



An
Bord
Pleanála

Inspector's Report PL17.247489

Development	379 houses, 15 apartments, medical centre, crèche, 3 electricity substations, site works
Location	Maudlin, Friarspark, 2 Division, Effernock, Trim, County Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	TA160093
Applicant(s)	Matanza Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Effernock Manor Residents Assoc. Highpark Developments Ltd.
Observer(s)	None
Date of Site Inspection	10 th February 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The application site extends to 20.48ha and comprises a relatively flat landholding to the southeast of Trim town centre in County Meath. The site is divided by a straight ditch/hedgerow running north to south through the site; the western element comprises some hard standing/scrub and an incomplete road network which appears to be related to the earlier permission on site under PL17.214200, the eastern element is in tillage. The only vehicular access is through Effernock Manor which in turn has a junction with the R154 Triom/Clonee regional route. The northern boundary abuts a single carriageway cul de sac which runs from its beginning close to the junction of Effernock Manor with the R154 in the west to an access to Knightsbrook Hotel/Leisure Resort and Golf Course golf club at its eastern end. A single house (Friarspark House) is accessed from this cul de sac at the point where it turns south east along Knightsbrook Crescent and is enveloped by the site. On the northern side of this cul de sac is the housing in Castle Close. Along the north-eastern boundary is the housing and public open space in Knightsbrook Crescent and a line of mature trees. The southern boundary abuts the lands of the Knightsbrook Hotel/Leisure Resort and Golf Course and agricultural land on the southwestern edge. The western edge of the site abuts the rear of the houses on Effernock Manor.

2.0 Proposed Development

- 2.1. The proposed development is located at Maudlin, Friarspark 2nd Division and Effernock, Trim, County Meath.
- 2.2. The application is for planning permission for a period of 10 years. The proposed development will consist of the construction of a total of 382 no. residential dwellings comprising 367 no. houses and 15 no. apartments, a medical centre (gross floor area 259 square metres) and a crèche (gross floor area 488 square metres). The houses will be a mix of terraced, semi-detached and detached form and two storeys in height, all with optional photovoltaic solar panels and with specified house types having dormer windows in roof slopes to facilitate the option to convert attic space of these dwellings to habitable accommodation. The 15 no. apartments are provided by way of 9 apartments in a three-storey stand-alone building and a further 6 apartment

sat first and second floor levels over the medical centre. The crèche is contained in a 2 no. storey building. The crèche and medical centre are linked at ground floor level. The development also provides for 3 no. electricity substations and all associated site development works including alterations to ground levels, internal access roads, car parking, footpaths, open space, public lighting, landscaping and boundary treatments. Vehicular access to the development will be off the Regional Road (R154) and then via the residential estate road through the residential development known as Effernock Manor.

2.3. An Environmental Impact Statement was submitted with the application.

2.4. The **application as amended** provides for 379 houses and 15 apartments, crèche/medical centre in an amended layout.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to 27 conditions.

Initially the planning authority sought further information as follows;

- Submit a 5 phase plan reflecting the scale of the development and the 10 year development period and the protection of the amenity of the future residents of the proposed development.
- The phasing plan should also demonstrate that each phase can operate as a standalone entity.
- Clarify the ownership of the application site and consent of the relevant landowner(s) to connect to the Effernock Manor estate road, as this housing estate is not in charge of Meath County Council.
- Submit a layout plan which clearly shows the separation distance between the proposed dwellings and existing dwellings and demonstrates that no overlooking or overshadowing of any adjoining dwellings will occur as a result of the proposed development.

- Clarify that the proposed crèche is appropriately sized to meet the expected demand.
- Submit details of the boundary treatment proposed to all boundaries of the application site.
- Submit further details of the western boundary which are unclear.
- Review the proposed dwelling boundaries and submit proposals to comply with section 11.2.2.6 of the County Development Plan which does not permit post and wire or timber panel fencing.
- Demonstrate how the proposal complies with the open space requirements in section 11.2.2.2 of the Meath County Development Plan 2013 – 2019.
- Submit a full design for the right turn lane or signals at the junction of R154 and Effernock Manor.
- Analyse the junction development within Effernock Manor in relation to the additional traffic and submit a design for this with priority to the major traffic flow.
- Provide proposals for or agree to fund the widening of the R154 west of the site to include for minimum 7m carriageway with footpaths and cycleways on either side.
- Show cycleways on all main internal roads.
- Include the junction of R154 and Effernock Manor in the red line site boundary. Likewise include the widening of the narrow section of R154 in the red line site boundary.
- Show pedestrian and cycling links to other adjacent developments with letters of consent from the landowners to provide the pedestrian and cycling links.
- Provide letters of consent where works are required outside the ownership of the applicant.

