

An
Coimisiún
Pleanála

Direction
CD-020081-25
ABP-322000-25


The submissions on this file and the Inspector's report were considered at a meeting held on 26/06/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Date: 26/06/2025


Patricia Calleary

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the nature and scale of the development and the site location in an infill serviced site within the existing built-up footprint of Dunshaughlin, zoned B1 – Commercial/Town Centre or Village Centre where residential development is permitted, the Commission was satisfied that the proposed development is an acceptable form and type of development at this location and is supported by policy at national, regional and local levels including contributing positively to compact growth and urban consolidation. The Commission was also satisfied that subject to the conditions hereby attached, the proposed development would not give rise to a

traffic hazard and would be acceptable in terms of protecting adjoining residential amenity. The Commission was satisfied that the proposals for surface water management were acceptable and that the refinement of proposals such to further demonstrate compliance with Greater Dublin Strategic Drainage Study can be appropriately addressed by a pre-commencement condition. The proposed development was, therefore, considered to be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission by reason of its proposed surface water management system was not considered to compliant with INF Policy POL 16 of the Meath County Development Plan 2021-2027 (which seeks to ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS), the Commission did not share this finding. The Commission acknowledged that the Inspector's conclusion (and recommended reason for refusal) relied on the Environment, Flooding and Surface Water Management Section of the planning authority who during its consideration of the application considered that the surface water proposals were not acceptable (and recommended a refusal decision).

The Commission, in its review and assessment of this matter, was satisfied with the proposals submitted by the applicant as part of the application, including the report on Engineering Services (dated 10th October 2024) and supporting surface water drainage drawings presented on drawing number 23-007-4501 Proposed Drainage Plan (both received by the planning authority on 10th December 2024), provided comprehensive detail on surface water management proposals. In its deliberations, the Commission reviewed and assessed this information and noted the site is serviced by a 225 millimetres diameter storm water sewer with a cover level of 98.54 metres OD and an invert level of 97.42 metres OD along the adjacent public road which is capable of receiving the surface water that would, following management and attenuation, leave the site by gravity flow. The Commission was satisfied with the stormwater drainage design parameters (Table 1 of the Engineering Services Report) used by the applicant and also noted the proposals for stormwater attenuation and for the incorporation of Sustainable Urban Drainage Systems (SUDs) measures incorporated into the design, including permeable pavements,

Swale/Bioretention Areas and Rain Gardens and further noted the maintenance plan for the SUDs elements of the development that were also outlined. The stormwater design presented also allowed for climate change and urban creep and overall evidently followed guidance taken from the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2, for New Developments and with the Greater Dublin Regional Code of Practice for Drainage Works Volume 6. Of further relevance, the proposal includes a hydro-brake flow control device fitted to the outlet of Manhole S11 which controls the outflow from the site to 2.0 l/s). While the cover to the pipework may be below the recommended 1200 millimetres in places (and as referred to as a concern in the planning authority's internal report received from the Environment, Flooding and Surface Water Management section), the Commission is satisfied, by reference to Section 11.8.2 of the Greater Dublin Regional Code of Practice, that while the recommended minimum depth of cover over a main pipeline is 1.2 metres, if this depth cannot be achieved, the pipes can instead be fully surrounded in 150 millimetres thick concrete with an absolute minimum depth of cover of 750 millimetres. The Commission concluded that this alternative measure is readily possible and concluded that such detail can be appropriately required from the applicant/developer as a pre-commencement condition.

Overall, the Commission was satisfied that the site can be serviced by gravity flow from the site to the existing public surface water pipework along the public road and the detail of the surface water management design is acceptable and details can be expanded and agreed with the planning authority as a pre-commencement condition, similar to condition number 7 attached by the planning authority to its decision. The Commission found no evidence in the application drawings or documents that the surface water that would arise could not be satisfactorily managed or that the development did not have regard to the surface water management policies provided for in the Greater Dublin Strategic Drainage Study. Consequently, the Commission did not share the Inspector's conclusion that the proposed development would not be compliant with Policy INF POL 16 of the Meath County Development Plan 2021-2027. Accordingly, the Commission did not accept the matter of surface water management as the reason for refusal.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 9th day of May 2024 and the 10th day of December, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be as shown on the plans and particulars submitted to the planning authority on the 9th day of May, 2025 unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3.
 - (a) Prior to the commencement of any development on site, the developer shall submit for the written agreement of the planning authority, a revised site layout plan, demonstrating the provision of a two-metre wide concrete footpath along the full width of the site facing onto the L-50290, from the north-west corner to the south-west corner of the site, and a pedestrian/bicycle entrance to the side of dwelling number 22/23, unless otherwise agreed in writing with the planning authority.
 - (b) Prior to the commencement of any development on site, the developer shall submit for the written agreement of the planning authority, a revised site layout plan, demonstrating the bicycle storage in accordance with the Design Standards for New Apartments. This shall be capable of

accommodating cargo bicycles and bicycle with trailers, with electronic locks and CCTV provided. There shall be not an entrance to the bin storage from the bicycle storage area, unless otherwise agreed with the planning authority.

Reason: In the interests of traffic safety and orderly development.

4. Landscaping on site shall be carried out as detailed on the Landscape Plan drawing number LP-001 submitted to the planning authority on 10th day of December, 2024. Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority

Reason: In the interests of biodiversity and the visual amenities of the area.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which

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

Reason: In the interests of public safety and amenity.

8. (a) The recommendations and mitigation measures contained within Section 4 of the Bat Survey Report submitted to the planning authority on the 10th day of December, 2024 shall be fully implemented.
- (b) The developer shall install five number bats boxes on suitable trees within the site. These shall be positioned four metres above the ground, facing south or south-east and away from artificial light sources.
- (c) A pre-felling bat survey of the hedgerow/treeline along the roadside boundary shall take place the night prior to the start of any construction on site. This survey shall be carried out by an Ecologist and a report with the findings of the survey submitted to the planning authority within two weeks of the date of the construction phase of development.
- (d) The site shall be inspected by an Ecologist during construction phase and a report outlining confirmation of the installation of the approved lighting scheme shall be submitted to the planning authority within two weeks from the date of inspection.

Reason: In the interest of the protection of a protected species.

9. Site development and building works shall be carried out 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

10. Proposals for an estate name and 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. 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 interests of orderly development and urban legibility.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

14. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

15. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not

been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 16. 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 (or the responsibility for same has been transferred to a legally constituted management company) 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.

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

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