



An
Bord
Pleanála

Inspector's Report

ABP-304342-19

Development	A three storey pitched roof mixed use building, consisting of retail unit, duplex apartments and a pair of semi detached houses
Location	Main Street, Clonee, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA180228
Applicant	Peter Dwyer
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party against conditions
Appellant	Peter Dwyer
Date of Site Inspection	1 st October 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is a rectangular piece of ground at Main Street, Clonee, where the narrow axis fronts the street and the long axis runs between the flank of a building on Main Street and its boundary wall and an access road which leads to apartment blocks at the rear. Those blocks face the (5+m) embanked of the M3 which runs close to the village. The River Tolka flows east through the village north of the site, and under the M3. The site is a grass covered bank at a higher level than the access road and the adjoining building. On the opposite side of the access roadway there is a boundary wall to a large building in mixed use.
- 1.2. On the opposite side of Main Street a cranked building, in mixed use, has frontage to Main Street and to Summerset Court, a residential area. On the other side of Summerset Court facing Main Street there is a two storey vernacular building. Other than the latter all the adjacent buildings are of recent origin.
- 1.2.1. The site is given as 0.063 hectares.

2.0 Proposed Development

- 2.1. The proposed development is the erection of a three storey pitched roof, mixed use building, consisting of a retail unit, duplex apartments and a separate block of semi-detached houses. The ground floor of the proposed front block has an access to the front for the retail unit. The units overhead have access via an external stairs to first floor. The separate block of semi-detached dwellings face the other block across an access/parking area/yard. These units have gardens to the rear. The duplex units are to be provided with terraces at second floor facing north towards the access/parking area/yard.
- 2.2. Revisions submitted 11th February 2019 included the substitution of a flat roof, in lieu of a pitched roof, to the front building.
- 2.2.1. The total floor area is given as 454m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided (4th April 2019) to grant permission subject to 26 conditions, including:

2) The two residential units to the north and rear of the site shall be omitted. Prior to the commencement of development on site the applicant shall submit a revised site layout for the written agreement of the planning authority showing this area appropriately landscaped.

Reason: In the interest of flood risk management.

3) A total of 2 residential units and 1 retail unit shall be built on site in accordance with the plans and particulars lodged with the planning authority on the 11/02/19 and the 12/03/18.

Reason: In the interest of development control.

4) – management company.

5) – details of footpaths.

7) Prior to the commencement of development on site the applicant shall submit a revised site layout for the written agreement of the planning authority of flood resilient measures for the entire development.

Reason: In the interest of flood risk prevention.

21) detailed requirements for broadband service infrastructure, to ensure flexible access to each unit, for service providers, on an open access basis.

22) – S 48 - €725 re surface water.

23) – S 48 - €9,004 re public roads/public transport.

24) – S 48 - €5,776 re open spaces.

25) – bond €12,000.

26 - €200 per house towards monitoring construction.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning report on the file.

The first, which recommends a further information request, includes:

- Flood Management Guidelines 2009,
 - a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk;
 - a determination of appropriate development based on flood probability and vulnerability of development type;
 - a stringent set of criteria against which to test development in floodplains for justification on the basis of wider sustainability grounds and acceptable management of flood risk;
 - The requirement for a flood risk assessment in relation to spatial planning and planning applications.
- Site map extracts from previous planning applications are included in the report: 002298, a development from Main St to the road embankment with extensive frontage on Main St and which site includes the application site; DA802582 for a similar site area; and DA110137 the application site. The report states that under PI Ref 002298 the application site was included; an extension of duration was granted to 2009. Under PI Ref DA802582 the application site was included, however the development deals only with the remainder of the site. This development was not constructed and subsequently an application was made to the PA under PI Ref DA110137 on the current site which considered the site history and the development appropriate to the site.
- A submission received refers to the application site being part of the Clonee Court development and its public open space. Taking account of the history (as outlined) and the zoning, it is considered acceptable to consider the current proposal, as the application site was not identified as public open space for the Clonee Court development, as this was modified via a number of applications.