- Submit a full design for each 'infiltration/storage device'. The base level of each device shall be a minimum of 500mm above the maximum recorded winter table for the specified location.
- Submit a detailed calculation/breakdown of the storage volume being provided at each 'infiltration/storage device' taking into consideration the 'actual' free volume being provided by the device together with the 'void volume' in the stone around and above the device. The volume to be attributed to the stone 'void volume' shall be not greater than 35% of the total volume of the stone media.
- Submit detailed layout maps of each sub-catchment within the proposed development within which the total and impervious contributing areas are clearly outlined and accompanying calculations sheets showing clearly how the areas have been derived.
- Submit fully detailed calculations sheets for Q_{bar} and subsequent storage volume calculations in accordance with the requirements of GSDS Vol 2 for each of the sub-catchments within the proposed development.
- Submit proposals to make the development more SuDS compliant.
- Satisfy Irish Water in relation to connection of the watermain and address all wayleave and access issues.
- Submit detailed confirmation that all such water services installed for previously permitted development are removed from the site.
- Submit details of the sewerage pipes (which shall be 225mm as per the requirements of the GDA Code of Practice for Drainage Works) to the standards of Irish Water including a survey of previously laid pipes where they are to be reused.
- Submit a revised design for the wastewater collection network discharging to Knightsbrook Golf Course.
- Submit written consent from the relevant landowner consenting to the use of stormwater pipe and the discharging of the surface water to the Knightsbrook Golf Course.

- You are requested to examine and response to the 3rd party submissions received in relation to the proposed application.

3.2. The applicant replied to the request for further information in a manner which satisfied the planning authority and permission was granted.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

3.4. **Road Design Office** (see first report dated 16th March 2016) sought further information in relation to for a right turn lane or signals at the R154/Effernock junction, an analysis of the Effernock Manor junction with priority given to the flow from the new development (the source of major traffic flow), carry out works to the R154, provide cycle ways on major internal roads, include the junction of the R147/Effercom junction within the site boundary, show pedestrian and cycle links to adjoining developments with letters of consent, provide letters of consent to carry out works outside the site.

3.5. The **Water Services Section** report dated 10th March 2016 sought further information in relation to the 'infiltration/storage device', distance to the water table, detailed calculation/breakdown of the storage volume being provided at each 'infiltration/storage device' taking into consideration the 'actual' free volume being provided by the device together with the 'void volume' in the stone around and above the device, the volume to be attributed to the stone 'void volume' shall be not greater than 35% of the total volume of the stone media, detailed layout maps of each sub-catchment within the proposed development within which the total and impervious contributable areas are clearly outlined and accompanying calculations sheets showing clearly how the areas have been derived, detailed calculations sheets for Qbar and subsequent storage volume calculations in accordance with the requirements of GSDS Vol 2 for each of the sub-catchments within the proposed development. Submit proposals to make the development more SuDS compliant.

3.6. The second **Water Services Section** report (22nd August 2016) stated that the applicant had engaged successfully with the planning authority and the submission

of FI received on the on 5th August 2016 was satisfactory in terms of surface water disposal.

- 3.7. **Environment (Flooding)** section report (1st March 2016) reported that the risk of fluvial flooding on the site is minimal.

3.7.1. **Other Technical Reports**

The **HSE** reported no objection to the proposed development.

Irish Water recommended requesting further information (see report dated 8th March 2016). A further Meath County Council Water Services Section report on behalf of Irish Water (dated 22nd August 2016) confirmed that the materials submitted as further information was acceptable from water supply and waste water disposal perspective.

3.8. **Prescribed Bodies**

There are no submissions from prescribed bodies.

3.9. **Third Party Observations**

The planning authority received observations which, generally, make the points set out in the appeals received by the Board.

