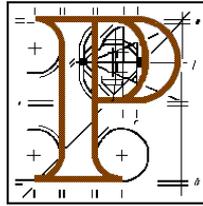


An Bord Pleanála



Inspector's Report

PL17.246143

DEVELOPMENT:-

Residential development for 200 units and a crèche and associated works, (later revised to 223 units by way of further information) at Newtownmoyaghy, Kilcock, County Meath.

PLANNING APPLICATION

Planning Authority: Meath County Council
Planning Authority Reg. No: RA150188
Applicant: Alcove Ireland Two Limited
Application Type: Permission
Planning Authority Decision: Refusal

APPEAL

Appellant: Alcove Ireland Two Limited
Types of Appeal: 1st Party -v- Refusal
Observer: Christina Farrell
DATE OF SITE INSPECTION: 27th April, 2016.

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL17.246143 relates to a first party appeal against the decision of Meath County Council to issue notification to refuse planning permission for the construction of a residential development comprising of 200 residential units (later revised to 223 units), a crèche facility and associated car parking in the townland of Newtownmoyaghy, Kilcock, County Meath. Meath County Council refused planning permission on the grounds that it contravened a number of objectives contained in the Meath County Development Plan in relation to household allocation and also failing to accommodate a school site as part of the overall layout. It was concluded therefore that the proposed development would materially contravene the Meath County Development Plan 2013-2019. The application was accompanied by an EIS and an NIS.

The Board should note that there is a concurrent application and appeal located on the adjoining site to the east which also relates to residential development. Under this application Meath County Council granted planning permission for the construction of 150 dwellings and this decision was the subject of a third party appeal expressing concerns that the proposed development would give rise to flooding issues and that the flood risk assessment carried out in respect of the proposed development was flawed.

2.0 SITE LOCATION AND DESCRIPTION.

The subject site measures approximately 8.7 hectares and is located in the north-eastern environs of Kilcock Village, approximately 35 kilometres from Dublin City Centre. The site comprises of a large field which is currently under grass and is used for the grazing of animals. The site is irregularly shaped and has limited road frontage onto the R125 Regional Route (Kilcock to Dunshaughlin Road) on its north-eastern boundary. A large drainage ditch (known as the upper ditch) defines the northern boundary of the site. The eastern boundary of the site is defined by a hedgerow which separates the subject lands from agricultural fields to the west. The contiguous lands to the west are subject to planning application and appeal Reg. Ref. PL17.246141.

The south-eastern boundary of the site is bounded by the R148 and the Rye Water River which runs in an east/west direction through the town of Kilcock. The remainder of the southern boundary comprises of hedgerows to the north of the Rye Water River. To the immediate south

of the Rye Water River, the R148 (Kilcock – Maynooth Road), the Royal Canal and the Dublin – Sligo Railway line run in an east-west direction. To the south-west of the site, two fields separate the subject site from the existing built up area of the town. The Rye Water River currently defines the north-eastern boundary of the town. There are a number of other streams and water courses in the vicinity of the site

Kilcock is a commuter town located in close proximity to the N4 National Primary Road/M4 Motorway. To date most development in Kilcock is centred around the Royal Canal and on lands to the south of the Royal Canal between the canal and the M4 Motorway. The Rye Water River forms the boundary between Meath and Kildare. The Rye Water River also forms a part of a Natura 2000 site approximately 5.5 kilometres further east, *The Rye Water Valley/Carlton SAC (Site Code: 001398)*.

3.0 PROPOSED DEVELOPMENT

The proposed development originally sought planning permission for the construction of 200 new residential dwellings comprising of 16 two-bedroom, 112 three-bedroom, 64 four-bedroom and 8 five-bedroom dwellings with ancillary public open space provision including a riverside linear park along the Rye Water River. Access into the lands in question are to be provided at two locations from a new distributor road running along the northern boundary of the site which has been the subject of a separate grant of planning permission for infrastructural works granted previously by the Board (see planning history below).

In terms of house type the following house types are proposed.

House Type B - comprising of 6 five-bedroomed detached dwellinghouses with a gross floor area of 151 square metres. These dwellings are located centrally within the scheme fronting northwards onto a central area of public open space.

House Type D - comprising of 7 four-bedroomed houses both detached and semi-detached with a gross floor area of 131.8 square metres. These units are distributed in the south-eastern corner of the layout.

House Type E - comprising of 10 three-bedroomed semi-detached dwellings and are located in close proximity to House Type D1 in the south-eastern corner of the layout. The gross floor area of these dwellings is 111.3 square metres.

House Type F - comprising of three-bedroomed semi-detached houses. Six houses are proposed in total and are located in the northern part of the scheme.

House Type N - comprising of two-bedroomed semi-detached dwellings and have a gross floor area of 85.6 square metres. Both these dwellings adjoining House Type D1 in the south-eastern corner of the layout.

House Type O - comprising of 13 four-bedroomed detached L-shaped dwellings. These dwellings are located on corner sites throughout the scheme and have a gross floor area of 127.5 square metres.

House Type P- comprising of four-bedroomed semi-detached dwellinghouses with a gross floor area of 128.3 square metres. 33 of these house types are proposed and the house type is scattered throughout the layout.

House Type P1 – comprising of slightly larger four-bedroomed semi-detached dwellings with a gross floor area of 144.3 square metres. A total of 9 of these dwellings are proposed throughout the scheme.

The most numerous house type is House Type Q which comprise of 72 three-bedroomed semi-detached and terraced dwellings. These dwellings have a gross floor area of 118.5 square metres.

House Type Q1 and Q2 likewise comprise of three-bedroomed semi-detached and terraced dwellings. House Type Q1 are slightly larger and are 121.5 square metres. A total of 24 Q1 and Q2 type houses are proposed and are likewise located throughout the scheme.

House Type R and R2 comprise of 14 two-bedroomed terraced houses with a gross floor area of 88 square metres. These dwellings are confined to the north-western part of the site in the vicinity of the proposed crèche. House Type R1 comprises of two semi-detached dwellinghouses located to the immediate north of the crèche and these have a gross floor area of 124.8 square metres.

House Type S comprise of two end of terrace dwellings located at either end of the row of houses to the immediate north of the crèche. These are large five-bedroomed houses with a gross floor area of 180.5 square metres.

In total therefore the overall dwelling mix comprises of 24 detached dwellinghouses, 128 semi-detached houses and 48 terraced dwellings. The overall density is just over 26 units per hectare.

In terms of open space, the largest area of open space is located in the south-eastern corner of the site to the immediate north of the Rye Water River. This public open space amounts to approximately 0.59 hectares. At the opposite end of the site, on the north-eastern corner adjacent to the R125, a slightly smaller area of public open space amounting to c.0.36 hectares is proposed. A central area of public open space amounting to 0.267 hectares is also proposed. There are a number of smaller areas of pocket open spaces located throughout the scheme. A strip of public open space is also located along the eastern boundary of the site and this links in with an area of public open space proposed for the adjoining residential development to the immediate east.

The proposed crèche is located in the western corner of the site. It accommodates 90 persons and has a private open space area of 290 sq.m. 24 car parking spaces are provided specifically for the crèche area.

4.0 PLANNING AUTHORITY'S DECISION

4.1 Documentation Submitted with Application

The planning application was lodged with Meath County Council on 22nd February, 2015. In the planning application form the applicant stated that the applicant was the owner of the lands in question. A covering letter submitted with the application states that a 10 year planning permission is sought.

- The application was accompanied by an EIS including a non-technical summary.
- A Planning Report.
- An Engineering Services Report.
- Site Specific Flood Risk Assessment.
- A Landscaping Report including Outline Landscaping Specifications.
- A Traffic and Transport Assessment.
- An Audit of Community Facilities in Kilcock.
- An Appropriate Assessment: Natura Impact Statement.

4.1 Planning Authority's Initial Assessment

4.1.2 External Reports

A report from the **NRA** states that the proposed development shall be undertaken strictly in accordance with the recommendations contained in the Transport and Traffic Impact Assessment submitted and these should be incorporated as conditions in any grant of planning permission.

A report from the **HSE** sets out detailed specifications in respect of the proposed crèche facilities and also requested that the applicant submit further detailed information in relation to the proposed crèche.

