

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23930

Appeal by Denis Leavy of Proudstown Road, Navan, County Meath against the decision made on the 21st day of November, 2023 by Meath County Council to grant, subject to conditions, a permission to Marina Quarter 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: (i) Construction of a residential development comprising 102 number residential units, each served by private amenity space and on-curtilage/adjoining car parking bays. The breakdown of the residential units is as follows: three number detached four-bedroom units (one number House Type C9 I two number House Type C8); 40 number semi-detached three-bedroom units (18 number House Type D, 12 number House Type F and 10 number House Type F2); 43 number terraced two-bedroom units (43 number House Type E); and 16 number maisonette one-bedroom units (eight number House Type P1 / eight number House Type P2) - all houses are of two-storey height and all maisonettes are contained within four number two-storey blocks (four number maisonettes per block); (ii)

construction of a two-storey commercial building (579 square metres) accommodating creche (289 square metres) and medical centre (290 square metres) uses with associated vehicular parking area (23 number spaces), set down parking area (four number spaces), bicycle parking area (12 number spaces) and external play area for creche and (iii) all ancillary works necessary to facilitate the development inclusive of road/footpath provisions, boundary treatment, open space, vehicular parking arrangements, bin/bicycle stores, SuDS drainage and landscaping. The proposed development is sited upon lands located within the centre of a larger residential scheme previously permitted under Meath County Council Register Reference TA160093 (An Bord Pleanála appeal reference number 247489), as amended by Meath County Council Register Reference numbers TA170869, TA171414, TA181021, TA190897, TA200249, TA201123, 212161. This proposal supersedes all historical planning applications submitted in respect of the subject site. Under Planning Authority Register Reference number TA160093, the subject site was to comprise a three-storey building accommodating a medical centre at ground floor level and six number apartments at first and second floor level, a two-storey creche facility with the creche and medical centre linked at ground floor level. It also included 35 number two-storey houses and all associated road/footpath provisions, boundary treatment, open space, vehicular parking arrangements, SuDS drainage and landscaping, public lighting and boundary treatment, at Friarspark 2nd Division and Effernock, Maudlin, Trim, County Meath. Permission was also granted upon the subject site under Meath County Council Register Reference Number 22612 (and An Bord Pleanála decision reference– ABP-314242). Register Reference number 22612 proposed the following extent of development upon the subject site: one number two-storey building comprising creche/medical centre uses, eight number single storey maisonettes, 77 number two-storey houses and all associated road/footpath provisions, boundary treatment, open space, vehicular parking arrangements, SuDS drainage and landscaping.



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

In coming to its decision, the Board had regard to the following:

- (a) the provisions and policies of the Meath County Development Plan 2021 to 2027,
- (b) the zoning objective A2 – New Residential – which seeks ‘To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.’
- (c) ‘Housing for All – a new housing plan for Ireland’ issued by the Department of Housing, Local Government and Heritage, 2021,
- (d) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, July 2023,
- (f) the Childcare Facilities, Guidelines for Planning Authorities, issued in 2001,

- (g) the availability in the area of a wide range of social and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions received, and
- (j) the Planning Inspectors Report,

Appropriate Assessment Screening

The Board completed an Appropriate Assessment 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 within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of specifically the River Boyne and River Blackwater Special Area of Conservation (site code 002299) and the River Boyne and River Blackwater Special Protection Area (site code 004232).

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the conservation objectives of the sites. The conclusion is based on a complete assessment of all aspects



of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects. The Board considered, therefore, that there is no requirement for an appropriate Assessment.

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, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), 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, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (c) the location of the site on lands governed by zoning objective A2: 'New Residential' in the Meath County Development Plan 2021 - 2027, and the results of the strategic environmental assessment of the Meath County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (d) the existing use on the site and pattern of development in surrounding area,



- (e) the planning history relating to the site,
- (f) the availability of mains water and wastewater services to serve the proposed development, and
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this 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 quantum of development, would not give rise to surface water drainage/ flooding issues, as well as being acceptable in terms of traffic and pedestrian safety and convenience. The proposal would, therefore, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the current Meath County Development Plan 2021-2027, and the relevant specific planning policy requirements of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023. The proposed development 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, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

3. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.



4. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

5. (a) The operating hours of the childcare facility and medical centre shall be agreed in writing with the planning authority prior to the occupation of the non-residential uses.

(b) The car park for the childcare facility and medical centre shall be managed and operated in conjunction with those facilities. A management plan, including the management of access, waste and lighting, shall be agreed in writing with the planning authority prior to the occupation of the non-residential uses.

Reason: In the interest of clarity and to ensure the protection of residential amenity.

6. Proposals for an estate/street name, house/apartment 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 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.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and shall comply with the recommendations of the Ecological Impact Assessment (EclA) with reference to bats.

Reason: In the interests of amenity and public safety, and to ensure the protection of biodiversity.

8. 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 within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The road network serving the proposed development, including turning bays, junction with the public road, connections to the adjoining Effernock residential development, parking areas, footpaths, and kerbs, shall be in accordance with the detailed construction standards of the Planning Authority for such works and which shall comply with the requirements of the Design Manual for Urban Roads and Streets (DMURS), 2019. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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



10. Individual car parking spaces serving the apartments shall be allocated to each unit and provided with functioning EV charging stations/ points. Ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date, unless otherwise agreed with the planning authority. Where proposals relating to the installation of EV ducting and charging stations/points have 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.

11. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

12. (a) 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.

13. (a) A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each house/apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

14. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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. The construction of the development shall be managed in accordance with a Phasing Plan and a Construction Management Plan, 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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;



- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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.

17. Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers, that is, 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.

18. 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.

19. 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.

20. 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  day of  2024.