- Flood Risk Assessment – the application form states that the site flooded in November 2000 and November 2002. Flood protection works were carried out subsequently. A flood risk assessment has been submitted which identifies the nearest watercourse as the River Tolka, which passes 125m north-west; and ground levels on the site range from 61.35m to 61.8m AOD. The report notes that areas of Clonee Village were affected by flooding in November 2000 and 2002. Subsequently the OPW, in conjunction with Meath Co Co, undertook flood protection measures which included the construction of a flood defence wall which provides protection up to 1 in 100 year flood event. It is submitted that the site is in Flood Zone B.

In the Planning System and Flood Risk Management Guidelines, dwellings are classified as highly vulnerable and commercial premises as less vulnerable.

Therefore residential development in FZB (flood zone B) requires the Justification Test.

The Flood Impact Study (2001) carried out by URS Consulting Engineers, identified the cause of the flooding to be the inability of the culvert on the N3 By-pass adjacent, to discharge the volume to stormwater in the Tolka River, due to a partial blockage of the culvert by debris.

It is proposed to set ground floor level of the 2 houses at the rear of the site at 61.8m AOD Malin, 50mm above the recorded flood level in 2000 prior to defence installation works, 1% above flood levels; including design for flood risk. The development will not increase the risk of flooding in the surrounding area. The Justification Test shows that residual flood risk can be adequately managed, and the proposed houses will not cause any unacceptable adverse impacts elsewhere. The ground floor level of the commercial unit is 61.5m AOD. No mitigation measures are proposed in respect of coastal flooding. The risk of flooding from road or development runoff is negligible. There is no record of groundwater flooding, therefore the risk is negligible. No further mitigation measures are proposed.

The Environment Section (Flooding) of Meath Co Co states that the Justification Test has not been satisfied. It has identified that critical information is not available to determine if the proposed development meets the requirements of the Justification Test and to assess any specific flood measures. Further information is required.

3.2.2. Other Technical Reports

- 3.2.3. Environment Section (Flooding) which includes: the issues and FI as incorporated in planner's report.
- 3.2.4. Water Services – which includes: FI re acceptable attenuation, and permeable paving, limited to privately owned parking spaces.
- 3.2.5. Transportation – which includes: sightline required 2.4m x 49m and not 2m x 45m as stated. The front boundary to be set back 3m from kerblin on Main St. to afford adequate space for pedestrian movement outside a retail unit and also to provide necessary sightline 2.4m x 49m at the junction. This width should be continued around the corner, for similar reasons. The 2m footpath along the access road is adequate.
- 3.2.6. Public Lighting, which includes: not a development that would be taken in charge, no public lighting.
- 3.2.7. CFO, which includes: to be examined further when fire safety cert application is made.
- 3.2.8. Part V, which includes: Part V exempted.
- 3.2.9. Broadband Officer, which includes: conditions: no telecommunications and broadband provision. These drawings should be required per existing agreed Broadband / Telecommunications conditions. Provision of Broadband ducting to each unit will have to be in compliance with Article 8 of EU Directive 2014/61/EU.

The developer should be advised:

1 to consult with all Telecommunications Infrastructure Providers, to ensure that adequate provision is made for more multiple suppliers and that no one supplier can take a monopoly position over 110mm ducts or ducting to the units. This would potentially limit access by alternative Telecommunications Infrastructure Providers to access ducting and chambers following completion of the estate. To ensure adequate future broadband services to residents and minimise the need for future road openings and ground works to supply such services.

Ducting into each unit should be provided to ensure that adequate telecommunications access is provided for all residents on a carrier neutral basis. Consideration should also be given to provide multiple wired broadband access

points throughout the unit. Reason: to improve broadband access speeds and security of home owners connecting to the internet.

3.3. Further information

Further information request issued on 10 points.

