



An
Bord
Pleanála

Board Direction
BD-006383-20
ABP-307244-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/09/2020.

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 making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

- a) the site's location on lands with a zoning objective for residential development and the policy and objective provisions in the Meath County Development Plan 2013 – 2019 in respect of residential development,
- 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) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- d) the Guidelines for Planning Authorities on Sustainable Residential Development 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 Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, 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) to the pattern of existing and permitted development in the area, and
 - i) the Chief Executive's Report and supporting technical reports of Meath County Council,
 - j) the comments made at the Ratoath Municipal District meeting,
 - k) the submissions and observations received, and
 - l) The Inspector's Report.

Appropriate Assessment (AA) Stage 1: 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 within a zoned and adequately serviced urban site, the information for the Screening Report for Appropriate Assessment and the Ecological Impact Statement submitted with the application, the Inspector's Report, and submissions on file. As it was not possible to exclude at that stage, that the development would not have a significant impact on a designated site, – namely Malahide Estuary SAC (Site Code 000205) and SPA (Site Code 004025), and the proposed development is not directly connected or necessary for the nature conservation management of a designated site, it was therefore considered appropriate to proceed to Stage II Appropriate Assessment.

Appropriate Assessment Stage 2

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Malahide Estuary Special Area of Conservation (site code 000205) and Malahide Estuary Special Protection Area (site code 004025), are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European sites in view of the conservation objectives of the Malahide Estuary Special Area of Conservation (site code 000205) and Malahide Estuary Special Protection Area (site code 004025), the Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- (a) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects;
- (b) mitigation measures which are included as part of the current proposal;
- (c) conservation objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' conservation objectives.

Environmental Impact Assessment (EIA)

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct,

indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning and Development Regulations 2001 as amended,
- The location of the site on lands that are zoned for residential uses under the provisions of the Meath County Development Plan 2013 – 2019, and the results of the strategic environmental assessment of the Meath County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the town boundary of Dunshaughlin, which is served by public infrastructure and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- the Schedule 7A of the Planning and Development Regulations 2001 as amended, information submitted with the application.
- the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- the Inspector’s report.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is broadly compliant with the provisions of the Meath County Development Plan 2013 - 2019.

The Board considers that, a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan.

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 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) House no. 2 (Type 4) shall be omitted in its entirety and House no. 3 be revised to be a detached, dual frontage house.
 - b) A pedestrian/ cycle path shall be provided to the south of House no. 3, connecting the public footpath on the Ratoath Road with the shared surface area.
 - c) The area to the front of the childcare facility to be revised such that set-down can be facilitated without the need for reverse manoeuvring of cars. This may result in the loss of car parking spaces in this area.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. The number of residential units permitted by this grant of permission is 211 no. units.

Reason: In the interests of clarity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the Type 4 houses (4, 4(A), 4(B)) dwelling houses without a prior grant of planning permission. This refers to units no. 3 to 6 and 39 to 47.

Reason: In the interest of residential amenity.

5. 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 two 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).

6. The 'Mitigation Measures' outlined in the 'Natura Impact Statement', the 'Mitigation and Monitoring' measures outlined in the 'Ecological Impact Assessment' and the 'Site Works Mitigation Measures' outlined in the 'Outline Method Statement for Stream Re-alignment' shall be carried out in full by the developer.

Reason: In the interest of biodiversity protection and to ensure that water quality is maintained.

7. Not more than 75 of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

8. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

9. Proposals for an estate/street name, house/ apartment 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 placenames for new residential areas.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works and design standards outlined in DMURS. The following amendments in relation to roads/ pedestrian paths and cycleways shall be carried out in full by the developer:

- (a) A mid-block pedestrian and cycle crossing shall be provided on the distributor road to the east of the site.
- (b) Landscape trees shall be omitted from the width of the two-way cycle track adjacent to the R125 and the developer shall ensure that no landscape feature is within or closer than 0.5 m from the edge of any cycle facility.

- (c) The developer/ applicant shall prepare a design for the written agreement of Meath County Council, providing for the removal of a potential traffic conflict between drivers exiting the proposed development and contraflow cyclists on the two-way cycle track i.e. those cyclist approaching from the left hand side as vehicles exit the development access junctions. The layout shall be revised in accordance with Section 4.9.2 of the 'National Cycle Manual'.
- (d) The developer / applicant shall prepare a design for the written agreement of Meath County Council, for a transition zone on the R125 approach to the proposed development to incorporate appropriate measures in line with DMURS Advisory Note 1 'Transition Zones and Gateways'.
- (e) The developer/ applicant shall prepare a design for the written agreement of Meath County Council, for the upgrade of the R147/ Lagore Road junction to a traffic signal junction. The design shall align the junction with DMURS principles and provide additional pedestrian facilities whilst ensuring operational safety and capacity. An assessment of the junction shall be undertaken to confirm capacity.
- (f) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

13. 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 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.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the Planning Authority for written agreement.

Reason: In the interest of public health and surface water management

15. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

16. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

17.

- a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s), as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- d) No trench, embankment or pipe run shall be located within three metres of any trees or hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

18. Bat roosts shall be incorporated into the site and the recommendation of the Bat Assessment report shall be carried out on the site to the written satisfaction of the Planning Authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the protection of the natural heritage on the site.

19.

- a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

20. 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.

21.

- a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/ bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the Planning Authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be 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. The plan 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 in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

23. 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:

- Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- Location of areas for construction site offices and staff facilities;
- Details of site security fencing and hoardings;
- Details of on-site car parking facilities for site workers during the course of construction;
- Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- Measures to obviate queuing of construction traffic on the adjoining road network;
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

Reason: In the interest of amenities, public health and safety.

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 residential amenities of property in the vicinity.

25. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

26. Prior to the first occupation of the development, the developer shall provide a piece of public art, sculpture or architectural feature, designed and located in

consultation with the Planning Authority. This piece shall have a relationship to the local area.

Reason: To comply with Development Plan objectives and in the interest of visual amenity.

27. 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) The applicant shall engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the testing report for archaeological excavations and archaeological monitoring of groundworks. The archaeologist will excavate the remains of the burnt spread identified in the testing phase and to monitor under licence all groundworks associated with the development.
- c) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- d) The Planning Authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

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 of any remains that may exist within the site.

28. 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 accepted in writing by the Planning Authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the Planning Authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

29. 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 space 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.

30. 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, including a contribution in respect of the upgrading of the junction of the R147/ Lagore Road to a traffic signalised junction, 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.

Board Member

Date: 01/09/2020

Stephen Bohan