3.10. **Planning History**

Under PL17.214200 permission was granted for 564 houses, crèche, medical centre on basically the same site at Maudlin, Effernock and Friarspark, Trim, County Meath. Condition 2 required agreement of a phasing programme but otherwise no significant changes were required by the grant of permission.

4.0 **Policy Context**

4.1. **Development Plan**

The site is zoned 'new residential in the **Trim Town Development Plan 2014-2020**.

The Plan states that it will have regard to the **Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009)** when considering planning applications.

4.2. **Natural Heritage Designations**

An AA screening assessment is set out below.

5.0 **The Appeal**

5.1. **Grounds of Appeal**

There are two third party appeals from (1) Effernock Manor Residents' Association and (2) Highpark Developments Limited. The grounds of appeal may be summarised as;

- The proposed open space beside 3 and 4 Effernock Manor should be developed for housing and the proposed open space developed on the site of PL17.214200.
- The proposed house behind 35 Effernock Manor should be omitted as it would impact on daylight and sunlight in that garden.
- Condition 27 requiring a contribution towards a footpath along the southern side of Dublin Road should be retained.
- The applicants do not have sufficient legal interest to carry out the proposed development.
- The application requires road works outside the site on lands which are not in the applicant's ownership and without these works the proposed development would give rise to traffic hazard.
- The proposed development is deficient in terms of urban design, permeability and connectivity. The DMURS requires development to maximise connectivity – the application fails to do so. Pedestrian and cycling links are very poor. The proposal has insufficient regard to the Guidelines on Sustainable Residential Development.

- The proposed development is ½ that required in the Trim Development Plan.
- The proposed development will give rise to traffic hazard at the R154/Effernock junction.

5.2. Applicant Response

The applicant responded separately to both appeal as follows;

- The Board previously granted planning permission for 450 houses on broadly the same site under PL17.214200.
- A comprehensive EIS accompanied the application.
- The site is zoned A – New residential development in the Trim Town Development Plan.
- A landscape plan providing for retention of trees where possible accompanied the application.
- The gross density is 18.6 units/ha, the net residential density is 30 units/ha. This density reflects the prevailing density of development in the area.
- There is an appropriate mix of dwelling types proposed.
- Open space provision within the site is 16.78% whereas the Meath County Development standard is 15%. Private open space is as required in table 11.1 in the Plan and 22m separation distance has been maintained between opposing first floor windows.
- Parking standards required by section 11.9 of the County Development Plan have been provided. Cycle parking and childcare facilities have been provided in accordance with the Development plan standards.
- The proposed development will comply with Part V of the Act.
- The proposed development complies the Urban Design Manual – a Best Practice Guide.
- The Board has previously granted permission where the issue of legal interest was raised at appeal stage.

- The application does not propose off-site works. The applicant will make a contribution under section 48 to the planning authority towards the cost of road improvements at the Efferock/R154 junction to improve road safety. The existing road network is capable of accommodating the additional traffic arising from the proposed development.
- The proposed development meets the standards for connectivity and permeability.
- The applicant submitted revised drawing (drawing number 1457-PA-002-1 and 1457-PA-CI-5-100) which provides a house on the public open space beside 3 and 4 Effernock Manor.
- The proposed house on the application site behind 35 Effernock Manor will not adversely impact on daylight into that garden but that unit has been amended in any case by drawing numbers 1457-E2-3-100 and 1457-E2-3-101.

5.3. Planning Authority Response

The planning authority dealt with all the issues raised in the appeal in its consideration of the application.

The planning authority has no comments on the applicant's response to the appeal.

5.4. Observations

The Board received no observations in relation to this appeal.

5.5. Further Responses

Effernock Residents Association commented on the other third party appeal to state that;

- Road works should be completed to ensure pedestrian/traffic safety. Condition 27 of the planning authority's decision should be included in any grant of permission.
- The proposed density is similar to the adjoining developments.
- Trim is poorly served by public transport.

6.0 **Assessment**

6.1. **Environmental Impact Statement**

6.2. The application as accompanied by an Environmental Impact Statement with a Non-Technical Summary. The EIS was augmented by a separate Traffic and Transport Assessment and by additional information submitted at application stage. The EIS describes the likely significant effects on the receiving environment under the following headings.

- Introduction, Site and Alternatives.
- Planning Policy Context.
- Traffic (Volume 2).
- Human Beings, community, and material assets.
- Archaeology and Cultural Heritage.
- Landscape and Visual.
- Ecology.
- Air Quality and Climate.
- Noise and vibration.
- Water and Drainage.
- Soil, geology and hydrogeology.

