

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-321999-25**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 24/60468**

**Appeal** by Cathal Finn and Ellen Leonard care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 6<sup>th</sup> day of February, 2025 by Meath County Council to grant subject to conditions a permission, to Merville Homes Limited care of Armstrong Fenton Associates of 13 The Seapoint Building, 44-45 Clontarf Road, Clontarf, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The proposed development consists of 76 number dwellings, comprised of 42 number one, two and three bedroom apartments and duplex units, accommodated in four number two-three storey buildings, and 34 number two, three and four bedroom, two and three storey, terraced, semi-detached and detached houses. Permission is also sought for a creche (circa 324 square metres) located on the ground floor of Block L, which will replace the creche permitted (under reference RA/180561) in the adjoining phase of the Castle Farm development. Access to the development will be via the constructed access road to Castle Farm, directly off Station Road. The proposed development also provides for all associated site development works, above and below ground, public and communal open spaces, including hard and soft landscaping and boundary treatments, car and bicycle parking, bin stores, public lighting etc. The effect of the proposed development will

result in a modification to an extant permission under reference RA/180561, all on a site area of circa 2.14 hectares, located at Station Road, Dunboyne, County Meath, in the townland of Castle Farm, south and east of the existing Castle Farm residential development, as amended by the further public notices received by the planning authority on the 5<sup>th</sup> day of December, 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 objectives of the Meath County Development Plan 2021-2027 (as varied), the nature, scale and design of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide residential units of an acceptable design standard, in a suitable location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety of pedestrians and road users, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Appropriate Assessment Screening

The Coimisiún noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Coimisiún accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European sites which 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 and projects, on these European sites in view of the sites' conservation objectives, and concluded that a Stage 2 Appropriate Assessment is not required.

## 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 28<sup>th</sup> day of November 2024, and by the further particulars received by An Bord Pleanála on the 31<sup>st</sup> day of March 2025, 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. The mitigation and monitoring measures identified in the Ecological Impact Assessment, Air Quality Impact Assessment Report, Environmental Impact Assessment Screening report and Construction and Environmental Management Plan (CEMP) shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the protection of the environment and public health during construction and operational phases of development.

3. The development hereby permitted shall contain 76 no. residential units comprised of 42 number one, two and three bedroom apartments and duplex units, accommodated in four number two-three storey buildings, and 34 number two, three and four bedroom, two and three storey, terraced, semi-detached and detached houses. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

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

4. The development shall be carried out on a phased basis. Prior to the commencement of development, the phasing scheme for the development inclusive of all associated infrastructure shall be submitted for the written agreement of the planning authority. Block L, including the childcare facility shall be constructed in phase one. Prior to the making available of the childcare facility for occupation, no development shall commence on any subsequent phase of the development authorised by this permission.

**Reason:** To ensure the timely and orderly development of the site for housing with the required supporting infrastructure

5. Prior to the commencement of any development on site, the applicant shall submit to, and for the written agreement of the planning authority, full details of all measures intended to avoid the infilling and/or raising of existing ground levels within flood zones A and B including details of any necessary alterations to the adjoining areas of public open space, the retaining walls proposed at the eastern and southern boundaries, as identified on drawing number 230143-X-04-Z00-DTM-DR-DBFL-CE-1201 entitled "Roads Layout" submitted with the planning application, and the landscaping design proposals for the areas concerned.

**Reason:** In the interest of flood risk prevention and proper planning and development.

6. (a) 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential 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.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of



the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**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.

7. 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- 2023 unless an exemption certificate shall have been applied for and been granted under Section 97 of said Act. 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 Coimisiún 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 for the area.

8. 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.

9. Prior to commencement of development, 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. 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 applicant 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 place names for new residential areas.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

11. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.

12. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works, the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service, as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority,





in consultation with the National Monuments Service, regarding appropriate mitigation/preservation in-situ/excavation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

13. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall not conflict with the agreed landscaping scheme. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

14. 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.

15. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

16. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

17. Prior to the commencement of development, the applicant shall submit to, and for the written agreement of, the planning authority, a revised layout for the bicycle storage unit, demonstrating compliance with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, published by the Department of Housing Local Government and Heritage, in July 2023. The unit shall be capable of storing cargo bicycles and bicycles with trailers, be of permanent construction (brick or block) and provide protection from the weather.

**Reason:** In the interests of traffic safety and orderly development.

18. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November, 1998. 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.





19. (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 affected residential units are made available for occupation.

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

20. (a) Prior to the occupation of any residential unit hereby permitted, the applicant shall provide the public open space and landscaping as per the approved drawings and specifications, and as agreed with the planning authority in accordance with condition 5 above. The open spaces shall be developed for, and devoted to, public use and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.
- (b) All planting comprised in the development shall be carried out in the first planting season following the completion of the development. 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 in accordance with the approved details and the appropriate British Standard document or other recognised Code of Practice, unless otherwise agreed in writing with the planning authority.
- (d) Final details of all boundary treatments shall be submitted to, agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that the public open space, planting provision, boundary treatment, public art 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.

21. 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 Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The Resource Waste Management Plan 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 Resource Waste Management Plan shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

22. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, within each house plot and for each apartment unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

24. 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 Construction Environmental Management Plan shall incorporate details for the following: surface water run-off from the site, on-site road construction, and environmental management measures during construction including 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 Construction Environmental Management Plan shall be kept at the construction site office for inspection by the planning authority. The agreed Construction Environmental Management Plan 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.

25. Prior to the commencement of any other site works, all existing trees to be retained shall be fenced off. This must 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, well braced to resist impacts or similar to be agreed in writing with the planning authority. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and 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.

26. 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 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.

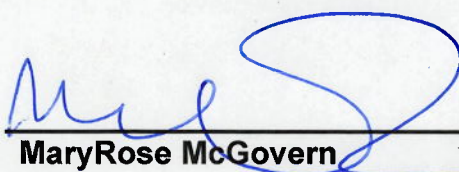
27. The developer shall pay to the planning authority a financial contribution in respect of the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

28. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.



MaryRose McGovern

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 7<sup>th</sup> day of July 2025.