



An  
Bord  
Pleanála

**Board Order**

**ABP- 314703-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 22/910**

**Appeal** by McGarrell Reilly Homes Limited care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 31<sup>st</sup> day of August, 2022 by Meath County Council to refuse permission for the proposed development.

**Proposed Development:** The construction of 530 number residential units, all with private amenity space comprising: (a) 454 number houses including; (i) 44 number two-storey, two-bedroom houses and associated amenities and car parking; (ii) 327 number two-storey, three-bedroom houses and associated amenities and car parking; (iii) 53 number two-storey, four-bedroom houses and associated amenities and car parking; (iv) 30 number three-storey, four-bedroom houses and associated amenities and car parking; (b) 62 number duplex units including; (i) 25 number one-bedroom apartment units with all associated amenities and car parking; (ii) six number two-bedroom apartment units with all associated amenities and car parking; (iii) 25 number two-bedroom duplex units with all associated amenities and car parking; (iv) six number three-bedroom duplex units with all associated amenities and car parking; (c) 14 number apartment units including; (i) three number one-bedroom apartment units with all associated amenities and car parking; (ii) 11 number two-bedroom apartment units with all associated amenities and car parking;

(iii) the construction of one number neighbourhood centre (c.1,598 square metres); (iv) the construction of one number 16-classroom Primary School (c.3,052square metres); (v) the construction of one number childcare facility, associated external play area and car parking spaces; (vi) provision of new sports changing room facilities, associated entrance road and car parking spaces; (vii) the erection of two number 13 metre lattice masts in the southern section of the site together with the relocation to underground of two number 10kV and two number 38kV overhead lines; (viii) new boundary walls and fences, open space, internal site roads, pavements, public lighting, tree planting, landscaping, bin storage, ESB substations and all ancillary works necessary to facilitate the development all at Newtownmoyaghy, Kilcock, County Meath.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

1. The site is located on lands where three land use zoning objectives in the Meath County Development Plan, 2021-2027, apply. These zoning objectives are 'A1' Existing Residential, 'A2' New Residential and 'F1' Open space and the extent of these zonings are mapped on the Kilcock Environs Combined Land Use Zoning Map. The 'A2' New Residential zonings within the site are identified as 'A2 Phasing – Residential land not available for development until post 2027'. The Board considered that the proposed development on 'A2' zoned land, and aspects of the proposed development on 'F1' zoned land would be contrary to the provisions of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development plan housing allocation to Kilcock Environs provides that no additional housing allocation be made to the area over the lifetime of the plan, notwithstanding the policy objective in Kil OBJ 2, to support and facilitate the residential development of the Kilcock Environs having regard to its proximity to the town centre and available amenities. The proposed development exceeds the Core Strategy allocation for Kilcock and so would be contrary to the development plan objective CS OBJ 07, which requires that this allocation not be exceeded. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. The current zonings of the site were subject to a Strategic Flood Risk Assessment, in the Meath County Development Plan, 2021-2027. This assessment states that the final details of the Flood Zones pertaining to the site as a result of the new flood relief scheme works were not available when the zoning extents were mapped and so not included in the assessment. It is considered that the extent of 'A2' zoned land needs to be reconciled with a Flood Risk Assessment to enable reliance on the zoning and if necessary, that the internal road network is subject to a Justification Test by the applicant, as set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009. In the absence of such reconciliation and/or a Justification Test for the internal road network, the Board is not satisfied that the access roads of the proposed development would not be at risk of flooding. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Given the proximity of the proposed neighbourhood centre to the town centre, in the absence of a retail impact statement, the Board could not be satisfied that the proposed development would not undermine the vitality and viability of the retail function of the town centre. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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**Stephen Brophy**

**Member of An Bord Pleanála**

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



Dated this 26<sup>th</sup> day of September 2023