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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Meath County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26<sup>th</sup> day of April 2019 by Legendstar Limited care of McCutcheon Halley 6 Joyce House, Barrack Square, Ballincollig, County Cork.

#### **Proposed Development:**

A planning permission for a strategic housing development on a site (circa 4.29 hectares) at land adjacent to Enfield Relief Road, Enfield, County Meath. The residential part of the site encompasses an area of circa 3.79 hectares and the balance of circa 0.50 hectares incorporates the public road and land for infrastructure works.

The development will consist of:

1. The demolition of an existing building (95 square metres), the felling of existing trees, removal of hedgerows, amending the existing site levels, removal of the existing pylons within the site, diversion of and undergrounding of existing overhead lines;
2. The construction of 133 number residential units, with a cumulative gross floor area of 16,170 square metres comprising:
  - (a) 15 number four-bedroom, two-storey houses, comprising three number detached and 12 number semi-detached houses, all with private amenity space;

- (b) 48 number three-bedroom, two-storey houses, comprising 48 number semi-detached houses, all with private amenity space;
  - (c) 12 number two-bedroom, two-storey houses, comprising 12 number terraced houses, all with private amenity space;
  - (d) A total of 58 number ground floor apartments and two-storey duplex units above, in four number three-storey blocks incorporating:
    - (i) 28 number two-bedroom, ground floor apartments, all with private amenity space;
    - (ii) 30 number three-bedroom, two-storey duplex units, proposed above the ground floor apartments, all with private amenity space;
3. The construction of a creche with a gross floor area of 170 square metres, and associated external play area of 75 square metres and 12 number parking spaces;
  4. The provision of 80 number bicycle spaces and a total of 269 number car parking spaces (inclusive of the 12 number creche parking spaces);
  5. New boundary walls and fences, open space (provision of 6,050 square metres), internal site roads, pavements, public lighting, tree planting, bin storage;
  6. A total of four number access points are proposed into the residential part of the site, including one number vehicular, pedestrian and bicycle access from the north, two number pedestrian gate access points from the east and one number pedestrian gate access from the west;
  7. On New Road, a pedestrian footpath measuring approximately 260 metres in length and road widening and improvement works to New Road;
  8. Infrastructure works include:
    - (a) Surface Water. Within the residential part of the site, diverting the existing attenuation outfall and installing a below ground surface water attenuation system. In addition, the construction of a 300-millimetre outfall sewer southwards along New Road measuring approximately 160 metres in length;
    - (b) Foul Drainage. Connection to the existing public foul sewer within New Road and the provision of an interim 400 population equivalent on site package wastewater treatment plant within the residential part of the site;

- (c) Water Supply;
- (i) Within the infrastructure works part of the site the development includes the provision of a vehicular access, construction of two number supply wells (up to approximately 100 metres below ground), associated pump kiosks, package water treatment plant (2.43 metres wide, 2.59 metres high and 6.06 metres in length), 600 cubic metres storage tank (16 metres diameter tank by three metres in height) and fencing;
  - (ii) The southern well will be connected to the proposed water treatment plant, via a 150-millimetre diameter pipe, measuring approximately 173.65 metres in length;
  - (iii) The northern well will be connected to the proposed water treatment plant, via a 150-millimetre diameter pipe, measuring approximately 12.3 metres in length.

## **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

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 Enfield;
- (b) the policies and objectives in 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 Guidelines for Planning Authorities 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 nature, scale and design of the proposed development;
- (h) the availability in the area of a wide range of social and transport infrastructure;
- (i) the pattern of existing and permitted development in the area;
- (j) the submissions and observations received, and
- (k) the report of the Inspector.

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

## **Appropriate Assessment Screening**

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report 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 sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Boyne and River Blackwater Special Protection Area (site code 004232) in view of the conservation objectives of this site and having regard to the nature of the proposed development. However, there is a likelihood of significant effects on the River Boyne and River Blackwater Special Area of Conservation (site code 002299), and this site was therefore brought forward for Stage 2 Appropriate Assessment.

## **Appropriate Assessment**

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European site identified by the Inspector, that is, the River Boyne and River Blackwater Special Area of Conservation (site code 002299). Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura impact statement submitted by the applicant, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on this European site in view of its conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of the River Boyne and River Blackwater Special Area of Conservation (site code 002299), in view of the conservation objectives of this site.

## **Environmental Impact Assessment Screening**

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:

- (a) the nature and scale of the proposed development on a suburban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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.

## 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 agreed 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 house on site number 12 shall be omitted from the development and the site shall be incorporated into site numbers 13 and 14. The houses on site numbers 13 and 14 shall be re-oriented on the site such that the front of the houses face the internal access road to the east. Prior to any development commencing on the site, a revised layout plan incorporating these changes shall be submitted to and agreed in writing with the planning authority.

