

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 23595

Appeal by Joseph Mandolil and Seena Mandolil care of Jim Brogan Planning and Development Consultant of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 25th day of March, 2024 by Meath County Council to refuse permission for the proposed development.

Proposed Development: The demolition of an existing shed and the construction of a private two-storey dwelling and storage shed with connections to all existing services together with all ancillary site development works at Convent Road, Athlumney, Navan, County Meath as revised by further public notices received by the planning authority on the 2nd day of February, 2024.

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 residential zoning of the site, the close proximity of the backland site to the town centre, the specific circumstances of the proposed development and the provisions of the Meath County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not risk traffic or pedestrian safety given the minor intensification of the use of the existing entrance to the site where modest traffic speeds are likely, would not have an adverse impact on the receiving environment, would not seriously injure the visual or residential amenity of the area and 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 Commission noted the Inspector's reference to Section 4.4.5 of DMURS which allows for a reduced setback of 2.0 metres and varied sightlines in certain circumstances. The Commission considered that safe access and egress to and from the site can be provided in conjunction with the planning authority and was satisfied that the proposed backfill development will benefit from the potential impacts of the Convent Road Filtered Permeability Scheme on traffic and pedestrian activity in this urban area servicing schools and a medical centre.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and River Boyne and River Blackwater



Special Protection Area (Site Code 004232) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and River Boyne and River Blackwater Special Protection Area (Site Code 004232), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission 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 are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This 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.

Conditions

1. The proposed 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 24th day of January 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.



3. (a) Existing hedgerows, trees and shrubs on site shall be preserved except for where their removal is necessary to comply with the conditions of this grant of permission.
- (b) Prior to commencement of development, the developer shall submit to the planning authority for written agreement a detailed landscaping and boundary treatment plan indicating trees to be removed and boundary treatments. Landscaping shall commence no later than the first planting season following commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and 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.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall submit a detailed entrance layout to comply with the design standards outlined in Design Manual for Urban Roads and Streets (DMURS) for the written agreement of the planning authority.

Reason: In the interest of road safety and the convenience of road users.



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

Reason: In the interest of the visual amenity and to ensure an appropriate high standard of development.

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.

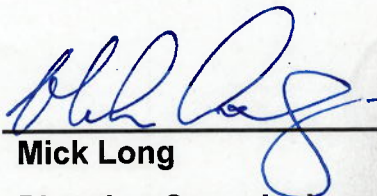
Reason: In the interests of visual and residential amenity.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

10. 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 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 Coimisiún 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.



Mick Long

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 16th day of October 2025.