- 1) a design statement; noting that a design associated with DA110137 on the application site incorporated more appropriate features for this prominent site.
- 2) revisions required: a) at ground floor the proposed brick finish at street to be replaced by retail façade; b) alter the external design of the southern structure, southern and eastern elevation to contribute to the village character; and c) provide a dual aspect design for the eastern elevation of the semi-detached dwelling.
- 3) address: a) the need for communal open space, bulky item storage, cycle parking; and b) boundary treatments and landscaping.
- 4 a) The development is in Flood Zone A where the probability of fluvial flooding is greater than 1% and protected by the Tolka Flood Relief Scheme. The proposed development cannot be defined as a minor proposal in areas of flood risk (S 5.28 of the guidelines). While the applicant suggests critical flood levels for the immediate area, the OPW CFRAMS information and mapping for the immediate area have been withdrawn pending update/finalisation and will incorporate the current and most up to date information on flooding for the proposed site. This mapping and critical flood levels is to be issued in the coming months. The PA considers the development premature pending the finalisation of such information. The requirements of the Justification Test and any flood specific measures can only be thoroughly assessed when it is available. Applicant to consider this information and consult, prior to submission of any updated reports.
- 4 b) update screening for AA.
- 5) re third party submission and unsolicited further information, applicant is invited to submit further information.
- 6) front boundary to be set back 3m from kerbline on Main St. and this width to be continued around the corner, for sightline.

7) application boundary of RA 140931 is altered by the application but not referenced in the description, re-advertise.

8) requirements re surface water.

9) foul connection point to be via a manhole, service pipes should not cross private property. Determine that water pressure is adequate or provide booster pumps.

10) proposals for three bin system.

3.4. Further Information Response

3.4.1. A response to the further information request includes:

1) design statement

2) revised drawings per a) b) and c)

3) revised layout a) re storage, b) screen walls.

4) a) engineers report, b) NIS has not been carried out as new flooding information has not been finalised. Suggest a request for further clarification.

5) refer to previously submitted unsolicited information.

6) revised layout with set-back from Main St.

7 they confirm that the boundary with RA140931 has not been altered.

8 engineers report.

9) engineers report.

10 Layout drawing showing 3 bin system for the retail unit.

The response is accompanied by a site services report from Eamonn Doyle Associates Consulting Engineers.

3.5. Further reports

3.5.1. Water Services – which includes,

conditions: 1) details of the flow control device and associated chamber, as specified in the report, to be submitted; 2) on commencement of construction works on site the applicant shall excavate a trial hole under the supervision of a MCC Water Services Engineer to confirm the level of the onsite water table. In the event that the formation of the attenuation system is less than 1m above the water table the applicant shall

redesign the attenuation system to provide a fully water tight concrete structure acceptable to MCC Water Services. In the event that the ground conditions are suitable for the proposed Stormtech system, the applicant shall submit a detailed design. The attenuation system should be configured to achieve partial treatment, the isolator row shall connect the attenuation systems inlet and outlet chambers. The isolator row shall also be linked to adjacent rows by means of a high level 225mm overflow pipe.

3.5.2. Transportation – which includes, conditions:

1. front and side boundary wall of the building to be set back by 3m from the road edge and constructed as shown on drg 17.102.201 Rev1;
2. conditioned to apply for road opening licence for the improvement works to the adjoining public footpaths and junction required to facilitate the development.

3.5.3. Environment Section (Flooding) which includes

Highly vulnerable development; per OPW mapping flood zone A where the probability of flooding is greater than 1% from fluvial flooding. The site is in a defended area protected by the Tolka Flood Relief Scheme from the 100 year fluvial event. The commercial part adjoining Main Street could be defined as infill development, per revised S 5.28 of the guidelines as it will infill and form part of the Main Street streetscape, the semi-detached two storey houses proposed to the rear are not infill. The front part does not have to satisfy the justification test per revised section 5.28. This part of the proposed development would not have an adverse impact or impede access to the local watercourse, floodplain or flood protection and management facilities and does not obstruct important flow paths. The ground floor would have to be constructed of flood resilient materials and a commensurate assessment of the risks of flooding still needs to be undertaken to incorporate best practice in the management of health and safety for users and residents of the proposal.