6.3. **Introduction, Site and Alternatives.**

- 6.4. The site was chosen having regard to the history of permitted development under PL17.214200 and the zoning of the site in the Trim Town Development Plan 2014-2020. The layout was determined having regard to development plan ecological requirements.
- 6.5. **Planning Policy.**
- 6.6. Trim is identified as a “moderate sustainable growth town” in the NSS and the site is zoned “A2” New Residential with the objective “to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy” in the current Trim Town Development Plan.
- 6.7. **Human Beings, community, and material assets.**
- 6.8. The development will give rise to a population increase of 836 people. These will give rise to economic activity which will create 30-40 jobs. The population will be adequately served by existing social infrastructure.
- 6.9. **Archaeology and Cultural Heritage.**
- 6.10. There are no recorded monuments on the site. Previous archaeological testing within the site revealed no archaeologically significant finds. There will be no significant archaeological, architectural or cultural heritage impacts arising from the proposed development.
- 6.11. **Landscape and Visual Impact.**
- 6.12. The site is 20ha within the Boyne river valley and within 1km walking of Trim Town centre. Table 4.4.3.01 and accompanying hedge row survey set out the existing hedge rows on site. Most of the hedge rows and the oak avenue along the Knightsbrook Crescent housing scheme will be retained. The visual impact will mean that the development will be visible from Trim castle but the proposed development will not impact on any of the views on Trim Historical Core ACA, Porchfield ACA, Boyne River Valley SAC or SPA of the Trim zone of archaeological interest. The proposed development will be visible from many of the surrounding housing developments. There will be impacts on views of the site from local road network.

6.13. A tree survey was conducted and trees mapped on 'Arbour Care' drawing. Mitigation measures proposed include keeping construction work outside the root protection area (RPA), no storage, fires or spill of materials within the RPA.

6.14. **Ecology**

6.15. The site comprises areas of bare ground, grassland, hedgerows and woodland. The fauna on site include fox and rabbit, probably stoat and squirrel. Bats were seen/heard in two places on site but no trees suitable for roosting occur within the site although there may be cavities in larger oaks on the periphery. Common bird species were observed on site. There will be impacts on these species in that parks and private gardens will replace the existing site cover. Mitigation measures will be geared towards limiting run off during the construction phase; this will not be significant since there are no water courses on site. Surface water attenuation will be employed to limit runoff to greenfield rates.

6.16. **Air Quality and Climate**

6.17. Air quality impacts will be mitigated at construction phase and operational phase. Construction phase emissions to the air will be reduced through the provision of a wheel wash on the Effernock Road site entrance, regular maintenance/sweeping of the nearby road network, covering of materials susceptible to becoming windborne, imposition of construction vehicle speed controls, maintenance of construction machinery to reduce exhaust emissions and prohibition of burning on site. Operational phase air emissions will be limited by installation of cleaner heating systems.

6.18. Climate will be undisturbed with the possibility of some effect on wind patterns arising from the higher (three storey) buildings.

6.19. **Noise and vibration.**

6.20. Noise impact and vibration are considered in chapter 4b of the EIS. Noise impacts related to construction phase will be maximally experienced on the road between the application site and the Effernock/R154 junction. The noise increase in the AM and PM peak periods will be 6.5 to 7 dBA. Acoustic barriers will be put in place where

construction takes place within 60m of any house. Plant and machinery will be maintained and operated in a manner as to minimise noise production. No rock breaking or pile driving are anticipated during construction phase and accordingly no vibration mitigation measures are proposed.

6.21. Water and Drainage

6.22. The flood risk assessment concluded that there is no risk of flooding on the site. There is adequate public water infrastructure to serve the propose development. Impacts on surface water are identified as construction phase impacts and operational phase impacts. Surface water quality will be protected through the prevention of spill of hydrocarbons on site, ready mix concrete will be trucked to the site, contaminated rainwater will be prevented from infiltration to the soil and machinery/truck washout will take place off site. During the operational phase surface water will be directed to infiltration pits/SUDS and then discharged via an oil interceptor to the existing system.