A submission from **An Taisce** requested that the proposal should be examined under the test requirements of Box 5.2 contained in the National Spatial Strategy for Ireland.

A report from the **Department of Arts, Heritage and the Gaeltacht** states that having examined the Cultural Heritage Section of the EIS, a condition requiring archaeological monitoring should be included in any grant of permission.

A report from **Irish Water** states that there is no objection to the proposed development subject to a number of conditions.

A report from **Inland Fisheries Ireland** notes the importance of the Rye Water River as being a regionally and nationally important salmonid system supporting Atlantic salmon. It also suggests that a number of conditions should be attached relating to minimising potential impacts on riparian habitats and incorporating best practice in construction techniques so as to ensure that the pollution of watercourses are minimised in order to protect the salmonid status of the waters.

A submission from **Kildare County Council** requires that the applicant take full account of the Flood Risk Assessment and Management Study for the River Rye Water Report of August, 2009. Furthermore as agreed by the Kilcock CFRAMS Steering Group, all funds required for the provision of flood protection to the Kilcock Town Centre shall be made available to the local authority prior to the commencement of any development.

In relation to heritage it is stated that it is difficult to assess this application, as there appears to be only one EIS but there are two letters with the file referring to two separate applications. A number of comments are made in respect of the appropriate assessment submitted and a number of clarification points are raised in respect of same.

In respect of roads, concerns are expressed that the proposed development will exacerbate traffic congestion in Kilcock town centre. Concerns are also expressed that the bridge over the Rye Water River leading into the Kilcock (Meath Bridge) is narrow and does not have appropriate footpath or cycling facilities. Further details in respect of road infrastructure are requested in this regard.

4.2.2 Departmental Reports

A report from the Assistant Engineer in respect of **Public Lighting** states that further details are required in respect of public lighting specifications.

A report from the **Roads Design Office** notes that, with the construction of a distributor road, it is anticipated that no traffic or transport problems will be encountered as a result of the development. However there is no assessment of the existing junction on Harbour Street with the new road. It is also stated that the application should not be permitted to commence until the signalised junction at the distributor road and the R125 is permitted. The report also states that further details on the drawings submitted in respect of internal road labelling and details of bus bays on the distributor road should be required.

A separate report from a **Senior Executive Engineer** specifically deals with the issue of **flood risk**. It states that all works should be carried out in accordance with the approved FRAM Plan. A number of conditions in respect of water pollution measures should also be undertaken in the event that planning permission is granted.

A report from the **Heritage Officer** expresses a number of concerns in respect of the proposed development, and in particular the EIS submitted. The comments and concerns relate to the lack of a habitat map in the EIS, details in relation to hedgerow surveys, invasive species and protected species. In relation to the NIS it is recommended that

further information be sought in accordance with the requirements of the Habitats Directive.

A report from the **Water Services Department** states there is no objection to the proposed development. However further details are required in relation to surface water drainage and a number of conditions are required to be attached in relation to water and wastewater.

4.2.3 Third Party Observations to the Planning Authority

A number of third party observations were submitted in respect of the proposed development highlighting concerns particularly in relation to flooding and traffic.

An observation on behalf of **Councillor McEvoy by CS Pringle Consulting Engineers** highlights a number of concerns in respect of flooding. The Board will note that the decision of Meath County Council to issue notification to grant planning permission for the residential development on adjoining lands (Reg. Ref. PL17.246141) is the subject of a third party appeal by this third party observer.

4.3 Additional Information Request

A detailed planning report concludes that the proposed development is situated on lands which are zoned for residential development and have been earmarked for Phase 1 development during the lifetime of the current Meath Development Plan. In accordance with Policy SP3 of the Plan, the principle of development has been accepted. However there are a number of aspects of the scheme which do not comply with various policies and objectives contained in the Meath County Development Plan and it is therefore recommended that further information be sought. This information is as follows:

- Further information in respect of the proposed road layout for the development and further details in respect of the traffic assessment.
- Further details in relation to the proposed crèche facility.
- Clarification of a statement in the EIS in respect of key impact interactions and inter-relationships.

- Further details in respect of the NIS.
- Further details as to how the proposed development specifically complies with Objective RD Objective 1 and Objective CS Objective 6 as set out in the current Meath Development Plan.
- Concern is expressed that the private open space for some of the dwellinghouses are below the required limit as set out in the Development Plan.
- Further details in relation to boundary treatments.
- Further details in relation to bin storage areas particularly for the R2 terraced units.
- Further details requiring a greater variety in unit type particularly in respect of smaller units within the overall scheme.
- The applicant is requested to reconsider the location of the crèche to a more easily accessible location within the scheme.
- The written statement and zoning maps for Kilcock indicate an architectural priority area in the north-western area of the application site. It is not considered that the layout accords with this objective and the applicant is requested to address this issue with revised proposals.
- The Planning Authority have concerns that the proposed development would fail to provide a sense of place and identity within the scheme and the applicant is requested to submit revised proposals addressing these concerns.
- There is a requirement that the density should be maximised in accordance with the specific requirement set out in the Development Plan and DoE Guidelines in relation to sustainable residential development which would require average densities in excess of 35 units per acre.
- The applicant is also requested to address Planning Authority's concerns in relation to the design and layout of open space in terms of lack of sufficient passive surveillance and lack of integration of the open space with urban design and the excessive placement of open space along the edges of the scheme.

- The applicant is requested to submit a habitat map in the EIS.
- Finally the applicant is requested to address concerns raised by third party submissions.

This additional information request was made on 21st April, 2015.

4.4 Additional Information Submission

Further information was received by Meath County Council on 2nd October, 2015. The main points contained therein are summarised below.

Site layout drawings have been amended to contain the following:

- Details of the bus bays proposed along the distributor route.
- A road labelling system for internal roads.
- Details in a separate submission by consulting engineers addressing design issues and the requirements in relation to the proposed cycleways.
- Details of pedestrian accesses to and from the development to the distributor road.
- The crèche has been redesigned and repositioned to a location to the immediate south-east of the original site.
- A new L-shaped apartment block is located in the north-western part of the site to the immediate south of the Class 1 public open space. The apartment block comprises of a three storey structure containing 26 one-bedroomed apartments, 8 two-bedroomed apartments and 3 three-bedroomed apartments. This has increased the total number of units from 200 to 223 which results in a density of 30 units per hectare.
- The crèche has been redesigned taken into account the comments made by the HSE. Contact was also made with the Environmental Health Officer in order to discuss queries made in the additional request.

- The EIS has also been redrafted specifically taking into account the comments made by the Planning Authority in the Council's further information request.
- Also a revised Natura Impact Statement has been prepared.

The Masterplan for the overall has been amended in consultation with the Planning Authority in order to providing the following:

- The reservation of a 1.6 hectare school site within Character Area 1.
- The rationale for the release of residential units as proposed and associated phasing over the lifetime of the 10 year permission both pre and post 2019 in compliance with strategic housing allocations for Character Areas 1 and 2 respectively and Objectives RD OBJ1 and CS OBJ6 in the Meath County Development Plan.
- The housing layout has been revised to ensure that private open space provision has been amended in order to comply with standards set out in the Development Plan.
- Revised boundary treatments are shown on drawings PL40029 and PL40030.
- All R2 type houses have been removed from the development and Type R houses have been retained and are located at the end of terraces to provide rear garden access. Details of the proposed bin enclosure for the proposed apartment block is indicated on Drawing No. PL40036.
- With regard to the proposed housing mix, it is stated that the mix has been amended to provide for a greater quantum of smaller units and the breakdown is indicated in Table 1 of the response.
- The siting of the crèche has been amended. A total of 18 spaces has been provided for the crèche with an additional 10 visitor spaces associated with the apartment block. Details of the walking times (based radii of 400 metres and 800 metres) are also indicated in the response.
- In terms of architectural priority areas, the layout has been amended to include a part three/part four storey apartment block in the north-western corner of the site to create an appropriate focal point and gateway to signal the new entrance to the urban expansion of

Kilcock. Details in relation to the architectural concept to provide a “sense of place” are also set out.