Regarding the semi-detached two storey houses proposed to the rear, the justification test needs to be satisfied for this part of the development. Re. chapter 5, S 5.15 and box 5.1 and applying same:

Part 2(i) is not satisfied in that displacement of potential floodwaters, should local defences fail, is not provided for and therefore the proposed development would result in increased flood risk elsewhere; Part 2(ii) is not satisfied as the finished floor level is set at 61.8 AOD which is below the anticipated 100 year flood level of 62.07 AOD (this does not include for climate change and freeboard); Part 2(iii) is not satisfied in that provisions for emergency services access to this part of the proposed development are not set out.

3.5.4. Conditions in relation to the front part of the development:

- Flood resilient measures
- A commensurate assessment of the risks of flooding

3.6. Planner's Report:

3.6.1. The second planners report recommending permission, which issued, includes assessment of responses to further information request:

- Re point 1 – design statement – acceptable.
- Re point 2 – request to redesign – acceptable.
- Re point 3 – storage and landscaping – acceptable.
- Re point 4 – flood risk management – per Environment Section (Flooding) report front building acceptable, rear building to be omitted.
- Re point 5 – invitation to respond further to third party; invitation declined.
- Re point 6 – set back from road edge – revised layout submitted and acceptable, details of treatment of set-back area to be conditioned.
- Re point 7 – boundary with RA140931 – response states that the boundary has not been altered.
- Re point 8 – re surface water collection and disposal – to be conditioned per water services report.
- Re point 9 – wastewater connection – acceptable.

- Re point 10 – 3 bin system now proposed - acceptable.

3.7. Prescribed Bodies

IW – which includes, FI re foul connection – to be via manhole; service pipes should not cross private property. Determine that water pressure is adequate or provide booster pumps.

IW – post FI submission, which includes: conditions.

4.0 Planning History

RA140931 permission granted for relocation of entrance and boundary wall to Clonee Court extending the parking area to 11 spaces.

DA110137 permission granted for a three storey mixed use building, access via the access road to Clonee Court. A S48 contribution appeal Ref No. PL17.240428 was dealt with by the Board.

DA802582 permission granted for demolition of existing substructures and foundations for construction of two new road junctions and extensive residential development at Clonee Court.

DA70090 permission refused for demolition of existing structures including 2 uninhabited houses and substructures and foundations and for construction of new road junction and access road, extensive residential development at Clonee Court.

DA101086 permission granted for Aldi, to the east.

RA170104 permission granted for extension to Aldi.

Pre planning consultations

PP7220 – 10/10/17 – including – flood zone A hydrological expertise required.

PP7229 – 5/12/17 – including – need for a site-specific flood risk assessment.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Meath County Development Plan 2013-2019 is the operative plan. (The Development Plan review which commenced in 2017 was paused in accordance with the provisions of the Planning and Development (Amendment) Act 2018 pending the National Planning Framework (N.P.F.) and the requirement to develop and adopt a Regional Spatial & Economic Strategy (R.S.E.S.). Following the adoption of the RSES by the Eastern & Midland Regional Assembly on Friday 3rd May, 2019, Meath County Council recommenced the review of the Draft Meath County Development Plan. It is anticipated that the Draft Plan will be placed on public display at the end of quarter 3/beginning of quarter 4, 2019)

Variation No. 2 has introduced land use zoning objectives and an Order of Priority into the Meath County Development Plan 2013–2019, which will manage the release of residential and employment lands for 34 no. centres / group of centres across the county. The land use zoning objectives contained within Volume V of the County Development Plan (as varied) now effectively replace the land use zoning objectives contained in the individual Local Area Plans for these centres; (the statement of variation says that Meath County Council will shortly commence the revocation process for 29 Local Area Plans and prepare amendments to the written statements of the remaining Local Area Plans for the following centres: Ashbourne, Dunboyne Clonee Pace, Dunshaughlin, Ratoath, and Southern Environs of Drogheda).