6.23. Soil, geology and hydrogeology

6.24. The impacts on soils and geology will be restricted to those arising from foundation excavations, site services excavations, importation of building materials and construction of access road, footpaths and lighting services. The EIS proposes that mitigation measures will include bunding of areas where oils/fuels are stored, monitoring of any excavated soils materials for unusual colours or smells and treatment if such occurs during the construction phase. In the occupation phase attenuation/infiltration of surface water will occur on site and excess water will be disposed of to the existing surface water system.

6.25. Environmental Impact Assessment

6.26. Having regard to the material submitted in the EIS and supplemented by the response by the applicant to the further information request made by the planning authority I recommend that the EIS contains the information set out in Schedule 6 and complies with article 94 of the Regulations. I have noted the points made in the EIS in relation to the choice of the site for the proposed development in light of the alternatives. I agree that the proposed development reasonably reflects the zoning

for the site set out in the Trim Development Plan and has had regard to the planning history of the site.

- 6.27. I consider that the EIS has correctly identified the likely significant environmental impacts. Of those identified I consider that traffic hazard and the potential for surface water contamination during construction phase to be the most significant. The EIS sets out a number of mitigation measures such as road cleaning and dust suppression. Noise barriers are proposed which will reduce the impact of traffic movements on residential properties during construction the construction phase. Longer term traffic impacts are discussed below under a separate heading. In relation to surface water impacts it may be noted that there are no water courses within the site but the site is within the catchment of the Boyne. The EIS includes a number of measures to prevent water pollution including bunding of areas where the possibility of hydrocarbon spillage would arise and importation of pre-made concrete into the site for construction work. I note that the final disposal of surface water to existing surface drains in the adjoining gold club was raised in the request for further information and that the arrangements were deemed satisfactory by the planning authority. I consider that the mitigation measures to prevent contaminated runoff are reasonable and implementable.
- 6.28. Having regard to the foregoing I conclude that the proposed development would not give rise to unreasonable significant environmental impacts.

6.29. **Planning Policy.**

- 6.30. The Meath County Development Plan 2013-2019 sets out a settlement strategy as part of the Core Strategy for the county. Trim is classified as a 'Moderate Sustainable Growth Town' in Table 3.2 of the plan. Objective SS OBJ11 of the plan requires the planning authority "to ensure that Moderate Sustainable Growth Towns develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport". The Trim Town Development Plan incorporates a zoning map and the application site is zoned A2 for 'new residential development' in the map. The landuse zoning objective for the site is "to

provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy". The plan states that within the overall core strategy set out in the County Development Plan that 518 new houses have been allocated to Trim (there is an extant permission for 912 units in 2014 figure). The present application has been provided for in the core strategy as part of the already approved 912 units.

6.31. The town development plan makes the further point that A2 zoned areas should have an average residential density of 35 units/ha. This reflects the advice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009) that densities of 50 units per ha should be achieved in larger towns close to public transport infrastructure but densities less than 30 units/ha should be discouraged on greenfield sites. The application makes the case that the gross density is 30 units/ha and the net density is 18.6. The planning authority considered this matter and having regard to the Trim Town Plan and the pattern of development in the area considered that the proposed density is acceptable.

6.32. I consider that the proposed density is at the lower limit of that which is acceptable but balancing the zoning provisions for the site and the related objective in terms of housing provision set out in the Town Development Plan, the pattern of residential development in the area and the restricted access through an existing built up housing development I do not recommend refusal on this point.

6.33. **Permeability**

6.34. The appeal makes the point that there is very restricted permeability between the site and the adjoining developments. This is a fair point and it may be noted that the Sustainable Residential Development in Urban Areas Guidelines emphasise that permeability is a key component of well-functioning communities. The deficiency in the application arises from a lack of opportunity for permeability. Taking the final layout (see proposed site plan drawing number 1457-PA-002 received by the PA on 5th August 2016) it may be noted that there is a single vehicular access through

Effernock Manor, there will be a permeable boundary onto Knightsbrook Crescent (see proposed boundary treatments drawing 1457-PA-023 received by the planning authority on 5th August 2016) but this will either lead back, via the cul de sac on the northern boundary, to the Effernock/R154 junction on the town side of the development or through the housing in Knightsbrook to the R154 on the Dublin side of the town. There is a single missed opportunity to access Effernock between houses 30 and 31 Effernock Manor but the additional utility of this in terms of permeability is questionable.