- Houses adjoining the eastern corridor of open space between the subject site and the adjoining site have been redesigned to improve passive surveillance with greater overlooking.
- Finally the response addresses various issues raised in the observations raised in the observations submitted by third parties.

4.5 Further Assessment by Planning Authority

Numerous submissions were made by third parties on foot of the additional information submission. Including a submission from an adjoining landowner whose lands form part of the lands designated for phase 1 development and ‘Character 1’ lands. He objects to the 1.6ha school site being located on lands under his ownership as opposed to being incorporated into the current application before the planning authority.

Many of the submissions reiterate grave concerns in respect of flooding and traffic. Other submissions express concerns that the proposal does not accord with the zoning provisions contained in the Masterplan.

4.5.1 Planning Report

The planner’s report outlines the planning history associated with the site and also makes reference to national and local planning policy. Reference is also made to the various third party raised in the observations.

The planner’s report goes on to outline each of the issues raised in the additional information request and the applicant’s response in respect of same. Having regard to the ultimate decision of the Planning Authority in the case of the current application and appeal, I would specifically draw the Board’s attention to the Planning Authority’s evaluation in response to Issue 5 raised in the Further Information Request. It states that the Development Plan Policies RD OBJ1 and CS OBJ2 in the County Development Plan are clear and unambiguous in requiring a maximum of 250 residential units, a neighbourhood centre and a reserved site of

1.6 hectares for a primary school within the lands in question. The planning report notes that the Masterplan submitted with the application indicates the provision of a maximum of 343 units in Character Area 1 rather than 250 specified in the written statement for Kilcock Environs. It further notes that the additional information submitted identifies a 1.6 hectare site for a primary school near the linear open space adjacent to the Rye Water River along the southern boundary of the site. The Masterplan indicates that this site could be made available if a school site is required prior to 2019. However a separate school site is identified outside the RD OBJ1 lands in the north-eastern corner of the lands owned by the applicant to the north of the proposed distributor road, should the site be required post 2019 (See Drawing No. 395-03-A contained in the revised Masterplan). The planner's report goes on to argue that both the Meath County Development Plan and the written statement for the Kilcock Environs area are clear in terms of the number of units to be accommodated and on the lands in question and that a school site is to be reserved on the said lands. The location of the school site has been specified in the written statement and the objectives requires the clustering of the school site with the neighbourhood centre which would facilitate easier journeys for students. The Masterplan as submitted does not provide for this. It is suggested that the Masterplan and planning application as proposed would result in a situation whereby the entirety of the Character 1 area would be developed in a piecemeal fashion with potentially sections of this area remaining undeveloped. The need to adhere to household allocation in the County Development Plan has been recognised in other applications in relation to the Kilcock Environs.

In conclusion therefore, it is submitted that the Masterplan has not been amended so as to address the concerns of the Planning Authority and to ensure that the proposed development complies with the Meath County Development Plan 2013-2019. It is considered that the application as submitted, materially contravenes CS OBJ6 and Objectives RD OBJ1 and CS OBJ1 contained in Volume 5 of the Development Plan. It is therefore recommended that planning permission be refused for the proposed development.

In its decision dated 14th January, 2016 Meath County Council issued notification to refuse planning permission for the proposed development for the reasons set out below.

The proposed development and associated Masterplan would contravene Objectives RD OBJ1 and CS OBJ1 of the Meath County Development Plan 2013-2019, as varied by exceeding the maximum household allocation for Character Area 1 of the Kilcock Environs and failing to locate a school site within the area and adjacent to the neighbourhood centre. The application would also contravene Objectives CS OBJ6 which requires that planning applications adhere to household allocations set out in the Meath County Development Plan 2013-2019, as varied. The planning application and Masterplan contained therein would therefore fail to set out strategy for the co-ordinated, integrated and sustainable development of the character area, would materially contravene the Meath County Development Plan 2013-2019 as varied, and would be contrary to the proper planning and sustainable development of the area.

5.0 PLANNING HISTORY

There are a number of files attached which are relevant to the current application and appeal before the Board. These decisions were all made concurrently by the Board and are summarised below:

PL09.238818: Planning permission was sought in Branganstown, Kilcock, County Kildare from Kildare County Council for a 10 year permission to include the partial realignment of the R148 over a 0.2 kilometre stretch to provide for a roundabout junction and to facilitate access to zoned lands to the north in County Meath. The works also incorporated a partial realignment of the Rye River to a position north of its current alignment with the re-profiling of existing river banks as part of flood protection measures. It is also proposed to incorporate flood mitigation measures in accordance with the approved FRAMS prepared by Kildare County Council, Meath County Council and the OPW. The application was accompanied by an EIS.

The decision of Kildare County Council to grant planning permission was the subject of a number of third party appeals. Concerns were raised particularly in relation to flooding in the objections. An Bord Pleanála upheld the grant of planning permission subject to revised conditions. In its Order the Board noted the Inspector's concerns in relation to the acceptability of flood management measures. However it considered that subject to revisions, the Board formed the view that the flood management measures proposed were appropriate and sustainable and it was noted that neither the OPW or the either Local

Authority, who are part of the Steering Group in relation to the FRAMS did not object to the approach being followed, therefore the Board granted planning permission subject to 18 conditions on 15th January, 2013.

PL17.238370 – This application likewise related to a 10 year planning permission for the development of infrastructural works in the townland of Newtownmoyaghy, Kilcock, County Meath. The development consisted of the completion of a roundabout junction on the Maynooth – Kilcock Regional Road together with the provision of distributor roads with integrated cycling tracks and associated infrastructural works including the partial realignment of the Rye Water River and the re-profiling of existing river banks as part of flood protection measures and the provision of on-line flood storage.

Again the Board in deciding not to accept the Inspector's recommendation to refuse permission considered that the flood management measures proposed were appropriate and sustainable and it was considered that the approach adopted to the management of flood risk was considered to be sympathetic to the natural flooding patterns of the area while not increasing the risk of flooding elsewhere. The Board considered that the proposed development was broadly in agreement with the principles of the Flood Risk Guidelines. The Board granted planning permission for the proposed infrastructure works subject to 18 conditions on the 15th January, 2013.

PL17. 239375: Planning permission was sought for infrastructural works in the townland of Newtownmoyaghy. These works sought the provision of delivery of a distributor road for the associated services including new signal controlled junction and flood mitigation measures which are included as objectives in the Kilcock Environs Local Area Plan. The proposal also includes all ancillary site development works including surface water drainage, foul water drainage, water supply and utilities infrastructure within the proposed distributor road. The development also included associated flood mitigation works including the realignment and re-profile of the existing drainage channels across the subject lands (referred to as "the Upper Ditch") and the provision of new engineered flood storage channel and flood storage area to the north of the proposed distributor road as part of flood protection measures. The proposal also provides for the partial re-profiling of lands to a site level of 64.9 and 65.4 metres AOD. The proposed development will take place on lands c.11.4 hectares by an area bounded by the R125 to the west, the River Rye to the south and adjacent lands to the east and

north in the townland of Newtownmoyaghy. The application was accompanied by an EIS. The Board upheld the decision of Meath County Council and granted planning permission for the proposed development. In determining the application the Board did not accept the Inspector's recommendation to refuse permission on the grounds that the proposal did not accord with the Flood Risk Management Guidelines for Planning Authorities. The Board in coming to an alternative conclusion cited similar reasons to those referred to in the previous two applications above.

PL17.240405: A 10 year planning permission was sought for infrastructure works comprising on the proposed section of distributor road which comprises of 7.3 metre wide carriageway with integrated cycleways, footpaths and landscaping together with all ancillary site development works including surface water drainage, foul water drainage, water supply and utilities infrastructure together with associated flood mitigation works including the provision of a new engineered flood relief channel and flood storage area together with partial re-profiling of lands with the excavated material to a site level of 65.55 metres and 66.05 metres AOD. These works are to take place on lands approximately 11 hectares in size bounded by the R125 to the east, the River Rye Water to the south and west and adjacent lands to the south and north in the townlands of Knocknatulla and Dolanstown, Kilcock. Again an EIS was submitted with the above application. The decision of Meath County Council to issue notification to grant planning permission was again subject of third party appeals primarily raising the issue of flooding. The Board upheld the decision of the Planning Authority and granted planning permission for the proposed development. Again in deciding not to accept the Inspector's recommendation to refuse planning permission on the grounds of non-compliance with the Flood Risk Management Guidelines for Planning Authorities, the Board relied on reasons similar to those referred to in the previous decisions referred to above.