Flood Risk

WS POL 29 To have regard to the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of the Justification Tests for Development Management and Development Plans, during the period of this Plan.

WS POL 30 To have regard to the findings and recommendations of the current Strategic Flood Risk Assessment prepared as part of the County Development Plan review.

WS POL 32 To ensure that a flood risk assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to the potential development.

WS POL 35 To ensure that flood risk management is incorporated into the preparation of Local Area Plans and Town Development Plans in accordance with ‘The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)’

Volume 5 Additional Policies & Objectives for Local Area Plans –
Dunboyne/Dunboyne North/ Clonee/ Local Area Plan

Zoned B1 Commercial / Town or Village Centre: to protect, provide for and / or improve town and village centre facilities and uses. Residential use is open for consideration. The site is also designated as flood zone A & B.

A Flood Risk Assessment Study was carried out as part of Variation No. 2 to the Meath County Development Plan 2013-2019. This found that extensive flood zones were present in Clonee village, which encompass the vast majority of the village within the development boundary and also extend to unzoned lands adjoining the village. It is not considered appropriate to consider vulnerable land uses such as residential within such areas notwithstanding the presence of flood defence works which have been previously carried out.

In light of this and taking into account the status of Clonee as a Village in the county settlement hierarchy, it is not proposed to identify additional lands to accommodate the household allocation. Instead, these units have been re-assigned to Dunboyne. The total allocation for Dunboyne is thus revised to 1,578 no. units which require approximately 35 hectares of residential zoned land. This is shown in Table 9A which also includes revised figures for land availability which exclude those lands at risk of flooding (see Section 2 for further details).

This refers to residential zoning. The subject site remains zoned B1 Commercial / Town or Village Centre.

FR POL 1 – To manage flood risk and development in Dunboyne / Clonee in line with policies WS 29 – WS 36 inclusive in Volume I of this County Development Plan.

FR POL 2 – Development located in areas with the benefit of existing flood defences (as identified on the land use zoning objectives map as an interface with Flood Risk Zones A & B) shall be limited to extensions, change of use and reconstructions.

FR POL 3 – The Eastern CFRAM flood mapping and management plan when complete and available will provide additional clarity to flood mapping and risk management measures than was available to inform the land use zoning objectives presented for Dunboyne / Clonee. The Eastern CFRAM flood mapping and management plan shall be consulted when available in conjunction with this Written Statement & Volume I of the County Development Plan.

Appendix 6 – Strategic Flood Risk Assessment for County Meath, JBA Consulting December 2012, includes a map showing defended areas in Clonee.

5.2. The Planning System and Flood Risk Management

- 5.2.1. These Guidelines for Planning Authorities, published by OPW and Department of Environment, Heritage and Local Government in 2009, address identification and assessment of flood risk, and flood risk management in design of development.
- 5.2.2. Key Messages – the key principles of a risk-based sequential approach to managing flood risk in the planning system are: avoid development in areas at risk of flooding; if this is not possible, consider substituting a land use that is less vulnerable to flooding. Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks. Inappropriate types of development that would create unacceptable risks from flooding should not be planned for or permitted. Exceptions to the restriction of development due to potential flood risks are provided for through the use of a Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

5.2.3. Sec 3.7 – Justification Test – Notwithstanding the need for future development to avoid areas at risk of flooding, it is recognised that the existing urban structure of the country contains many well established cities and urban centres, which will continue to be at risk of flooding. At the same time such centres may also have been targeted for growth in the National Spatial Strategy, regional planning guidelines and the various city and county development plans taking account of historical patterns of development and their national and strategic value. In addition, development plans have identified various strategically located urban centres and particularly city and town centre areas whose continued growth and development is being encouraged in order to bring about compact and sustainable urban development and more balanced regional development. Furthermore, development plan guidelines, issued by the Minister for the Environment, Heritage and Local Government under Section 28 of the Planning and Development Act 2000, have underlined the importance of compact and sequential development of urban areas with a focus on town and city centre locations for major retailing and higher residential densities.

