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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: TA/200058**

**Appeal** by Rybo Partnership care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South) Dublin against the decision made on the 10<sup>th</sup> day of September 2020 by Meath County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of 71 number dwellings, comprised of: 29 number two-storey two-bed houses and 42 number three-bed, two-storey houses (with option to convert attic, thereby creating four-bed houses). In addition, permission will be sought for: a multi-modal entrance onto Dublin Road (south) and pedestrian and cycle entrances onto New Road (west) and into an adjacent site permitted for development as a nursing home (east); two number car parking spaces are provided for per dwelling unit, with six number visitor spaces within the proposal (148 number spaces overall); pedestrian footpaths and cycle paths; landscaping; boundary treatments; water services and connections and all ancillary development to facilitate the delivery of the scheme located in the eastern part of the town of Enfield, County Meath. The 2.537-hectare site is bound to the north and east by fields in agricultural use, to the south by houses and the Dublin Road and to the west by houses along New Road and the Delmere housing estate. A further public notice, received by the planning authority on the 17<sup>th</sup> day of August 2020, amended the

proposed development to include an increase in the number of dwellings to 72 number.

## **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 A1, A2 and G1 zonings which apply to the site under the Meath County Development Plan 2013-2019, under which residential development is permissible, together with the site's urban location, the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development, would not be premature or prejudicial to public health in relation to the provision of temporary potable water and wastewater treatment facilities, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Screening for Appropriate Assessment

The Board completed the 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, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, on the basis of the information on the file, the proposed development, 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 Area of Conservation (Site Code 002299), the River Boyne and River Blackwater Special Protection Area (Site Code 004232), the Balynafagh Bog Special Area of Conservation (Site Code 000391) and the Balynafagh Lake Special Area of Conservation (Site Code 001387) or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

## 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 17<sup>th</sup> day of July 2020, 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. For clarity the number of dwellings permitted by this order is 72 number.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, revised layout proposals for the pedestrian and cycle access to the site from the Delmere Estate, shall be submitted for the written agreement of the planning authority, which shall contain public lighting and active surveillance measures. The proposed development shall thereafter be carried out in accordance with such agreed plans.

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

3. The proposed access from the Dublin Road shall be redesigned as follows:
  - (a) The vehicular crossover from Dublin Road shall incorporate reduced turning radii and a maximum carriageway width of 5.5 metres, together with the use of vertical deflections, in line with the recommendations of Section 4.3.3 of the Design Manual for Urban Roads and Streets, in order to give priority to pedestrians and cyclists.
  - (b) Cycle tracks through the site shall be of minimum width, 1.75 metres, in order to facilitate two-way traffic, in accordance with the recommendations of Section 1.5 of the National Transport Authority National Cycling Manual.
  - (c) The internal access road between units 13-34 shall be redesigned in order to incorporate horizontal deflections, in accordance with the recommendations of Section 4.4.7 of the Design Manual for Urban Roads and Streets, and which should be of sufficient area to facilitate tree planting and landscaping.

Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised plans which incorporate such amendments.

**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure pedestrian and cyclist safety.

4. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details regarding the layout of the proposed pedestrian and cycle lane from the site, connecting to the proposed school site to the south-east. The route shall be constructed prior to the occupation of any of the residential units.

**Reason:** In the interest of the proper planning and sustainable development of the area and the timely provision of community facilities.

5. The proposed development shall be carried out in accordance with a phasing plan, details of which shall be submitted to, and 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.

6. Details of the materials, colours and textures of all external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. (a) Foul effluent from the development shall be discharged to a temporary effluent treatment system to be provided on the site, the design of which 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.
- (b) The treatment system, including the method of effluent transfer from the site to the public network, shall be designed, installed and maintained in accordance with the requirements of Irish Water and the planning authority. The treatment system shall not require the alteration of ground levels within the site boundaries.
- (c) Following the completion of the proposed upgrade works to Enfield Wastewater Treatment Plant 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 public health.

8. (a) The temporary water supply for the proposed development shall be from a bored well supply to be provided on lands in the applicant's ownership, approved under planning authority register reference TA16/0382 and amended under planning authority register reference TA/191820, as detailed on the plans and particulars submitted with the application.
- (b) The wells, treatment plant and storage facilities shall be provided in accordance with the detailed requirements of the planning authority and shall be developed and commissioned in advance of the occupation of any of the residential units.

- (c) The development shall be connected to the public watermain when available. The borehole shall cease to be used as a source of water supply for the development within one month of connection to the public mains.

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

9. Prior to the commencement of development, the applicant shall submit an assessment of the proposed temporary water supply to confirm that there would be no impact on existing water sources and abstraction points in the area, with particular reference to the Irish Water Enfield borehole and the borehole permitted as part of permission reference ABP-304296-18 which will be taken in charge by Irish Water.

**Reason:** To ensure the development will not affect other potable water sources in the area.

10. A temporary water supply for firefighting purposes shall be provided and maintained in accordance with the planning authority's requirements, details of which shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of fire safety.

11. Prior to the commencement of development, the developer shall submit an operation and maintenance plan and contract, for the written agreement of the planning authority, to ensure that water supplied to the proposed residential development is consistently compliant with the parametric values as outlined in the European Union (Drinking Water) Regulations 2014.

**Reason:** In the interest of public health.

12. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to the commencement of development.

**Reason:** In the interests of public health and orderly development.

13. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

14. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, additional drawings which:

- (a) identify the extent of a drain which routes along the south boundary of the pedestrian/cycle access to the site, and
- (b) outline proposals to culvert or otherwise incorporate this drain into the site drainage network.

**Reason:** In the interest of public health.



15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 relating to the proposed development, and
  - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
    - (i) the nature and location of archaeological material on the site, and
    - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. (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 the 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 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.

**Reason:** In the interest of the proper planning and sustainable 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.

17. 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 noise management measures and construction traffic management plan. The plan shall be updated at regular intervals.

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

18. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for written 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 interests of orderly development and sustainable waste management.

19. 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.

20. Prior to commencement of 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 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. 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.

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

22. A hard and soft landscaping strategy and boundary treatment plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed development shall thereafter be carried out in accordance with the agreed scheme.

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

23. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

24. 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.

25. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

26. 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 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.

27. 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.

28. 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 a shortfall in the provision of public open space on the site. The amount of the contribution 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 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 incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



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 walking and cycling infrastructure through the Delmere Estate, to facilitate such access to the proposed development from this area. The amount of the contribution 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 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 incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

**Dated this            day of            2021.**