All the above decisions were dated 15th January, 2013.

6.0 GROUNDS OF APPEAL

The decision of the planning authority was the subject of a first party appeal on behalf of the applicant by Declan Brassil and Company.

The appeal sets out and overview of the proposed development and it is noted that the Board granted permission for infrastructure works on the lands, thereby acknowledging the principle of development on site and noting that the Board equally acknowledged that the development of the lands in question is fully in accordance with strategic planning guidance. It is also noted that in respect of the current application, numerous meetings have taken place with the planning authority.

In terms of the planning authority's concerns regarding household allocation, reference is made to the specific policy provisions contained in the development plan and it is noted that specific phasing and household allocations in respect of phase 1 development is set out in the Masterplan. It is noted in the Masterplan that a phasing condition can be put in place ensuring that only 194 units be released in the current application prior to 2019 to ensure that the overall household allocation of 398 units is not exceeded. The balance could then be released post 2019.

With regard to the phasing of the development it is proposed that each sub-phase will be completely self-contained. A subsequent phase will not be commenced until the previous phase is fully completed. Thus planning authority concerns with regard to piecemeal development are considered to be unfounded.

Strategically it is noted that Kilcock is only one of two settlements located within the Metropolitan area of the GDA. It is further noted that it has not meet any of its housing allocation obligations to date and is unlikely to meet its obligations to provide 398 units by 2019.

In respect of the school site the grounds of appeal note that it is a specific objective in the Development Plan to reserve a 1.6 hectare site for primary education facilities.

It is stated that the proposed approach in the Masterplan is to provide a neighbourhood centre along the Dunshaughlin Road frontage to the town. This was determined by the applicant to be the only commercial viable location for a neighbourhood centre. The applicant controls the lands to the immediate north of the distributor road adjacent to the

proposed neighbourhood site. The site had been designated for a primary school in the Joint Implementation Strategy agreed between the landowners and with the Planning Authority and endorsed by the Board under extant infrastructure permissions. Reference is made to the Community Audit Report submitted with the application and it is suggested that there is significant spare capacity in school places within Kilcock in the short term.

The revised Masterplan shows a reservation of a 1.6 hectare school site in a location proximate to the proposed neighbourhood centre. Provision is also made in the Masterplan to accommodate the school site at the previously agreed location to the north of the distributor road post 2019 as originally proposed under the Joint Implementation Strategy.

The submitted and revised Masterplan both locate the school sites adjacent to the neighbourhood centre but not adjoining the centre. The locations proposed are consistent with the principles of sustainable integration of land use and transportation. It is considered that the proposed Masterplan is consistent with the objectives of the Development Plan and facilitates the delivery of the primary school if and when it is required.

The grounds of appeal also make reference to the fact that the Planning Authority in citing its reason for refusal made reference to the material contravention of the Development Plan. The grounds of appeal cite the provisions of Section 37(2)(b) where the Board can overturn the decision of the Planning Authority and grant planning permission where it is considered that:

- The proposed development is of strategic or national importance.
- There are conflicting objectives in the Development Plan or the objectives are not clearly stated.
- Permission for the proposed development should have been granted having regard to the Regional Planning Guidelines for the Area or other Ministerial and Policy Directives.
- Or that permission for the proposed development should be granted having regard to the pattern of development of the area and permissions granted.

The grounds of appeal argue that there is a case for the Board to invoke the above provisions on the grounds that the development in question is of strategic and national importance having particular regard to the age profile of County Meath. It states that Meath has a high proportion of young families and therefore there is a provision of residential units required to meet the demand for new household formation particularly family type housing. Notwithstanding this, the output of housing in Meath County has dropped precipitously and accordingly it is submitted that the proposed development can be considered to be of strategic and national importance.

In terms of conflicting objectives in the Development Plan it is stated that the Planning Authority has created a clear conflict in Variation No. 2 between the number of units allocated to Objective A2 – Phase 1 land and the area released for development pre 2019. It is suggested that based on the area of land available for development and the density of units to be provided a total of 343 units should be provided on the lands in question and not 250 as indicated in the written statement.

Reference is also made to various policy statements in the Regional Planning Guidelines which support the provision of housing on the subject lands.

7.0 APPEAL RESPONSES

The Planning Authority's Response to the Grounds of Appeal.

The Planning Authority notes the contents of the first party appeal in this instance. The Planning Authority is satisfied that the points made have already been covered to its satisfaction in the planning reports and other technical reports prepared by the Planning Authority and consequently has nothing further to add. The Board is therefore respectfully requested to uphold the decision of the Planning Authority.

8.0 OBSERVATIONS

One observation was submitted in respect of the proposed development by Christina Farrell. The issues raised in the observation are set out below.

Concerns are expressed in relation to traffic congestion. It is suggested the Kilcock urgently requires the construction of a ring road around the town to eliminate unnecessary traffic through the town. The safety and

wellbeing of the population is currently at risk due to the lack of adequate roads, pathways and cycle lanes. This would be exacerbated by the proposed residential development. Entrance from the site to Kilcock Town is over Meath Bridge which is a major security hazard. The bridge cannot currently deal with the volume of traffic particularly at peak hour times. There is no pedestrian facilities at the bridge. Proper infrastructure planning adequate schools and amenities should go hand in hand with residential planning.

The site is regularly flooded when there is heavy rainfall such as that experienced in the winter of 2015/16.

9.0 PLANNING POLICY CONTEXT

9.1 Regional Planning Guidelines for the Greater Dublin Area 2010-2022

The subject site is located on the periphery of the designated Metropolitan Area. Kilcock is designated as a 'moderate sustainable growth town'. Such towns are envisaged as having an interacting and supporting role to their adjacent higher order town in hinterland areas or as part of the city within the metropolitan area. It is critical that in the future moderate growth towns in the hinterland area develops in a self-sufficient manner in the longer term and that continuous basis for growth is that they do not become dormitory towns. Key sites and facilities should be identified that they are fully serviceable and available for encouragement of economic investment opportunities. Servicing and phasing of housing lands in these towns should aim to ensure that housing growth levels are sustainable, in that they are clearly linked to levels of natural increase or economic expansion within the town and do not create significant increases in long distance commuting patterns particularly for those served only by bus. For moderate sustainable growth towns within the metropolitan area, they will continue to have a strong role as commuter locations within the fabric of continued consolidation of the metropolitan area. Growth in these towns need to ensure that expansion is based on and related to the capacity of high quality public transport connections and the capacity of social infrastructure. Emphasis should be placed on encouraging good local connections to adjoining suburbs and towns and employment locations within the metropolitan area through bus corridors and good cycling and pedestrian connections.

9.2 Meath County Development Plan 2013-2019

Core Strategy

Kilcock is designated as a moderate sustainable growth town in Table 2.1 of the Core Strategy. These growth towns are described as being 10 kilometres from a large town and public transport corridor serving the rural hinterland as market towns. The Housing Strategy, in line with Regional Planning Guidelines, targets 15,613 units being required over the period 2013 – 2019 for the County. Kilcock is designated a household allocation of 398 units at an average net density of 35 units per hectare. The quantity of residential zoned land required is stated as being 11.4 hectares. It is also stated that there are no committed built units in the Kilcock area.

CS OBJ5 seeks to ensure that the review of Town Plans and Local Area Plans to achieve consistency with the core strategy of Meath County Council Development Plan 2013 – 2019 will only identify for release during the lifetime of the Meath County Development Plan the quantity of land required to meet the household projections set out in Table 2.4.

CS OBJ6 seeks to ensure that planning applications for residential developments adhere to the requirements of Table 2.4 of this Development Plan.

The written statement and zoning map for the Kilcock Environs is contained in Volume 5 of the Meath County Development Plan 2013 – 2019 (pages 188 to 202). This written statement and zoning map was adopted as part of Variation 2 of the Development Plan.

