business uses from unplanned and/or incompatible urban development' and policy ED POL 73 of the Meath County Development Plan 2021-2027 which provides that new build holiday home/self-catering development on a farm holding will only be considered where it has been demonstrated that the utilisation of other existing structures on the property are not viable options. Therefore, to permit the development as proposed, would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the layout of the proposed development would pose a threat to traffic safety, given the proposed provision of car parking spaces and turning movements, proximate to the site's access which has limited sightline visibility. Therefore, the Board is not satisfied that the proposed development, if permitted would not endanger public safety by reason of traffic hazard and accordingly to permit the development proposed would be contrary to the proper planning and sustainable development of the area.

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

Paula Hanlon
Planning Inspector
16 December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318681-23			
Proposed Development Summary	- Development of 14 residential units (5 long-term rentals and 9 short-term tourist stays) through the conversion, alterations and extensions to existing horse yard buildings & the construction of a new building; - Construction of a new stable building with overnight staff accommodation; - Install an on-site wastewater treatment plant and soil polishing filter, and - All associated site works. The site is within the curtilage of a protected structure.			
Development Address	Horse Yard Buildings, Kilsharvan, Bellewstown, Drogheda, Co. Meath.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	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			EIA Mandatory EIAR required	
No		X	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)	Conclusion
No				No EIAR or Preliminary

				Examination required
Yes	X	Class 10 (Infrastructure Projects) Class10(b)(i) - Construction of more than 500 dwelling units.	The proposed 14 (no) residential units is significantly below the 500 dwellings threshold.	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	318681-23	
Proposed Development Summary	• Development of 14 residential units (5 long-term rentals and 9 short-term tourist stays) through the conversion, alterations and extensions to existing horse yard buildings & the construction of a new building; • Construction of a new stable building with overnight staff accommodation; • Install an on-site wastewater treatment plant and soil polishing filter, and • All associated site works. The site is within the curtilage of a protected structure.	
Development Address	Horse Yard Buildings, Kilsharvan, Bellewstown, Drogheda, Co. Meath.	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.	The proposed development is not exceptional in the context of the existing environment. The site comprises buildings & artificial surfaces and improved grassland, along with individual and stands of mature trees along its boundary. It is within the curtilage of Kilsharvan House & watermill (protected structure) and is located in a rural area. The site incorporates a complex of traditional farm buildings which are in use as livery stables and associated storage buildings (0.48ha approx.), with the remainder of the site (2.65ha approx.) in paddocks. Its topography is predominantly flat, within a surrounding gently undulating landscape.	No

Will the development result in the production of any significant waste, emissions or pollutants?	There are no protected habitats within the site. The nearest watercourse (River Nanny) is a distance of 170m (approx.) south of the site. A connecting watercourse to this river traverses lands which are located approximately 65m SE of the site. An adjoining site to the northwest is developed for residential. Lands to the SW of the site contain Kilsharvan cemetery (ME03505) and church (ME01236), both of which are recorded monuments. The proposed development will not result in the production of any significant waste, emissions or pollutants.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	No. There are no significant cumulative considerations in this case for reasons set out below. • There are no other development(s) under construction adjoining the site. All other developments are established uses. • Surface water is proposed to be attenuated on-site • The nearest watercourse (connects to River Nanny) traverses lands in excess of 65m SE of the site. • Foul waste generated to discharge into a proposed on-site wastewater treatment system and soil polishing file, with a pass percolation test result certified on EPA Site Suitability Assessment that accompanies this application.	No

Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?	No. The appeal site is not located on or within proximity to any designated Natura 2000 site(s). It is located a distance of over 5.2km from the nearest European Sites being River Nanny Estuary and Shore SPA (Site Code 004158) located approx. 5.2km east of the site. Boyne Coast and Estuary SAC 004236 and Boyne Estuary SPA 004080 are located approx. 5.5km NE of the site, River Boyne & River Blackwater SPA (Site Code 004232), River Boyne & River Blackwater SAC (Site Code 002299) are approx. 6.3km NW of the site and the North-West Irish Sea SPA (Site Code 004236) is approx. 7.2km (east).	No
Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	No. The site is located over 65m north of the nearest watercourse. There is no direct hydrological connection to this watercourse. The site is setback a distance of c.65m from protected structure (LA RPS ID 9100 – Kilsharvan Country House (Late 18thc, incl. watermill). The proposal would not adversely impact on known archaeology. There would be no rise in waste, pollution or other nuisances over and above that associated with residential and equine use and no known risks to human health. The proposal would not give rise to a risk of major accidents. There are no other environmental sensitivities in the immediate vicinity of relevance.	
Conclusion		
There is no real likelihood of significant effects on the environment. EIA is not required.		