**Reason:** To protect the residential amenity of adjoining property.

3. The development shall be carried out in accordance with a phasing plan that shall be agreed in writing with the planning authority prior to commencement of development. In particular, the plan shall stipulate that none of the authorised dwellings may be occupied until the necessary connection for water supply and the drainage of foul effluent have been constructed to the satisfaction of the planning authority.

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

4. Foul effluent from the development shall be discharged to a temporary effluent treatment system to be provided on the site. The treatment system shall be designed to a population equivalent (PE) of 400 and shall allow for the servicing of Phases 1 to 3 of the proposed development. The design of the treatment system shall be agreed with Irish Water and shall be capable of producing an effluent quality of BOD 20mg/l and TSS 30mg/l prior to discharge to the public sewer network. The treatment system shall be designed, installed, and maintained in accordance with the requirements of Irish Water and the planning authority. Following the completion of the proposed upgrade works to Enfield Wastewater Treatment Works by Irish Water, all foul effluent arising from the proposed development shall discharge to the public sewer system and the onsite treatment system shall be decommissioned and removed from the site.

**Reason:** In the interest of proper site drainage and for the protection of public health.

5. The water supply for the proposed development shall be from a bored well supply to be provided on lands in applicant's ownership as detailed on the plans and particulars submitted with the application. The wells, treatment plant and storage facilities shall be provided in accordance with the detailed requirements of Irish Water. The new storage reservoir shall be connected into the existing public water supply network. The water supply shall be developed and commissioned in advance of the occupation of any of the residential units.

**Reason:** To ensure that an adequate and potable water supply is available for the proposed development in the interests of public health.

6. Prior to any development taking place on the site, the developer shall submit a detailed design of the proposed upgrade works on New Road, including details of road widening, footpaths, drainage and public lighting, for the written agreement of the planning authority.

**Reason:** In the interests of pedestrian and traffic safety.



7. The developer shall conduct pre-construction badger surveys and assess the trees for potential bat roosts. Should such species be encountered, no work shall commence on the site until the advice of the National Parks and Wildlife Service has been obtained on how best to deal with the species.

**Reason:** To reduce potential impacts on protected species that may be present on the site.

8. Water supply and drainage arrangements, including the attenuation of surface water and discharge rates, shall comply with the detailed requirements of the planning authority for such works and services. Prior to any development commencing on the site, the developer shall submit for written agreement of the planning authority a detailed design for the proposed attenuation system, design and pipe size for discharge arrangements, and design of the proposed swales.

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

9. The internal road network serving the proposed development, including turning bays, junctions, sight distances, pedestrian routes, 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 Roads and Streets.

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

- 10 (a) The development, including all roads, footpaths, 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 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 the 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 interests 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 a public lighting scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The scheme shall make provision for public lighting along New Road, the site frontage along the R148 and to all public spaces within the development.

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

12. All rear gardens of houses shall be bounded with concrete block walls which shall be a minimum of 1.8 metres high, except where bounding 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 interests of the residential amenity of future occupiers of the development and to comply with the provisions of the Meath County Development Plan 2013-2019 (section 11.2.2.6).

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The scheme shall include the following:
  - (a) details of all proposed hard surface finishes, including samples of proposed paving flags/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of street trees, other trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site and at the boundaries with existing residential property, including heights, materials and finishes;

- (e) measures to ensure the retention of the existing hedgerows where appropriate;
- (f) measures to ensure that the landscaping proposals take into consideration the public lighting design for the scheme in accordance with the requirements of the planning authority.

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

**Reason:** In the interests of visual amenity.

14. All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points, and all of the houses shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

15. 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 advertising/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 names for new residential areas.

16. Each 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 interests of clarity and to ensure the maintenance of a residential community.

17. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All roofs including porch roofs shall finished in slates/tiles which shall be slate grey or blue black in colour.

**Reason:** In the interests of the visual amenities of the area.

18. 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 interests of orderly development and the visual amenities of the area.

19. The developer shall provide for a work of public art to be provided within the site at a location to be agreed with the planning authority, 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 the development and shall be provided in accordance with a timeline to be agreed with the planning authority.

**Reason:** In order to comply with the provisions of the Meath County Development Plan 2013-2019 (Section 11.2.2.5), and to enhance the amenities of the future residential environment.

20. Site development and building works shall be carried out only between 0800 to 1800 hours Monday 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 permitted in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of properties in the vicinity.

21. Prior to 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.

22. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details of the intended construction practice for the development, including hours of working, noise management measures and construction traffic management plan. The plan shall be updated at regular intervals.

**Reason:** In the interest of public safety and residential amenity.

23. Prior to the commencement of the development, the developer 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 agreement is not reached within eight weeks of 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.

24. Prior to the 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 interests of traffic safety and the proper planning and sustainable development of the area.

25. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such 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 planning 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.