6.35. The Town Development Plan proposes a distributor road which would link the west of the town to the R154 to the east side (Dublin) of the proposed development. This line is only indicative in the plan and even so does not immediately adjoin the application site. It follows that there are no immediately available opportunities to create additional permeability to the south or east of the site. Nonetheless I do consider that the south western boundary where the open space is located fronting proposed houses numbers 83 and 84 and number 196 could be reconfigured so as to incorporate a future junction linking to a future distributor road and I attach a condition to this effect.

6.36. **Traffic Impacts**

6.37. The appeal makes the point that the proposed development will give rise to traffic hazard at the Effernock/R154 junction and the Residents' Association makes an associated point that the footpath connection to the town centre is inadequate and needs improvement and that condition 27 imposed by the planning authority which requires the payment of a special contribution under section 48(2)(c) towards works between the Effernock entrance and the Boyne Community School should be imposed by the Board in any grant of planning permission.

6.38. The application included a traffic and transport assessment (see Alan Lipscombe Traffic and Transport Consultants report received by the planning authority 5th February 2016). This was reviewed by the planning authority's Road Design Office (see report dated 16th March 2016) and the planning authority sought further information as follows;

- Provision of a right turn lane or signals at the R154/Effernock junction,
- an analysis of the Effernock Manor junction with priority given to the flow from the new development (the source of major traffic flow),
- carry out works to the R154, provide cycle ways on major internal roads,
- include the junction of the R147/Effernock junction within the site boundary,
- show pedestrian and cycle links to adjoining developments with letters of consent,
- provide letters of consent to carry out works outside the site.

6.39. The applicant responded (see Stephen Ward's submission Alan Lipscombe Traffic and Transport Consultants Response to FI request received by the planning authority 5th August 2016) providing for a signalised junction at the R154/Effernock junction, a redesigned junction within Effernock Manor where the traffic to the proposed development would turn left giving priority to traffic from the new development, a drawing (drawing 1457-PAS-016) illustrating cycle ways within the development. The applicant states that the application does not include works outside the site. The planning authority's engineering advice (see second report dated 27th October 2016) states, *inter alia*, that the traffic analysis at the R154 junction was flawed, that the amended cycle routes were acceptable and that the applicant should pay for works to the junction and the public footpath between the site and the local Boyne Community School, and by extension, the town centre.

6.40. Accepting the planning authority's critique of the junction analysis the net point is that it is necessary to both improve pedestrian access to the school and town centre and road safety at the junction of Effernock and the R154. A signalised junction at the R154/Effernock junction is the planning authority's preferred method of improving safety at this junction and having regard to the existing traffic and that which may reasonably be expected to arise from the proposed development I consider that a contribution by the developer to the costs of these works to be carried out by the planning authority is reasonable. Additionally, there is about 130m between this junction and a narrow section of the R154 close to the community school which would be required to be set back and a footpath provided to link existing development and the proposed development to the school without the necessity of

crossing the public road to walk on the northern side of the R154. The amended road markings within the Effernock Manor development should be added here as also requiring works by the planning authority in the interest of road safety. I am satisfied that these three elements of road works in whole or in part constitute specific exceptional costs attributable to the proposed development as required by section 48(2)(c) and a condition requiring agreement on a specific figure may reasonably be attached to a grant of permission.

- 6.41. The appeal (Highpark Developments Ltd) makes the point that the proposed development cannot proceed because the road improvement works are outside the site on lands not in the ownership of the applicant. The works will be carried out by the planning authority on lands largely within its ownership and therefore I do not recommend refusal on this point.
- 6.42. **Residential Standards/private open space/separation distance.**
- 6.43. Fifteen apartments are to be provided in two blocks in the centre of the site. These are acceptable in terms of internal space provision, storage and private open space.
- 6.44. The planning authority raised the issue of depth of rear gardens and private garden space in the request for further information. Having regard to the revised layouts submitted as further information I conclude that all units meet an acceptable standard in this regard in this regard.
- 6.45. The appeal makes the case that number 35 Effernock Manor will be particularly impacted upon by the proposed development because the proposed house within the new development – proposed house number 41 on the western boundary – is too close to the boundary. The revised layout (see drawing number 1457-PA-006 Site Layout Plan Sheet 3 submitted to the PA on 5th August 2016) shows a separation distance of 3m off the boundary with 35 Effernock Manor and this house is a Type E2 (see drawing number 145-E2-100 submitted to the PA on 5th August 2016) is a bungalow with no first floor windows on the elevation. Having regard to these factors I conclude that the proposed development will not adversely impact on the amenity of adjoining property by overshadowing or overlooking.

