

An  
Bord  
Pleanála

Board Order  
ABP-314042-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 21/1861**

**Appeal** by Fergus and Lorraine Dunne and others of 4 Elm Grove, Summerhill, County Meath against the decision made on the 15<sup>th</sup> day of June, 2022 by Meath County Council to grant subject to conditions a permission to Hora Developments Limited care of O'Daly Architects of 1<sup>st</sup> Floor, Unit 13B, Mullaghboy Industrial Estate, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The construction of nine number detached two-storey, four bedroom houses with optional sunrooms to the rear of units 1-8, new access to R156 public road, removal of existing trees and hedgerows along northern, eastern and western boundaries, landscaping and all associated site works at the north of the R156 and to the west of existing access road to Summerhill Industrial Estate, Summerhill, County Meath. Further public notices were received by the planning authority on the 20<sup>th</sup> day of May, 2022.

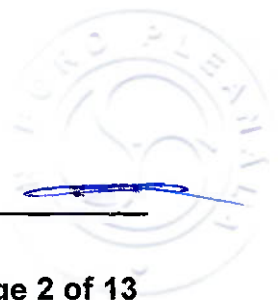
## **Decision**

**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.**

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the suitability of the site, the pattern of development in the vicinity, national regional and local policy, including the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024, in relation to multi-unit residential developments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the properties in the vicinity and would not be likely to have significant effects on the environment or the ecology of the area. The proposed development would, therefore, 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, the Board considered the Meath County Development Plan, the density appropriate, given the totality of the development, as opposed to per phase, and the requirements on the developer to respond to the characteristics of the site the developments compliance with SH OB10 and SUM OBJ01, SUM OBJ11, SUM OBJ12, SUM OBJ14 and SUM OBJ15 of the Meath County Development Plan 2021-2027 and Summerhill (Written Statement and Maps for Summerhill, Volume 2).



## 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 12<sup>th</sup> day of May, 2022, 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. Prior to the commencement of any house or duplex unit in 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, as amended, that restricts all houses and duplex 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.

**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.

3. 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.

4. The development hereby permitted shall contain nine number residential units. Each residential unit shall be used 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 application.

**Reason:** In the interest of clarity and to ensure the maintenance of a residential community.



5. 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 (including hydrological and geotechnical investigations) 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.

6. Prior to the commencement of any other site works, all existing trees to be retained shall be fenced off. This shall be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2 metres high cleft chestnut pale or chain link and well braced to resist impacts or similar in accordance with BS 5837:2012 and shall be agreed in writing with the planning authority prior to commencement of development. These works shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery or surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the prior written consent of the planning authority.

**Reason:** To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees.

7. (a) Prior to the occupation of any residential unit hereby permitted, the applicant shall provide the public open space and landscaping as indicated on the drawings received by the planning authority on the 12<sup>th</sup> day of May, 2022. The open spaces shall be developed for, and devoted to, public use and shall be maintained as open space by the developer until taken in charge by the local authority.
- (b) 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.
- (c) All hard and soft landscaping works shall be carried out with the approved details and the appropriate British Standard document or other recognised Code of Practice.

**Reason:** To ensure that the public open space and planting provision is provided in a timely manner and retained for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible.

8. (a) The boundary treatment defining the eastern boundary to the rear of the building line of unit number 9 shall consist of a two metre high capped and rendered block wall unless otherwise agreed in writing with the planning authority prior to the commencement of development.
- (b) Subject to (a) above, prior to the occupation of each individual residential unit hereby permitted, the boundary treatment defining each curtilage as indicated in the drawings received by the planning authority on the 12<sup>th</sup> day of May, 2022 or otherwise agreed, shall be constructed and planted.

**Reason:** To ensure boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment.

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

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

10. 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 with the proposed development.

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





11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

12. 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 unit 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.



13. (a) Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
- (b) 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 development. This plan shall provide details of intended construction practice for the development, including but not limited to operational controls of dust, noise, vibration, construction traffic management, waste management, protection of soils and groundwaters, protection of flora and fauna, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of sustainable waste management, environmental protection, public health and safety and residential amenity.

14. (a) 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.
- (b) During the construction phase, noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours Saturday and 45dB(A) at any other time. Noise exceedance activities shall be agreed in writing with the planning authority prior to the activity taking place.

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

15. (a) Prior to the commencement of development hereby permitted, the applicant shall submit details for all flow control devices and associated chambers for agreement in writing with the planning authority. All flow control devices shall be fitted to a minimum of 225 millimetres outlet pipe and fitted with a pull cord bypass. In order to isolate and carry out maintenance of the flow control devices, a penstock valve or similar shall be installed within the flow control chamber on the upstream end of the manhole.
- (b) Prior to the commencement of development hereby permitted, the applicant shall submit details of the detailed design of the attenuation tank including storage volume in agreement with the planning authority. The applicant shall ensure that the attenuation system type is compatible with the highest water table level on site.

- (c) The applicant shall locate Class 1 petrol/oil interceptors upstream of the proposed attenuation system.
- (d) The applicant shall ensure that the finished floor levels are 500 millimetres above the maximum top water level of the onsite drainage system.

**Reason:** To ensure orderly collection, treatment and disposal of surface waters in the interests of road safety and public health.

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 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.



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 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.



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Liam Bergin

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

Dated this 12<sup>th</sup> day of February 2024