



An
Bord
Pleanála

Board Direction
BD-002837-19
ABP-303433-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 16th 2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands which allows for residential development and open space, and which represents a logical extension of the built-up area of Dunshaughlin;
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Meath County Development Plan 2013-2019 and appendices contained therein;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018;

- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (g) the availability in the area of a wide range of social, and transport infrastructure,
- (h) the pattern of existing and permitted development in the area, including the adjoining residential estate under construction to the south of the subject site,
- (i) the submissions and observations received and
- (j) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a redevelopment of land within a zoned and serviced urban area), the Screening Report for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development on lands located to the south of Kellett's Grove and Coldrick's Pass, to the east of Dunshaughlin Business Park and to the north of the under construction / permitted housing development at The Willows,

- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the environmental impact assessment report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- (a) Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the town.
- (b) A significant direct effect on land by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the built-up area of the town and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- (c) Potential significant effects on soil during construction due to the excavation and filling required to carry out the development, which will be mitigated by the re-use of excavated material on the site, the sourcing of imported material from authorised sources and the implementation of measures to control emissions of sediment to water and dust to air during construction.

- (d) Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- (e) Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- (f) Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to storm water runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- (g) A positive effect on the landscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and amenity walkways.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms in terms of urban design, height and quantum of development and of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The appropriate period for this permission shall be ten years from the date of this order. The development shall be carried out within this period in accordance with the phasing plan submitted with the application. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

3. The proposed development shall be amended as follows:
 - (a) A two-way cycle track shall be provided at the southern end of the central boulevard (Road 12) linking Phase 1A and Phase 1B.
 - (b) The greenway connection to the Dunshaughlin Outer Relief Road (DORR) shall be revised at the proposed pedestrian crossing point by curving the alignment at the approach to the Outer Relief Road.
 - (c) A new pedestrian crossing point shall be provided at the location of the future playing pitches at the eastern portion of the site along projected pedestrian desire lines.

- (d) The proposed roundabout on the Dunshaughlin Outer Relief Road shall be replaced by a four way signalised junction, with pedestrian activated signals.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All pedestrian and cycling facilities shall comply with the relevant guidance outlined in the National Cycle Manual issued by the National Transport Authority and the Design Manual for Urban Roads and Streets, and in any instance where there is conflict between these two documents, the Design Manual for Urban Roads and Streets shall take precedence.

Reason: To provide safe and convenient facilities for pedestrians and cyclists in accordance with the applicable guidelines and in the interests of pedestrian and traffic safety.

4. The mitigation and monitoring measures outlined in Chapter 13 'Summary of EIAR Mitigation and Monitoring Measures' of the environmental impact assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

5. A suitable quantity of secure and sheltered bicycle parking spaces shall be provided for the authorised apartments and neighbourhood centre which shall be conveniently situated near their entrances in a supervised location. Revised plans showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments issued by the Minister in March 2018.

6. All rear gardens of houses shall be bounded with brick or concrete block walls, which shall be a minimum of 1.8 metres high, except where bounding public open spaces or roads, when the walls shall be 2 metres in height, or by concrete post and concrete panel fences, 1.8 metres high. Post and wire or timber panel fencing of any kind shall not be used for any rear garden boundaries.

Reason: To ensure the provision of durable boundary treatment in the interest of the residential amenity of future occupiers of the development, and to comply with the provisions of the Meath County Development Plan (section 11.2.2.6).

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site and specifically at the boundaries with existing residential property, including heights, materials and finishes;
 - (e) measures to ensure the retention of the existing hedgerows where appropriate and additional screen planting to the western boundary of the site;
 - (f) details of the continuation of the public open space at the northern portion of the site with those open spaces associated with Coldrick's Pass and Kellett's Grove.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Implementation of all mitigation measures in the site-specific flood risk assessment, specifically, documentation that demonstrates that the 750 millimetres culvert running along the R147 at the southern section has the capacity to carry critical 100-year and 1,000-year flood levels from its catchment shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

9. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.
(b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

10. (a) The development, including all roads, footpaths, cycle paths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, shall be carried out and

completed in accordance with the “taking-in-charge” standards of the planning authority.

(b) The areas of open space shown on submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled seeded and landscaped in accordance with the detailed requirements of the planning authority. The open space areas shall be laid out and landscaped prior to the making available by the developer for occupation of any of the houses or apartment/duplex units in the relevant phase of the development.

(c) All the areas of public open space, as shown on the submitted drawings, which are to be taken in charge, shall be maintained by the developer until the development is taken in charge by the local authority. When the estate is taken in charge, these open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

(d) Those parts of the development that are shown on submitted drawings as not to be taken in charge shall be maintained by a properly constituted Owners’ Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the making available by the developer for occupation of the first apartment or duplex unit.

Reason: In the interest of proper development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.

11. Public lighting shall be provided in accordance with the submitted public lighting scheme. Such lighting shall be provided prior to the making available by the developer for occupation of any unit.

Reason: In the interests of amenity and public safety.

12. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

13. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

- 15. Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

- 16. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All pitched roofs of houses and duplex blocks shall be slate-grey or blue-black in colour, including ridge tiles.

Reason: In the interest of the visual amenities of the area.

- 17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area, and to allow the planning authority to assess the

impact of any such development through the statutory planning process.

18. The proposed retail units and cafe/restaurant unit shall not be used for the sale of hot food for consumption off the premises (that is, as a take-away), other than where such sale is subsidiary to the main retail use, without a separate grant of planning permission for such use.

Reason: In the interest of clarity, and to allow the planning authority to assess any such change of use through the statutory planning process.

19. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development, as inadequate details have been provided with the application in relation to signage, and to permit the planning authority to assess any such development through the statutory planning process.

20. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

21. The developer shall provide for a work of public art, to be located along, or in the vicinity of, the proposed central boulevard of the development, or shall pay

a financial contribution towards the provision by the planning authority of such public art. Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, and shall be provided prior to the substantial completion of phase 2 of the permitted development.

Reason: In order to comply with the provisions of the Meath County Development Plan (Section 11.2.2.5), and to enhance the amenities of the future residential environment.

22. Site development and building works shall be carried out only between 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 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.

23. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

24. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management plan and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open spaces and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

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

29. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, in respect of the provision of the Dunshaughlin Outer Relief Road, from the M3 junction number 6 to the R125 Lagore Road and the L-2208 Drumree Road, which will benefit the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer, and this contribution shall take into account the actual cost of construction, by the developer, as part of the hereby permitted development, of portion of this Outer Relief Road within the site boundaries or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are to be incurred by the planning authority in the provision of this Road, which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

30. The developer shall pay the sum of €49,000 (forty-nine thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of improvements to the Blackbull (R147/R155) junction, which will benefit the proposed development. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer

or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Note: In including conditions 29 and 30, which had not been recommended by the Inspector, the Board had regard to the Chief Executive's Report, and was satisfied that the public infrastructure and facilities referred to in these conditions would benefit the proposed development and were appropriate in the context of the provisions of the Local Area Plan and applicable legislation.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 16th April 2019

Philip Jones