The overall goal of the written statement is to achieve a model of sustainable urban development through the promotion of appropriate range of uses and sensitive enhancement of the natural environment where healthy vibrant and diverse communities can grow. The land use strategy seeks to accommodate the population growth in accordance with levels of growth provided in Table 2.4 of the County Development Plan. The Development Framework for the Kilcock Environs provides primarily for residential and employment land uses with ancillary community and recreational facilities. It is noted that there are no extant permissions for multiple unit residential developments in place in Kilcock. It notes that the average density set down for the Kilcock Environs in the County Development Plan is 35 units per hectare. In this context it is a requirement for approximately 11.4 hectares of residential

land to be identified to satisfy this allocation. There remains 63.5 hectares of lands identified within the existing Kilcock Local Area Plan 2009 for residential use.

Residential lands will be delivered on a phased basis as illustrated in the land use zoning objective map. The lands which have been identified for residential land use arising from the evaluation undertaken largely rise following the application of the sequential approach from the town outwards as well as proximity to public transport corridors and proximity to educational facilities. Two sites have been included in Phase 1 to accommodate the household allocation. The first of these adjoins the R125 (Dunshaughlin Road) to the west and extends eastwards. This site should include provision for a primary school of 1.6 hectares, a neighbourhood centre and can accommodate a maximum of 250 residential units. Any planning application for development on these lands should include a site layout plan showing the proposed layout for the entire site as illustrated on the land use zoning objectives map. The layout should provide for the clustering of the primary school site and neighbourhood centre and connectivity particularly for pedestrians and cyclists between Character Area 1 and Character Area 2.

All designers of multiple residential developments within the plan boundary are requested to submit a design statement to the Planning Authority with the planning applications in accordance with the requirements of Section 11(2) of Volume 1 of the Plan.

In terms of community facilities, it is stated that Meath County Council shall continue to liaise with the Department of Education and skills to monitor the need for new primary and post primary educational facilities within the Kilcock Environs.

In terms of urban design, it is noted that Kilcock environs are largely undeveloped at present. Therefore it is important that the urban design of new development is of a high standard in order to satisfactorily connect new development with the existing urban fabric. Details are provided within the written statement in relation to Character Areas 1 and Character Areas 2. The subject site is located in Character Area 2 the design parameters is as follows:

Building height should be predominantly two to four storeys with a strong urban edge with uniform building lines fronting onto the distributor road. The house type includes a mix of apartments, townhouses, detached and semi-detached dwellings.

Strategic policies set up in the Settlement Plan include the following:

SP3 to operate an order of priority for the release of residential lands in compliance with requirements CS OBJ6 of the County Development Plan as follows:

The lands identified in A2 “new residential” land use zoning objective corresponds with the requirements of Table 4 Housing Allocation and Zoned Lands Requirements in Volume 1 of the County Development Plan and are available within the life of this Development Plan.

Lands identified with A2 “new residential” land use zoning objective but qualify as residential Phase 2 (post 2019) are not available for residential development within the life of this Plan.

Relevant policies in respect of residential development are set out below.

RD OBJ1 (which relates to the subject site)– To accommodate, on the lands identified on the land use zoning objectives map to the east of the R125 (Dunshaughlin Road). A maximum of 250 residential units and a neighbourhood centre and to reserve a site of 1.6 hectares for a primary school within these lands. The primary school site and the neighbourhood centre shall be located adjacent to each other. Any application for development on these lands shall be accompanied by a Masterplan, illustrating the layout for the site in its entirety as illustrated on the land use zoning objective maps. The layout shall make provisions for connections particularly pedestrian and cyclists between Character Area 1 and Character Area 2.

In relation to flooding **FR OBJ** states that a Flood Risk Assessment and Management Study (FRAMS) has been carried out for the area. All development with extant planning permissions within the Kilcock Environs Development Boundary shall be required to comply with the guidance and recommendation of the FRAMS which predated the preparation of the Strategic Flood Risk Assessment and Management Study for Kilcock.

9.3 The Kilcock Local Area Plan 2015-2021 (Kildare County Council)

The local area plan encourages the development of a compact town and regeneration of the town centre a focus on modal shift and the creation of greener infrastructure. The provision of an outer relief road through the Meath environs is recognised in the Plan. The Plan seeks to co-ordinate and co-operate with Meath County Council in the design and construction of the road network serving Kilcock.

9.4 Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities

The guidelines refer to the provision of residential development in urban settings. They outline the importance of quality design and are accompanied by a best practice urban design manual. The urban design manual outlines 12 criteria to be used in developing a design for a scheme and assessing proposals for such schemes.

9.5 The Planning System and Flood Risk Management Guidelines for Planning Authorities (DOEHLG 2009)

These guidelines aim to ensure rigorous assessment of flood risk at all levels to provide a consistency of approach throughout Ireland. The Guidelines outline mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. They emphasise the need to take a precautionary approach to flood risk.

The Guidelines direct that a sequential approach should be adopted to spatial planning which aims to avoid flood risk, where possible, substitute less vulnerable uses where avoidance is not possible, and mitigate and manage the risk where avoidance and substitution is not possible. Development should not be permitted in areas of flood risk, particularly floodplains and coastal areas subject to flooding, except where there are no suitable alternative sites available in areas at lower risk that are consistent with these objectives. A precautionary approach should also be applied to flood risk management to reflect uncertainties in flood data sets and risk management techniques and the ability to protect the future climate, the performance of existing flood defences and the extent of future coastal erosion.

10.0 PLANNING ASSESSMENT

Planning permission was refused by Meath County Council for a single reason based on the following issues.

Contravention of RD OBJ1 and CS OBJ1 of the County Development Plan by exceeding the household allocation and failing to incorporate a 1.6 ha school site on the subject lands. Furthermore the planning decision states that the proposed development is contrary to CS OBJ6 which seeks to ensure that planning applications for residential development adhere to the requirements of Table 2.4 of the County Development Plan which in this case, requires a total of 398 units to be provided for Kilcock over the lifetime of the Plan (up to 2019) over an area of 11.4 hectares at a density of 35 units per hectare. The proposed development and associated Masterplan it is argued, fails therefore to adhere to the overall strategy set out in the Development Plan.

The grounds of appeal challenges the reasons for refusal arguing that:

- (i) The planning decision in respect of infrastructural works issued by the Planning Authority and An Bord Pleanála fully acknowledge that the development of the lands in question are in accordance with the proper planning and sustainable development of the area.
- (ii) The household allocation under the current application is acceptable, subject to appropriate phasing and is in accordance with the principles set out in the County Development Plan and the Kilcock Settlement Plan.
- (iii) The Masterplan submitted incorporates a 1.6 hectare site for a school.

Each of these issues are assessed below.

10.1 Parent Permissions Relating to the Site

The grounds of appeal point out that, in granting planning permission for infrastructural works to serve development on the lands in question, the Board fully acknowledge that the overall development of the lands are in accordance with:

- The Regional Planning Guidelines for the Greater Dublin Area.
- The County and Local Area Plans for Meath and Kilcock respectively.
- The availability of services to support the development of the lands in question.

The fact that the Planning Authority and the Board previously granted planning permission for infrastructural works is not strictly pertinent to the current refusal of planning permission before the Board. The decision of the Planning Authority and An Bord Pleanála predates the current Meath Development Plan and in particular Variation No. 2 of the Development Plan which contains specific objectives and land use zoning maps for each of the urban centres in County Meath (set out Volume 5 of the Plan and adopted on 19th May, 2014). The latter document sets out prescriptive details and objectives for the Kilcock area in general and the subject site in particular.

It was on this this latter statutory document that the Planning Authority's decision to refuse planning permission was based. Any references to previous decisions of the Planning Authority or An Bord Pleanála in respect of infrastructural works serve nothing other than to highlight that the principle of residential development has been accepted on the subject site. The decision issued in respect of previous applications relate to broad principles of developing the site and do not in any way address the specific policy concerns of Meath County Council in the case of the current application and appeal.

