

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Meath County

Planning Register Reference Number: RA/151362

An Bord Pleanála Reference Number: PL 17.247430

APPEAL by Margaret and Martin Keane of 16 Bective Avenue, Bective Lodge, Kilmessan, County Meath against the decision made on the 23rd day of September, 2016 by Meath County Council to grant subject to conditions a permission to Leonard Price Developments Limited of Wilkinstown, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of the construction of 94 number dwellings. The dwellings proposed consist of 44 number Type A, three bedroom semi-detached two-storey plus attic floor houses, 22 number Type B, three bedroom semi-detached two-storey plus attic floor houses, 13 number Type C four bedroom semi-detached two-storey plus attic floor houses, 10 number Type D four bedroom detached two-storey plus attic floor houses, five number Type E four bedroom semi-detached two-storey plus attic floor houses. Development will also consist of a playground, amenity walkway and will include a site for a future crèche. Proposal includes all site development works and services connections all at Kilmessan, County Meath, as amended by the further public notice received by the planning authority on the 30th day of August 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

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.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development zoning of the site for residential development set out in the Meath County Development Plan 2013-2019, to the pattern of development in the area and the availability of public services and road network it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the visual or residential amenities of the area or of properties in the vicinity, would not be prejudicial to public health, would not be at risk of flooding, would not exacerbate flood risk in the vicinity and would be acceptable in terms of health and safety and convenience and therefore, would be in accordance with the Meath County Development Plan and with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board accepted and adopted the Inspector's screening assessment in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's conservation objectives.

The Board further agreed with the Inspector's screening assessment that the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) are the European sites for which there is a likelihood of significant effects.

Appropriate Assessment

The Board considered the Natura impact statement submitted with the planning application, the submissions on file and the Inspector's report and completed an Appropriate Assessment of the implications of the proposed development for European Sites where there is a likelihood of significant effects. 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 likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures included as part of the proposed development and the conservation objectives for these European Sites. The Board concurred with the Inspector's view that, on the basis of the detailed mitigation measures proposed, significant effects on the qualifying interests associated with the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) would not be likely.

In completing the Appropriate Assessment, the Board accepted and adopted the Inspector's Appropriate Assessment in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in particular the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) in view of the sites' conservation objectives.

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 submitted on the 12th day of August, 2016 and on the 12th day of September, 2016, 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. The proposed access to the application site located between house numbers 21 Bective Avenue and 26 Bective Walk (including road surfacing, footpaths, street lighting and road drainage) shall be completed prior to commencement of development.

Reason: In the interest of traffic safety and residential amenity.

3. The surface water drainage layout shall be completed in accordance with drawing number J16-067 001 received by the planning authority on the 13th day of September, 2016. Prior to commencement of development, detailed drawings providing for the layout of the houses relative to the proposed surface water outfall pipe shall be submitted to, and agreed in writing with, the planning authority. In default of agreement, the matter may be referred to An Bord Pleanála for determination.

Reason: In the interest of public health and clarity.

4. 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

5. Prior to commencement of development, the developer shall submit to, and agree with the planning authority, a car parking scheme which accords with table 11.9 "Car parking Standards" in the County Development Plan.

Reason: In the interest of traffic safety and residential amenity.

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

Reason: In the interest of visual and residential amenity.

7. 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.

Reason: In the interest of public health.

8. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 high timber fences with concrete posts.

Reason: In the interest of residential and visual amenity.

9. 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 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 planning 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 of any remains that may exist within the site.

10. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

11. Proposals for an estate/street name, house 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 or topographical or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: -

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting.
 - (iii) Details of roadside/street planting.
 - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A time for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, with a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 residential and visual amenity.

13. 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 waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in particular recyclable materials, in the interest of protecting the environment.

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 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.

15. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.