6.46. **Public Open Space**

6.47. The residents' association's appeal makes the case that the proposed public open space (see public open space 905m² shown on the overall site layout plan submitted on 5th February 2016) would give rise to negative impact on the amenity of the house at 3 Effernock Manor and that this open space should be given over to housing. I am not convinced that this would be the case and furthermore that parcel of open space adjoins a larger element of open space indicated as attaching to the adjoining development permitted under PL17.214200. Consequently, I do not recommend giving this space over to housing.

6.48. Having regard to the quantum (about 17% of the overall site – see the public open space – schedule of areas and calculations set out in drawing number 1457-PA-010 received by the PA on 5th August 2016), the Meath County Development Plan standards for open space provision in residential development (15%), the quality of the reconfigured public open space provided for in the response to the request for additional information, and the incorporation of the existing trees on site into the revised landscaping scheme I consider that overall the proposed development is acceptable in terms of quality and quantity of public open space provision.

6.49. **Surface Water Drainage**

6.50. The further information request raised the issue of a high water table impeding the efficient working of the infiltration pits, further details of the design of the infiltration areas, requires identification of the sub-catchments within the scheme distinguishing between permeable and impermeable areas, calculations of expected surface water volumes and storage capacities and greater incorporation of SUDS in the development.

6.51. The applicant (JOR Consulting Engineer's report received by the planning authority on 5th August 2016) stated that infiltration pits A, B, C, D will be 400mm above the water table and that pits E and F can't discharge to surrounding subsoil but will be

lines with an impermeable sheet. Details of the specific the infiltration areas, the contributing sub-catchments, calculations of surface water volumes and storage volumes are set out in the FI response. Permeable paving is provided for in drawing J15-031-007 and on and rain water butts are provided for each house.

6.52. The second Water Services Section (22nd August 2016) report stated that the applicant had engaged successfully with the planning authority and the submission of FI received on the on 5th August 2016 was satisfactory in terms of surface water disposal.

6.53. Essentially surface water will be partially dealt with on site through the infiltration areas set out in the master plan drawing (see JOR Engineering drawings numbered J15-031 001Rev B received by the PA on 5th August 2016) and any remaining will discharge to an open ditch on the southern edge boundary with the golf club. Having regard to the material submitted with the application and the further information, the reports of the planning authority, the absence of any standing water and site and the topography of the site I conclude that the proposed development can be drained satisfactorily in the manner proposed.

6.54. **Water Supply and Waste Water**

6.55. The Town Development Plan 2014-2020 comments in relation to the town's water supply that it was upgraded in 2007 and that design capacity is 5,500m³ with an average current demand of 3,500m³ per day. The Plan states that the MWWTP dates from 1998 with capacity of 12,000pe and serves 10,000pe.

6.56. Irish Water objected to the use of water mains related to the previously permitted residential development and stated that the diameter of the foul sewerage was too small. The applicant responded (see revised water main layout (drawing number J15-031004 Rev B received by the PA on 5th August 2016) illustrating a revised water supply layout. Subsequently the planning authority (on behalf of IW) reported that this revision was satisfactory. The applicant also submitted a revised foul drainage scheme which the planning authority (on behalf of IW) stated was satisfactory.

6.57. Having regard to the material available in the Town Development Plan and the reports on file I conclude that the proposed development has access to adequate water supply and wastewater treatment capacity.

6.58. Parking Provision.

6.59. The Meath County Development Plan in table 11.9 requires the provision of two spaces per conventional house. Having regard to the revised site layout plan I conclude that the proposed development complies with this requirement.

6.60. Appropriate Assessment

6.61. The application included an appropriate assessment screening report (included as 4.5 of the EIS) which identified the River Boyne and River Blackwater SAC (002299) as being located within the 15kms limit for assessment ordinarily recommended by the NPWS. The NPWS has published a generic conservation objective for the River Boyne and River Blackwater SAC (002299) 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected'. The designated habitats are alkaline fens and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae* (* denotes a priority habitat). The designated species are; river lamprey, salmon and otter. The River Boyne and River Blackwater SPA (004232) is also within the 15kms assessment limit and the Kingfisher is the sole special conservation interest for this European site.