Inspector: _____ **Date:** _____

Template 2: Screening the need for Appropriate Assessment Finding of no likely significant effects

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development which comprises the construction of 14 residential units and associated works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises:

- Development of 14 residential units (5 long-term rentals and 9 short-term tourist stays) through the conversion, alterations and extensions to existing horse yard buildings & the construction of a new building;
- Construction of a new stable building with overnight staff accommodation;
- Install an on-site wastewater treatment plant and soil polishing filter, and
- All associated site works.

The site is an established farm yard with associated paddocks which are in equine use, located within a rural area and has a predominantly flat topography. There are no protected habitats attached to this site. The site comprises buildings & artificial surfaces and improved agricultural grasslands.

No appropriate assessment issues were raised by prescribed bodies during the consultation process.

The PA determined that the proposed development is not likely to give rise to significant effect on a Natura 2000 site.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).

- River Nanny Estuary and Shore SPA (Site Code 004158)

The River Nanny Estuary and Shore SPA being the nearest European site, is located approx. 5.2km east of the site.

SPA (004158)	Qualifying Interests	Conservation Objective
	• Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Herring Gull (<i>Larus argentatus</i>) [A184] • Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Herring Gull and wetlands (as a resource for the regularly occurring migratory waterbirds that utilise it) in River Nanny Estuary and Shore SPA, each of which are defined by a number of stated attributes and targets.

- Boyne Coast and Estuary SAC 004236 and Boyne Estuary SPA 004080 are located approx. 5.5km NE of the site

The boundary of Boyne Coast and Estuary SAC (Site Code 004236) and Boyne Estuary SPA (Site Code 004080) being the next nearest European sites, are located approx. 5.5km NE of the site.

Boyne Coast and Estuary SAC (Site Code 004236)	Qualifying Interests	Conservation Objective
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	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To maintain the favourable conservation condition of Estuaries, Mudflats and sandflats not covered by seawater at low tide in Boyne Coast and Estuary SAC, Salicornia and other annuals colonizing mud and sand in Boyne Coast and Estuary SAC, Salicornia and other annuals colonizing mud and sand in Boyne Coast and Estuary SAC, Atlantic salt meadows, in Boyne Coast and Estuary SAC, which is defined by a stated list of attributes and targets. Noted: The status of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) as a qualifying Annex I habitat for Boyne Coast and Estuary SAC is currently under review, the outcome of which will determine whether a site-specific conservation objective is set for this habitat.	
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Boyne Estuary SPA 004080	• Helduck (<i>Tadorna tadorna</i>) [A048] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Little Tern (<i>Sterna albifrons</i>) [A195] • Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of Shelduck, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Black-tailed Godwit, Redshank, Turnstone, Little Tern and wetland habitat (as a resource for the regularly occurring migratory waterbirds that utilise it) in Boyne Estuary SPA, which is defined by a stated list of attributes and targets:	
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The site discharges to ground. The River Nanny watercourse traverses lands, at a distance in excess of 170m south of the site, with an adjoining watercourse into this river, located circa 65m southeast of the subject site. There is no direct physical, hydrological or ecological linkage connecting the project site to any European site.

Likely impacts of the project (alone or in combination)

The proposed development works will be contained within the delineated site. Wastewater generated on site would discharge to an on-site wastewater treatment plant. Surface water to be attenuated on site. The nearest watercourse is 65m of the site. Given the separation distance to the nearest European site(s), the intervening use between the proposed site and the River Nanny Estuary and Shore

SPA (Site Code 004158), Boyne Coast & Estuary SAC 004236, Boyne Estuary SPA 004080 and all other SACs and SPAs, which would intercept any overland flow, and given that no direct hydrological or ecological link exists between the subject lands and any European site(s), I am satisfied that any stormwater and wastewater discharges arising from this development will not have a significant effect on any European site, either individually or in-combination with other plans and projects.

No changes are proposed to the ecological function of the site and no disturbance impacts or significant habitat loss are identified.

Given the nature, siting and scale of the development, at both construction and operation stage, within this rural area, coupled with separation distance to the nearest European Site (over 5.2km) and in examining the qualifying interests and conservation objectives of these European sites, the proposed development is not likely to impact either directly or indirectly on these European sites as no direct physical, hydrological or ecological linkage exists between the project site and these European sites.

No ex-situ effects are likely having regard to the characteristics of the site which consists of buildings & artificial surfaces and agricultural grassland.