10.2 Housing Allocation

In terms of housing allocation, it is clear that the core strategy requires the provision of 398 units in the Kilcock area. The Kilcock Settlement Strategy also identified that these units should be located in the two areas identified under RD OBJ1 and RD OBJ2 in the land use zoning objectives map for Kilcock (see Drawing No. 395-05-A of the revised Masterplan submitted in respect of the planning application). What is proposed under the current application is a total of 223 units which in conjunction with the adjoining lands (Reg. Ref. PL17.246141) provides a grand total of 373 units on the site.

A key issue which the Board must take into consideration in its deliberations on the issue of housing allocation is the fact that both applications currently before the Board only relate to part of the lands

zoned for Phase 1 development under the zoning provisions contained in the Kilcock Settlement Plan.

I refer the Board to Drawing 395-02 in the revised Masterplan, it indicates the individual landholdings of the four landowners which are in ownership of land relating to the sites earmarked for Phase 1 development. The Board will note that the boundaries for the revised Masterplan do not directly coincide with the land use zoning boundaries set out in the Development Plan.

The two applications currently before the Board relate to the McGarrell-Reilly lands and the Alcove lands only. The provision of 373 houses under the current application represent approximately 94% of the overall housing allocation for the town of Kilcock up to 2019. While these two applications in isolation do not exceed the allocation set out in the Plan, the revised Masterplan indicates that when zoned lands are fully developed a total of 427 units would be constructed on site. It should also be borne in mind that the current application before the Board originally sought an application for 200 units on the site in question. However the number of units were increased by way of additional information submission with the incorporation of an apartment block and this was primarily due to the Planning Authority's concerns that density standards in accordance with the Kilcock Settlement Plan were not being met.

The grounds of appeal estimate that the lands zoned under the Kilcock Settlement Plan (i.e. RD Objective 1 – Character Area 1 lands and RD Objective 2 – Character Area 2 lands) amount to a total of 17.08 hectares. I consider this estimate to be accurate. If the 1.6 hectares for the school site was to be omitted, the overall development lands would amount to 15.48 hectares. If these lands were to be developed in accordance with the density standards set out in Table 2.4 of the Core Strategy - a total of 542 units would be permitted on both sites in question. There appears therefore to be a disconnect in the Kilcock Settlement Plan with regard to (i) the actual amount of land zoned for phase 1 development (ii) the minimum residential density proposed for the lands (35 units per Ha) and (iii) the allocated units for Kilcock to 2019 – 398 Units).

The revised Masterplan envisages a total of 427 units which is less than 10% above of the specified allocation for Kilcock under the Core Strategy as set out in the County Development Plan.

While the planner's report expresses concerns that the overall household allocation will be exceeded and that this could result in a piecemeal development with sections of the area remaining undeveloped in the case of a future economic downturn, the applicant has indicated that the development will be carried out in a phased manner whereby blocks of land will only be released for subsequent phases after the previous phase has been fully completed in terms of roads, open space and infrastructure etc.. If the Board are minded to grant planning permission in this instance, a condition could be incorporated into the grant of planning permission specifying phasing arrangements in order to safeguard against such piecemeal development.

In conclusion therefore I would not necessarily concur with the Planning Authority's conclusion that the proposal should be refused on the grounds that the development of the overall lands will result in an exceedance of household allocation within the Kilcock Settlement Plan. In the case where lands are zoned and serviced and the overall design and layout is deemed to be acceptable, and where a density of 35 units per hectare is proposed under the Core Strategy of the Development Plan, it is not considered necessary in my view to slavishly adhere to the specific household allocation numbers set out in the Kilcock Settlement Plan, particularly as there appears to be a discrepancy in the amount of land available for development under phase 1, the permitted density and the limitations on household allocation.

10.3 Provision of a School Site

The provision of a school on the site in question presents a more difficult issue to reconcile in my opinion. As previously stated the Kilcock Settlement Plan sets out very prescriptive objectives in respect of the lands in question. CS Objective 1 seeks to provide a site of 1.6 hectares in extent for primary school education facilities catering for up to 24 classrooms on lands identified for A2 (new residential) land use zoning objective (RD Objective 1 refers).

RD Objective 1 states, inter alia, that **"the primary school and neighbourhood centre shall be located adjacent to each other"** (my emphasis). The current application before the Board does not incorporate a 1.6 hectare site reserved for primary school, but rather indicates what it considers to be a suitable location on contiguous lands to the south of the site. While the grounds of appeal argue that the *"Masterplan facilitates the coherent development of the respective*

landownerships, providing housing allocation and open space provision on an equitable basis" it appears that this view is not shared by all the landowners in question. In this regard I refer the Board to the observation submitted to Meath County Council by one of the landowners Mr. Field which specifically objects to the revised Masterplan arguing against the location of the school on his lands. One can only conclude based on the information contained on file, that the Masterplan and revised Masterplan submitted with the current application, does not reflect the wishes and aspirations of all the landowners in question.

The revised Masterplan suggests that the proposed school site could be located on lands to the south of the current application and within the lands of an adjoining landowner. It appears from the observation submitted to Meath County Council in respect of the revised Masterplan that the adjoining landowner that he is unhappy with this arrangement and argues that the 1.6 hectare school site is not appropriate for his lands and should be located closer to the neighbourhood centre. The Board will note that the original Masterplan submitted with the application did not include provision for a school on the subject site. The lands to the south of the site currently earmarked for a school were proposed to accommodate 73 units under the original Masterplan.

While it is not an objective of the Board to ensure that all landowners get an appropriate and equitable spoil of the shares in respect of development that involve multiple landholdings, the Board should have regard to the appropriate location of a school site in the context of surrounding development and in the context of specified policy objectives set out in the written statement of the Development Plan. The Development Plan in this instance is clear and unambiguous in that it requires that the primary school site and neighbourhood centre shall be located adjacent to each other. The proposed neighbourhood centre within the overall scheme is earmarked to be located adjacent to the R125 in the western portion of the site adjacent to the R125. This in my view would be the most appropriate location of a neighbourhood centre given its proximity to the existing town centre of Kilcock and the fact that there are existing community facilities adjacent (existing church). The applicant clearly acknowledges in the submission to the Planning Authority, that the lands closest to the R125 represents the most appropriate location for neighbourhood centre for the reasons referred to above. It would be most appropriate in my view that any primary school would be located contiguous to the neighbourhood centre and

that commercial and community uses would be clustered within the overall development.

Furthermore the suitability of placing the school in the southern portion of the residential lands which will likely draw in peak hour traffic, including perhaps school buses into the heart of the residential area is questionable in my view.

It is apparent therefore that the provision of a school as required under the provisions of the Development Plan was not incorporated into the original Masterplan as part of the RD OBJ 1 Objective, but was located in the north-east corner of the applicant's lands as per the site earmarked for post 2019. The 1.6 ha school site was only incorporated into the RD OBJ 1 lands on foot of the Planning Authority's request to address this issue by way of further information.

In my opinion a revised Masterplan is necessitated to incorporate a school site adjacent to the neighbourhood centre. Furthermore the revised Masterplan should be agreed in consultation with all owners of land to which the Plan relates.

The idea of planning a primary school in the north eastern corner of the applicant's lands, should a school not be required until after 2019, is inappropriate in my opinion. The applicant has not offered any justification or reason why the site should be moved to a more peripheral location to the neighbourhood centre in the event of a primary school not being required until after 2019. The appropriateness of locating a primary school on the opposite side of a distributor road to the main area of residential development envisaged under the phased expansion is also questionable in my view.

In conclusion therefore I would agree with the Planning Authority that the proposed development should be refused on the grounds that the applicant has failed to locate a school site within an area adjacent to the neighbourhood centre as specified in Objective RD OBJ1 and as such the proposed development is contrary to the proper planning and sustainable development of the area.