5.2.4. Sec 3.8 – the Justification Test has been designed to rigorously assess the appropriateness, or otherwise, of particular developments that, for the reasons outlined above, are being considered in areas of moderate or high flood risk. The test is comprised of two processes.

The first is the **Plan-making Justification Test** (described in chapter 4 and) used at the plan preparation and adoption stage where it is intended to zone or otherwise designate land which is at moderate or high risk of flooding.

The second is the **Development Management Justification Test** (described in chapter 5 and) used at the planning application stage where it is intended to develop land at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be inappropriate for that land.

6.4 – Planning authorities must strike a fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding.

5.28 – Assessment of minor proposals in areas of flood risk – Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

Box 5.1 Justification Test for development management, to be submitted by the applicant.

When considering proposals for development, which may be vulnerable to flooding, and that would generally be inappropriate, the following criteria must be satisfied:

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.
2. The proposal has been subject to an appropriate flood risk assessment that demonstrates: the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk; the development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible; the development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and the development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

The acceptability or otherwise of levels of residual risk should be made with consideration of the type and foreseen use of the development and the local development context.

A footnote refers to section 5.28, in relation to minor and infill developments.

5.3. **Circular PL 2/2014, 13 August 2014**

This circular addresses:

- (5) Use of OPW Flood Mapping in assessing planning applications, and
- (ii) Clarifications of advice contained in the 2009 DECLG Guidelines for planning authorities – ‘The Planning System and Flood Risk Management’; and includes an Appendix which revises the Flood Risk Management, Guidelines.

The Appendix includes:

- (i) Revised section 3.7 – page 26 of the Guidelines – Justification Test

3.7 Notwithstanding the need for future development to avoid areas at risk of flooding, it is recognised that the existing urban structure of the country contains many well established cities and urban centres which will continue to be at risk of flooding. At the same time such centres may also have been targeted for growth in the National Spatial Strategy, Regional Planning Guidelines and the various City and County Development Plans taking account of historical patterns of development and their national and strategic value. In addition, development plans have identified various strategically located urban centres and particularly city and town centre areas whose continued consolidation¹, growth, development or regeneration, including for residential use, is being encouraged in order to bring about compact and sustainable urban development, and more balanced regional development. Furthermore, Development Plan Guidelines, issued by the Minister for the Environment, Heritage and Local Government under Section 28 of the Planning and Development Act 2000, have underlined the importance of compact and sequential development of urban areas with a focus on town and city centre locations for major retailing and higher residential densities.

¹ Additions to the guidelines, introduced by the circular letter, are underlined.

(iv) Revised section 5.28 – page 52 of the Guidelines – Assessment of minor proposals in areas of flood risk

5.28 Applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

The approach of planning authorities, per 6.4 of the guidelines, is re-iterated:

‘Planning authorities must strike a fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding.’

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura site is Rye Valley / Carton SAC (site Code 001398) which is in excess of 5 km, straight line distance, from the subject site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal against conditions 2 and 3 of the planning authority's decision has been submitted by John Spain & Associates, Planning & Development Consultants, on behalf of the first party. The issues raised include:

- The Board is invited to exercise its discretion under S 139 to restrict its consideration to the appropriateness of the conditions; and that consideration of the entire application de novo is not warranted.
- The omission of the residential units is not required as the proposed development constitutes a small scale infill development on brownfield land in a town centre location which is not required to be subject to the flood risk Justification Test.
- The area has been subject to considerable investment in flood defence works as part of the River Tolka flood alleviation works. These ensure that the subject site is effectively protected from flooding events at a 1 in 100 year fluvial event standard of protection, including freeboard allowance.
- The site is surrounded by town centre commercial and residential uses and it is wholly appropriate to allow a further small scale infill development.
- The area was subject to strategic Flood Risk Assessment which considered an undefended scenario, and also flood alleviation and defence measures. The SFRA and development plan note that redevelopment of existing sites is permissible in areas subject to flood defence/protection. This is reflected in the town centre zoning which has had regard to the Development Plan Justification Test.
- Per Circular PL 2/2014, 13 August 2014 – applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or

entail the storage of hazardous substances. Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

