

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 2540

APPEAL by Patrick Lynch against the decision made on the 27th day of August 2025, by Meath County Council to grant outline permission to Gene Reilly in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of nine number dwellings, proprietary wastewater treatment systems and percolation areas also planning permission for the provision of roads, footpaths and ancillary services to facilitate the development at Kilberry, Navan, County Meath.

Decision

GRANT outline permission for the above proposed development in accordance with the reasons and considerations, and subject to compliance with the conditions set out below.

Reasons and Considerations

Having regard to the location of the proposed development in a Rural Node and the provisions of the Meath County Development Plan 2021-2027, in particular RD OBJ 1 which supports the provision of housing in rural nodes to meet the housing needs of rural communities, it is considered that the proposed development for which outline permission is sought would, in principle, be an acceptable form of development at this location, would not adversely impact the visual or residential amenities of the area, would not pose a risk to water quality or the environment and would be acceptable in terms of traffic safety. It is considered that, subject to compliance with the conditions set out below, the provision of roads, footpaths and ancillary elements to facilitate the proposed development are also acceptable. The proposed development 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 concerns in relation to surface water drainage arrangements and wastewater treatment. However, having regard to the nature of the application which is for outline permission, the size of the site in total and the individual sites for each dwelling, and the overall landholding of the applicant, and noting that, other than with respect to separation distances, the Inspector was substantially satisfied with the overall suitability of the site for wastewater treatment, and further noting that the planning authority accepted that surface water arrangements could be dealt with by condition, the Commission considered that the surface water attenuation and disposal arrangements, and exact position of the wastewater treatment plant and soakaways at the site of each individual dwelling, could be dealt with by condition, in relation to the elements granted permission, and at the consequent planning consent stage for each individual dwelling.

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 1st day of August 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 elements of the development granted outline permission shall be the subject to a subsequent application for permission consequent on the grant of outline permission as per Section 36 of the Planning and Development Act 2000 (as amended).

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

3. The plans and particulars to be submitted by way of a separate application(s) for permission consequent to the outline permission shall include the following:
 - (a) a site layout plan to a scale of not less than 1:500 showing the layout of the dwellings, driveways and boundaries,
 - (b) full details of the layout, siting, height, design, external appearance of each dwelling and landscaping and boundaries,

- (c) full details of the surface water attenuation and wastewater treatment and disposal arrangements for each dwelling,
- (d) public lighting proposals, and
- (e) full details of the public open space.

Reason: In the interest of clarity and to enable the application for permission consequent to be fully assessed.

4. The plans and particulars to be submitted by way of a separate application(s) for permission consequent to the outline permission shall include:
- (a) demonstration of how the prospective occupier of each dwelling complies with the criteria for housing in a rural node as per Sections 9.4 and 9.5 of the Meath County Development Plan 2021-2027.
 - (b) Each dwelling shall first be occupied as a place of permanent residence by prospective occupiers who have demonstrated compliance with the housing need criteria in rural nodes for a period of at least seven years thereafter.
 - (c) Each prospective occupier shall be required to enter a written agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 (as amended) prior to occupation to this effect.

Reason: To ensure that the development in this rural area is appropriately restricted to meeting local need in the interest of the proper planning and sustainable development of the area.

5. The internal road network serving the proposed development 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). Details of the final layout 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 interest of amenity and of traffic and pedestrian safety.

6. 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 details of the surface water drainage arrangements, including for the internal roadway, shall be submitted to the planning authority for written agreement.

Reason: In the interests of surface water management and to prevent flooding or pollution.

7. The developer shall enter into a Connection Agreement with Uisce Eireann to provide for a service connection to the public water supply prior to the commencement of development.

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

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. 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. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Planting shall primarily comprise native species. All planting shall be adequately protected from damage until established. 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.

Reason: In the interests of biodiversity and visual amenity.

11. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

12. (a) Prior to the commencement of the development at permission consequent stage, 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 triplex 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, 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.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of any 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.

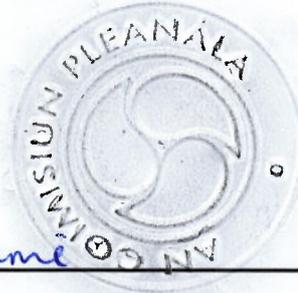
Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

13. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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.

14. At the permission consequent stage, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.



Mary Gurrie

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

Dated this *03* day of *February* 2026