If the Board are minded to reject the above recommendation and grant planning permission for the proposed development it would have to do so by invoking the provisions of Section 37(2)(b) as planning permission was refused by Meath County Council on the grounds that it would materially contravene the Meath County Development Plan 2013 –

2019. The Board may only grant planning permission under specific circumstances. In respect of these circumstances I do not consider that it can be reasonably argued that the proposed housing development is of national or strategic importance. Furthermore I don't consider that the applicant has adequately illustrated that there are conflicting objectives in the Development Plan concerning the school site. Policy RD OBJ specifically states that the primary school site and the neighbourhood centre shall be located adjacent to each other. There are no other statements in the Plan which conflict with this specific statement. Reference is made in the grounds of appeal to the Regional Planning Guidelines for the Greater Dublin Area. Again I consider that these guidelines relate to the overall settlement strategy and are general in nature and do not contain any specific statements which in my view would warrant a reversal of the planning decision under the provisions of Section 37(2)(b)(iii). Finally I do not consider that permission for the proposed development should be granted having regard to the pattern of development and permissions granted in the area since the making of the Development Plan as per Section 37(2)(b)(iv).

It is submitted to the Board therefore that the proposed development does not meet the requirements set out in the Section 37(2)(b) of the Planning and Development Act 2000.

9.4 Other Issues

9.4.1 Revised Notices

Finally if the Board consider it appropriate to grant planning permission, I would recommend that it seek revised notices in respect of the planning application. I note that the additional information submitted which included revised site notices merely states that significant further information and revised plans have been furnished to the planning authority in respect of the application. It does not specifically state that the number of residential units has been increased from 200 to 223. In accordance with Article 18(1)(d)(i) the applicant is required to state, where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided. While the additional units to be provided in this instance are apartments, it is appropriate and in the interest of natural justice that the increase in the number of residential units to be provided on site as part of the additional information, be explicitly referred to in the planning notice as

this would more adequately describe the nature and extent of the proposed development being sought under the application.

9.4.2 Flooding

I refer the Board to the adjoining application on lands to the east under PL17.246141. The Board will note that the report and recommendation in relation to this application suggests that the Board either refuse planning permission for the proposed development on the grounds that it is not satisfied, based on information contained in the grounds of appeal, that the proposed development would not exacerbate flooding or give rise to flood risk on adjoining lands. Alternatively the report suggests that the Board could seek independent expert advice in relation to hydrology and flooding issues relating to the application site and surrounding lands. The Board will note that notwithstanding the Planning Authority's decision to issue notification to refuse planning permission in this instance, that significant concerns in respect of flooding was submitted in the case of the current application and appeal before it. As both sites are located contiguous to each other, it would be appropriate in my opinion that the Board, if minded to grant planning permission in this instance, before doing so, seek independent expert advice in respect of flood risk assessment relating to the overall lands in question.

10.0 Environmental Impact Assessment

I am of the opinion that the EIS submitted with the planning application is comprehensive and complies with the statutory requirements set out in Article 94 and Schedule 6 of the Planning and Development Regulations (as amended) and also has been prepared generally in accordance with the EPA Guidelines as they relate to environmental impact assessment. The EIS has in my opinion identified, described and assessed the key likely significant environmental impacts relating to the proposed development and these are assessed in more detail below.

The proposed housing development is adequately described as is the receiving environment which the proposed development is to take place.

In terms of potential impacts on human beings, the EIS details population trends in the local area, sets out the population structure and the economic activity as well as the existing social and community facilities in Kilcock. The potential impacts of the proposed development are described as increased economic activity and employment during

the construction phase and the increase in population of Kilcock during the operational phase. The proposed development will also result in the loss of potential agricultural employment with the reduction in agricultural lands. The social impacts arising from the increase in population is set out in the EIS. Residual impacts will, according to the document, be negligible with mitigation measures being employed particularly during the construction phase. The EIS in my view has correctly identified the potential socio-economic impact which could arise from the proposed housing development and I would agree with the conclusion that residual impacts would be slight with the incorporation of appropriate mitigation measures, particularly during the construction phase.

In terms of flora and fauna, the EIS adequately describes the baseline environment in terms of habitats, vegetation, watercourses and existing flora and fauna on site. The EIS concludes that the existing agricultural lands are of low ecological value. The main potential impacts arising from the proposal include site clearance and its replacement with artificial covering, the addition of people and traffic on the subject lands together with additional lighting and artificial landscaping. Mitigation measures are set out in Section 4.6 of the EIS and provided that such mitigation measures are effective there will be no impact on watercourses and the negative impact on flora and fauna are deemed to be localised which will not result in the overall devaluation of natural heritage. These are reasonable conclusions in my view.

In terms of soils and geology the existing receiving environment is described in the document. The potential impact arising from the proposal involves removal of soils during the construction phase. No impact on soils is envisaged during the operational phase and no impact on geology is envisaged as a result of the proposal. The majority of excavated topsoil will be disposed of off-site or retained for future landscaping works where possible. The impact on soil is deemed to be short term and moderate. I consider the EIS has correctly identified, described and assessed the potential impact of the proposed development on soils and geology and the conclusions in relation to same are deemed to be acceptable.

In terms of water and hydrology, the EIS describes the receiving environment. It notes that the development will lead to an increase in surface water run-off on the subject lands. However groundwater recharge will be facilitated in design of a stormwater management plan for the subject lands. Details of the surface water drainage are set out

and detention basins will be provided to store flows from 1 in 100 year storm on site. Details of the proposed foul drainage and water supply are also set out. The potential impacts during the construction phase are identified as being increased siltation levels which could pollute receiving surface waters. During the operational phase the main risk identified is flooding. However it is stated that if the approved mitigation works identified in the FRAMS Report are implemented, the risk of flooding will be attenuated. Potential impacts in terms of hydrogeology, foul sewage, surface water drainage and water supply are also set out. Section 6.6 of the EIS sets out the various remedial and reductive measures which will be employed to ensure that residual risks will be minimised. While I consider that the potential adverse risks particularly in relation to flooding have been identified described and assessed in the EIS, notwithstanding the conclusions contained therein, I would consider particularly in light of the issues and data raised in the grounds of appeal in respect of the adjoining application and appeal (reg. ref. PL17.246141), that the Board should consider requesting further information in relation to potential flood risk arising from the proposed development.

In terms of air quality and climate, the EIS sets out details of the existing environment and provides details in relation to meteorological data for the region. Reference is also made to the limits set out in the Air Quality Standards Regulations 2011. The main impacts are identified as arising from fugitive dust during the construction phase. Increased emissions as a result of higher traffic generation is identified as being the main adverse impact during the operational phase. The EIS sets out a number of construction phase mitigation measures and operational phase mitigation measures in order to reduce the residual impact. The potential cumulative impact arising from the development of adjoining lands are also referred to in the EIS. Again I consider that the EIS has correctly and adequately identified, described and assessed the potential adverse impacts which could arise in terms of air quality as a result of the proposed development. The residual impacts are deemed to be acceptable.

In terms of noise and vibration, the EIS sets out and describes the existing baseline noise environment at three noise sensitive locations in the vicinity of the site. The average evening time noise survey ranges from 47 dB(A) to 54 dB(A). The potential impacts of the proposed development during the construction phase are identified correctly as being noise arising from construction activity and construction plant and equipment on site. It is noted however that this noise will be restricted to

daylight hours and will be temporary in duration. The main noise impact identified during the operational phase are increased traffic and general increased noise levels as a result of human activity. The EIS sets out remedial and mitigation measures for both the construction and operational phase. It is concluded with the incorporation of mitigation measures, noise levels during the construction phase would not be expected to exceed the noise criteria set out in Table 8.3 of the EIS.

In terms of the operational phase the overall noise climate would be expected to remain very similar to the present situation, as currently, the predominant source of noise is passing traffic. No vibration impacts associated with the development are identified. The EIS also assesses the proposal in the context of cumulative impacts for existing and proposed development in the area. Again it is concluded that there will be no measureable impact on the noise climate of the area. I consider the EIS has adequately identified and described and assessed the potential noise impacts. I also consider the conclusions reached in respect of noise and vibration to be reasonable.

In terms of landscape and visual impacts, the EIS describes the existing landscape character and statutory landscaping planning context referring to statutory development plans in relation to any landscape policies contained therein. The potential impacts during the construction phase are identified as being general construction activity. The visual impact during the operational phase while being permanent would be mitigated by the fact that there is a large expanse of open space along the southern side of the development which will reduce impacts from views along the R148, canal and railway line. Mitigation measures to reduce the visual impact are set out for the design phase, the construction phase and the operational phase. The impacts on the landscape character from various vantage points in the vicinity are set out in detail in the EIS. I consider the EIS has identified, described and assessed the potential impacts arising from the proposed development and I will agree with the conclusions that the residual impacts arising from the development in the context of the mitigation measures proposed, while permanent are deemed to be acceptable.