6.62. The AA screening report states that the site does not contain any of the species or habitats for which the Natura 2000 sites have been designated. The identifies surface water run-off during construction phase and foul effluent to the public WWTP during the operational phase. There are no water courses on file and the mitigation measures site out in the application include prevention of surface water run off during construction phase. The AA screening assumes that there is an adequate water treatment system to accommodate foul effluent from the proposed development.

6.63. I consider that the construction phase mitigation measures set out in the application are reasonable and implementable and will prevent runoff from the site into the SAC/SPA. Having regard to the information available in the Trim County Development Plan in relation to the capacity of the MWWTP and the comments of Irish Water I conclude that the proposed development will not adversely affect water quality in the SAC as a consequence of inadequate effluent treatment. Finally having regard to the form of development proposed, the likely emissions, and absence of disturbance of ecologically significant habitats envisaged by the proposed development I consider that it will not impact on the kingfisher for which the SPA has been designated.

6.64. The planning authority carried out an AA screening and concluded that the proposed development would not have a significant effect on a Natura 2000 site.

6.65. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

6.66. **Legal Interest**

6.67. The appeal makes the point that the application relies on a wayleave which is insufficient to allow access to the quantum of development proposed. The Board considered a similar point in PL17.214200. The inspector in that case advised that doubts on this issue should not form a basis for refusal and the Board directed that a letter issue to the parties referring to the provisions of section 34(13) which provides that where another impediment to carrying out development exists that a grant of planning permission may not be in itself sufficient to do so. I recommend this course of action in this case.

7.0 **Recommendation**

7.1. Having regard to the foregoing I recommend a grant of planning permission for the reasons and considerations and subject to the conditions set out below.

8.0 Reasons and Considerations

Having regard to the designation of Trim town as a moderate sustainable growth town in the settlement hierarchy established in the Meath County Development Plan 2013 to 2019, to the zoning of the site for residential development in the Trim Town Development Plan 2014 to 2020, to the quantum of development proposed which generally reflects the number of new residential units anticipated to be provided within the lifetime of the Town Development Plan and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to traffic hazard or injury to the amenity of nearby residential development, would not give rise to significant negative environmental impacts, would accord with the provisions of County Development Plan and the Town Development Plan and the the proper planning and sustainable development of the area.

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the application including the environmental impact statement, the submissions made on file, the applicant's response to submissions, the mitigation measures proposed, and the report, assessment and conclusions of the Planning Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity and concluded that, subject to the mitigation measures proposed, and the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so the Board adopted the report of the Inspector.

9.0 Conditions

1. (a) The proposed development shall be carried out and completed in accordance with the plans and particulars, including the environmental impact statement and other associated documentation, lodged with the planning authority on the 5th day of February 2016, as amended by the further plans and particulars received on the 5th day of August 2016 and the 15th day of August 2016, except as may otherwise be required in order to comply with the conditions set out below.

(b) All environmental mitigation measures set out in the environmental impact statement and associated documentation submitted by the applicant shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity and environmental protection.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

- 3 Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

4. 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.

5. A road shall be provided to the southern site boundary in the area of the public open space between houses numbers 83 and 84 and number 196. Prior to commencement of development the applicant shall submit revised plans and particulars for the amended road layout, reconfiguration of the proposed public open space and affected houses for the written agreement of the planning authority. In default of agreement the matter may be referred by either party to the An Board Pleanála for determination.

Reason: To facilitate eventual access to the southern distributor road indicated as an objective of the planning authority in the Trim Town Development Plan.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

Reason: In the interests of residential and visual amenity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the

commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 9 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and residential amen

- 10 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

- 11 The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

- 12 The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

- 13 Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 14 A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of

facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

- 15 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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

- 16 The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of a signalised junction at the R154/Effernock estate junction, provision of a footpath, boundary treatment and associated works on the R154 between the R154/Effernock estate junction and the Boyne Community School entrance and amended road markings at the Effernock Manor junction.

The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

- 17 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

Hugh Mannion
Planning Inspector

13th February 2017