- The proposed development, by virtue of its nature, scale, location and context is an infill development – 0.063ha located in the village centre.
- The engineering statement regarding flood risk and drainage matters, accompanying the appeal, confirms that the development would not have adverse impacts and is not likely to raise significant flooding issues.
- The design accords with best practice in terms of the management of health and safety for users and residents.
- Flood alleviation works were undertaken in Clonee following flood events in 2000 and 2002; the subject site did not flood. The works consist of a 300m long flood defence wall between Clonee Bridge and the N3 culvert. The Tolka River channel has also been widened and the culvert for the N3 has also been upgraded.
- The design of the proposed development locates the finished floor levels of the proposed buildings above the level of the highest previous flood event recorded at Clonee.
- The development plan identifies the area as within a zone of flood risk and zoned town centre. The planning authority was required (per box 4.1) to consider a justification test for the development plan.
- The town centre zoning is appropriate; the zoning is appropriate.
- A key message of the guidelines – exceptions to the restriction of development due to potential flood risks are provided for through the use of a

Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

- The SFRA states that this is a defended area and that when zoning land, consideration must be given to the undefended scenario, and that development behind the flood defences will be subject to the justification test. This will limit development activity to building extensions and changes of use or redevelopment of existing sites.
- The proposed development constitutes the redevelopment of an existing site.
- Vol 5 of the Meath Development Plan, Policy FR Pol 3 – the proposed development complies.

6.1.2. Attached to the grounds is a report from Eamonn Doyle Associates Consulting Engineers which includes:

- Areas of Clonee village were affected by flooding in November 2000 and November 2002. The subject site and the pre-existing house on this site did not flood during either event. Following the 2002 event, flood alleviation works were undertaken in Clonee, which provide protection to Clonee village up to the 1 in 100 year flood event. The site is still considered, in land use zoning terms to be in flood zone A, and residential development is highly vulnerable.
- The report includes a justification test:
- A previous flood impact study, March 2001, for a larger development including this site, found that the cause of the flooding was understood to be the inability of the culvert on the N3 Clonee by-pass, adjacent to the site, to discharge the volume of stormwater in the Tolka River, due to partial blockage of the culvert by debris.
- The River Tolka Flooding Study first published in November 2003 has increased understanding of the behaviour of the River Tolka and facilitated the design of effective flood relief measures. Extensive flood protection works have been carried out around the village. A flood defence wall with a top level of 63.25m AOD has been constructed over a length of approx. 300m on the right bank of the River Tolka in the centre of the village between Clonee Bridge and the N3 culvert. They attach extracts from maps contained in the

River Tolka Flooding Study Final Report which show the previous flood risk and current flood risk, wherein, they state, it can be seen that the subject site is no longer in the flood plain up to and including the 1 in 100 year event; and a letter from OPW, dated 2008 confirming this to be the case.

- The setting of the ground floor level of the 2 houses is in compliance with the precautionary approach (para 5.16 of the guidelines) to ignore the moderating effects of flood defences thereby reducing risk to an acceptable level. There is no requirement for the finished floor level to include a freeboard.
- The design of the 2 houses and ground floor commercial unit addresses the issue of flood risk in a manner that is compatible with the wider planning objective of good urban design. It is proposed that the 2 houses and ground floor commercial unit will be constructed using water resilient methods and materials. The ground floor construction will consist of an in-situ concrete slab. Internal walls at ground floor level will consist of concrete blockwork construction with sand/cement plaster. There will be no timber stud walls or lightweight block walls used at ground floor level. In addition, electrical fittings will be set at high level. Drainage outfall connections, both foul and surface water, will be fitted with non-return valves.
- The proposed mixed-use development will not increase the risk of flooding in the surrounding area. As far as practicable, all external hardstanding areas have been designed as self-draining, permeable pavements, thereby generating no surface water run-off to the public surface water drainage system. In addition, it is proposed that the rate of surface water outfall from the site will be restricted by means of a proprietary flow throttle device. It is proposed that the volume of surface water run-off generated on site over and above the attenuated outflow will be stored temporarily on site below ground level. To provide the required temporary storage, it is proposed to install a proprietary underground attenuation system.
- The existing ground level on the subject site is approximately 900mm higher than the proposed general site level of +61.50mAOD. As existing site levels are higher than proposed site levels, the construction of the 2 proposed