In terms of material assets, the EIS identified assets of human origin namely infrastructure and utilities serving the development and also identified assets of natural origin mainly the implementation of a comprehensive landscape plan. The EIS sets out the potential impact of the proposed development on the various utilities and infrastructure in the receiving environment including transport, natural gas, electricity,

telecoms and municipal waste. No significant residual impact is anticipated during the construction phase. During the operational phase it is acknowledged that the proposed development will have an impact on utility supplies. However the impact is deemed to be acceptable. It is also considered that the proposed development will have a net beneficial impact in terms of direct provision of flood relief measures for Kilcock. The EIS has adequately identified, described and assessed the potential impacts on material assets and I would agree with the conclusion that the residual impacts are likely to be insignificant.

In terms of archaeology and cultural heritage the EIS sets out a detailed desk study of its site and its surroundings in terms of history and archaeology. It is noted that there are no recorded monuments within the area of the proposed development. There are however a number of monuments in the general area none of which will be directly impacted upon by the proposed works. The EIS concludes that there will be no impact on Recorded Monuments, Protected Structures or the Royal Canal. There is potential to impact on subsurface remains but this is identified in the document as being low or moderate. The residual impact therefore is deemed to be low. I consider that the archaeological and cultural heritage impacts have been identified, described and assessed and I would agree with the conclusions set out in the EIS that the likely impacts are deemed to be insignificant.

The final chapter of the EIS identifies potential interactions and inter-relationships in terms of human beings, ecology, soil and water, traffic, air climate and the landscape. It is concluded that the proposed development will not result in any significant synergistic or cumulative adverse impacts on the environment.

The EIS has also adequately in my view considered the issue of alternatives in assessing the development (see Section 1.8 of the EIS). The alternatives considered mainly related to alternative design and layouts in the context of all the lands included in the Masterplan.

The residual effects identified under the various sections of the EIS are acceptable in my view and are unlikely to have a significant impact on the receiving environment. However I would reiterate that the Board may consider it appropriate to seek additional information in relation to potential flooding effects on foot of the issues highlighted in the grounds of appeal in respect of PL 17. 246141. The proposed development either by itself or cumulatively with other developments in the vicinity would not in my opinion have a significant impact on the receiving

environment. In summary therefore, having regard to the contents of the EIS and the various other submissions by the applicant in relation to the application, I am satisfied that there is sufficient information in respect of this application to carry out a full environmental impact assessment and would agree with the conclusions therein that the proposed development, with the exception of potential flood impacts, would not have a significant adverse impact on the receiving environment subject to the implementation of the various mitigation measures proposed.

12.0 Appropriate Assessment

An Appropriate Assessment Screening Report and a Natura Impact Statement was submitted with the application. The NIS in my opinion has correctly identified as a result of the screening exercise that there is one candidate SAC (the Rye Water Valley/Cartron cSAC Site Code: 1398) which could be significantly affected by the proposed development. This designated Natura 2000 site is located between 5 and 6 kilometres directly downstream of the subject site. The subject site is hydrologically connected and upstream of the designated Natura 2000 site, at the southern boundary of the site is contiguous to the Rye Water River.

The importance of the Natura 2000 site lies with the presence of a number of rare plant and animal species and a rare habitat, - the mineral petrifying spring which gives rise to calcareous marsh. This is an important habitat for small snails - *Vertigo angustior* and *Vertigo Moulinsiana*. The NIS notes though not specifically listed as qualifying interests, the site also contains freshwater crayfish, salmon, brook/river lamprey and otter all of which are included in Annex II of the Habitats Directive. The qualifying interests associated with the SAC are as follows:

- *Petrifying springs with tufa formation.*
- *Vertigo angustior (narrow mouthed Whorl Snail) and*
- *Vertigo moulinsiana (Desmoulin's Whorl Snail).*

The conservation objective is to maintain or restore the favourable conservation condition of Annex I Habitats and/or Annex II Species for which the SAC has been selected.

The main adverse potential impacts which could possibly arise on the latter two species could result from pollution episodes or increase siltation/sedimentation in the Rye Water River as a result of construction

works and earth movement works associated with the housing development.

Both the EIS and NIS have referred to the fact that mitigation has been built into flood control and infrastructural developments which already have the benefit of a grant of planning permission. Surface water on site during the construction works will be directed to on-site settlement ponds where silt removal will be facilitated prior to discharge into adjacent surface water surrounding the site at a controlled rate. Periodic testing of the surface water discharge will also be undertaken. All oils, solvents and paints used during the construction will be stored in temporary bunded areas and in designated areas with an impervious surface. Surface water attenuation and retention will be included as part of the main surface water drainage system.

The incorporation of the above mitigation measures should ensure that no material increases in sediment and pollutants will occur downstream of the subject site. The separation distance between the subject site and the designated Natura 2000 site will also act as an effective mitigation measure to ensure that any potential pollutants would be appropriately diluted and dispersed over a 5 to 6 kilometre stretch of river bed. This would have the benefit of ensuring that any potential pollution episode would be sufficiently diluted so as to ensure that it would have a negligible impact in pollution terms of qualifying interests downstream.

Likewise during the operational phase SUDS technology will be employed throughout the site so as appropriate attenuation will take place prior to any discharge to receiving waters including the River Rye Water. The Natura Impact Statement concludes that with the implementation of the mitigation measures that there would be no changes in the Rye Water River which would lead to any significant impacts which could adversely affect the integrity of the qualifying interests associated with the Natura 2000 site downstream. Having regard to the mitigation measures to be employed on site and these are set out in detail in Chapter 6 of the EIS, I am satisfied that the conclusions reached in the NIS are reasonable and I would concur that the proposed development will not adversely affect the favourable conservation status of either the petrifying springs with tufa formation or the two species of snail for which the Natura 2000 site has been designated.

Subject to the employment of the mitigation measures set out which will act as a robust and comprehensive defence against any potential

pollution episodes, I am satisfied that the proposed development will not have any adverse impact on the Annex I Habitat nor the Annex II Species for which the Natura 2000 Site has been designated in terms impacting of the population dynamics of the species, the natural range of species nor will it provide a threat to the maintenance of the snail population within a designated site on a long-term basis. The proposed development therefore will not impact on the conservation objectives of the designated Natura 2000 site. Based on my own assessment it is my opinion that the conclusions reached in the NIS are appropriate and reasonable.

I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a State 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European Site Code No. 001398 or any other European site in view of the site's conservation objectives.

11.0 CONCLUSIONS AND RECOMMENDATION

Arising from my assessment above I consider that the Board should uphold the decision of the Planning Authority in this instance and refuse planning permission for the proposed development based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

The proposed development and associated Masterplan would contravene Objective RD OBJ1 in failing to locate a school site within the subject lands and adjacent to the proposed neighbourhood centre as specifically set out in the above objective. The proposed application and Masterplan therefore fails to set out a coherent strategy for the co-ordinated and integrated and sustainable development of the lands in question and as such would materially contravene the Meath County Development Plan 2013-2019 as varied and would therefore be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board 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 Board had regard to the nature,

scale and location of the proposed development, the Appropriate Assessment screening statement and the Natura 2000 Impact Statement, the documentation including submissions on file, and the Inspector's assessment.

The Board accepted and adopted the assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the 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 or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: Rye Water Valley/Carton Special Area of Conservation (Site Code 001398), or any other European site, in view of the conservation objectives of these sites.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale, extent and location of the proposed development;
- (b) the Environmental Impact Statement submitted with the application;
- (c) the documents on file including the submissions from the planning authority and from the observers lodged in the course of the application; and
- (d) the Planning Inspector's report.

The Board considered that the Environmental Impact Statement identifies and describes adequately the direct and indirect effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity (including the associated development PL17.246143), and concluded that the proposed development would not be likely to have significant effects on the environment. In doing so, the Board adopted the report of the Inspector.

Paul Caprani
Senior Planning Inspector

May 17th 2016.