

An
Bord
Pleanála

Board Order
ABP-314242-22

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/612

Appeal by DM Leavy of Proudstown Road, Navan, County Meath against the decision made on the 5th day of July, 2022 by Meath County Council to grant subject to conditions a permission to Glenveagh Homes Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to development previously approved under planning Register Reference TA160093 (An Bord Pleanála Reference PL17.247489) comprising: (i) the replacement of the centrally located three-storey building, accommodating a medical centre at ground floor level and six number apartments at first and second floor level, and connecting two-storey creche facility with one number two-storey building comprising creche/medical centre uses with associated vehicular parking (20 number spaces), bicycle parking (10 number spaces), set down parking areas (seven number spaces), eight number single-storey one-bedroom maisonettes (three number House Type P1, three number House Type P2, one number House Type P3, one number House Type P4), four number two-storey three-bedroom houses (three number House Type C1, one number House Type C2) and three

number two-storey four-bedroom houses (three number House Types C8); (ii) the revised layout of the southern spur estate, previously accommodating 35 number houses, to provide 11 number two-storey two-bedroom houses (House Type E1) and 59 number two-storey three-bedroom houses (one number House Type F2, three number House Type C2, four number House Type F1, eight number House Type D1, eight number House Type D2 & 35 number House Type C1; and (iii) all ancillary works necessary to facilitate the development inclusive of road/footpath revisions, boundary treatment, open space provision, vehicular parking arrangements, SuDS drainage and landscaping all at Friarspark 2nd Division and Effernock, Maudlin, Trim, County Meath.

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 following:

- (a) The policies and objectives set out in the National Planning Framework.
- (b) The policies and objectives set out in the Meath County Development Plan 2021-2027.
- (c) The designation of Trim town as a self-sustaining growth town in the settlement hierarchy established in the Meath County Development Plan 2021-2027.
- (d) The zoning of the site for residential development in the Trim Town Development Plan.

- (e) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.
- (f) The Design Manual for Urban Roads and Streets (DMURS) 2023 as amended.
- (g) The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.
- (h) The nature, scale and design of the proposed development,
- (i) The availability in the area of a range of social, community and transport infrastructure.
- (j) The pattern of existing and permitted development in the area.
- (k) The planning history in the area,
- (l) The submissions and observations received.
- (m) The report of the Planning Inspector

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this urban location close to the town centre, would be acceptable in terms of pedestrian and traffic safety, and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environment Impact Assessment Screening

The Board accepted and adopted the conclusion of the Inspector 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 and that on preliminary examination an Environmental Impact Assessment Report for the proposed development is not necessary in this case.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report in respect of the identification of European sites that 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 is 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 any European sites, in view of the site's conservation objectives, other than the following, for which Appropriate Assessment is required:

- River Boyne and River Blackwater Special Area of Conservation (Site Code 002299),
- River Boyne and River Blackwater Special Protection Area (Site Code 004232).

Appropriate Assessment

The Board considered the Natura Impact Statement submitted with the planning application, and all other relevant submissions, and carried out an Appropriate Assessment of the implications of the proposed development on European Sites: River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and River Boyne and River Blackwater Special Protection Area (Site Code 004232).

The Board considered the information before it was adequate to carry out the Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) The mitigation measures which were included as part of the current proposal and
- (c) The conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and River Boyne and River Blackwater Special Protection Area (Site Code 004232) having regard to the sites conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development, subject to identifiable mitigation measures, by itself or in combination with other plans or projects, would not adversely affect the integrity of the sites listed above, or any other European Site, in view of the

sites conservation objectives, and there is no reasonable scientific doubt as to the absence of such effects.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below including those permitting a total of 77 residential units, the proposed development would constitute an acceptable quantum and density of development in this outer urban greenfield location, 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 scale of development, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants, would not be at risk of flooding, or increase the risk of flooding to other lands and would be capable of being adequately served by wastewater and water supply networks. The Board considered that the proposed development would be compliant with the provisions of the Meath County development plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 7th day of March 2017 under appeal reference number PL 17.247489, planning register reference number TA/160093, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3.
 - (i) Planning permission is granted for 77 number dwellings units only.
 - (ii) The eight number maisonettes and associated back gardens shall be omitted. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a revised site layout plan indicating the omission of these units.

- (iii) A separate planning application shall be lodged on that part of the site thereby released in order to complete this section of the development.

Reason: In the interests of clarity.

4. The number of children to be accommodated within the creche shall not exceed 69 number at any time on any day.

Reason: In the interest of residential amenity.

5. The proposed childcare facility shall not operate outside the period 0730 to 1900 hours Monday to Friday inclusive, and shall not operate Saturday, Sunday or public holidays unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

6. The proposed medical centre facility shall not operate outside the period 0730 to 1900 hours Monday to Friday inclusive, and shall not operate Saturday, Sunday or public holidays unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

7. The areas of public open space shown on the lodged plans (12th May 2022) shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals received by the planning authority and the detailed requirements of the planning authority. This work shall be completed before any of the

dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. (a) The communal open spaces, including hard and soft landscaping, car-parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. Revised plans indicating proposals for the provision of 28 number car parking spaces, cycle racks and details of shower and changing facilities for employees, to serve the creche and medical centre shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning

authority for such works and design standards outlined in Design Manual for Urban Areas.

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

11. A minimum of 20% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit 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.

12. The mitigation measures detailed in Section 5 of the Natural Impact Statement submitted on 12th day of May 2022 shall be implemented in full.

Reason: In the interest of clarity and to ensure the protection of the European sites.

13. Prior to the commencement of development, the Construction Management Plan associated with the parent permission shall be updated and submitted for the written agreement of the planning authority.

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

14. Prior to commencement of development, the developer 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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.

Reason: In the interest of sustainable waste management.

15. 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.

16. Prior to the commencement of any house 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), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses 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.

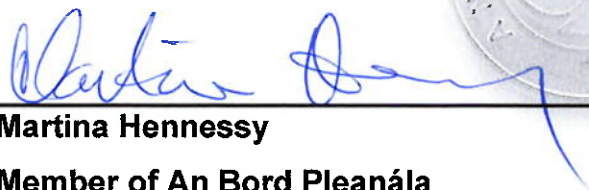
17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of roads, footpaths, watermains, drains, public open space and other services 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 of the development.

18. 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.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 19th day of January 2024.