houses will not adversely affect the displacement of potential floodwaters and would not result in increased flood risk elsewhere.

- Per Box 5.1 Justification Test for development management, all have been satisfied.
- The ground level immediately around the houses will be set at +61.70. Any residual flood risk will be mitigated by setting the finished ground floor level at +61.80. This is 50mm above the flood level recorded during the flooding event of Nov 2000, which was recorded prior to the construction of the flood defence wall which has a top level of 63.25m AOD. In the case of the subject site, which is defended with a freeboard allowance incorporated into the design of the flood defences, there is no requirement for the finished floor level to include a freeboard.
- Notwithstanding that updated information is awaited, the justification test carried out demonstrates that the proposed development will have no adverse impacts on the surrounding area and that the residual risk of flooding to the subject site has been reduced to an acceptable level.
- Attached to the grounds is a letter from OPW Engineering Services, which includes:
 - The site is part of the floodplain of the River Tolka. Due to flooding in 2002 the Office of Public works, in conjunction with Meath County Council, undertook flood alleviation works in this area. The works were designed to provide protection up to the 1 in 100 year flood event. These works are now complete. With regard to the construction of the stormwater manhole, the wall and embankment in this area form part of the flood protection measures constructed and will need to be re-instated to their original state after construction of the manhole.
 - Map extracts showing 'existing flood risk' and 'further scheme flood maps to 2031', are supplied.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority have responded to the grounds of appeal, referring the Board to the planner's report.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, de novo consideration, flood risk, and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

7.3. De Novo Consideration

- 7.3.1. This is a first party appeal against conditions. Under S 139 of the Planning and Development Act the Board is given the discretion to decide whether or not to consider the application 'de novo'. There is only one appeal, an appeal against related conditions. The Board could decide, having regard to the nature of the conditions, not to consider the application 'de novo'. However in the event that the Board decides that the semi-detached residential development should be permitted, development contributions would need to be altered, impacting on conditions 22-26, therefore the Board cannot confine consideration of this appeal to conditions 2 and 3.

7.4. Flood Risk

- 7.4.1. Conditions 2 and 3, which require the omission of part of the proposed development do so on the basis of flood risk.
- 7.4.2. The Environment Section (Flooding) report states that the semi-detached two storey houses proposed to the rear are not infill. It accepts that the front part does not have

to satisfy the justification test per revised section 5.28 and that this part of the proposed development would not have an adverse impact or impede access to the local watercourse, floodplain or flood protection and management facilities and does not obstruct important flow paths; the ground floor would have to be constructed of flood resilient materials and a commensurate assessment of the risks of flooding still needs to be undertaken to incorporate best practice in the management of health and safety for users and residents of the proposal.

- 7.4.3. However regarding the semi-detached two storey houses proposed to the rear, the Environment Section (Flooding) report states that the justification test needs to be satisfied and they refer to chapter 5, S 5.15 and box 5.1 and Flood Risk Management Guidelines:

Part 2(i) of the justification test is not satisfied in that displacement of potential floodwaters, should local defences fail, is not provided for and therefore the proposed development would result in increased flood risk elsewhere; Part 2(ii) is not satisfied as the finished floor level is set at 61.8 AOD which is below the anticipated 100 year flood level of 62.07 AOD (this does not include for climate change and freeboard); and Part 2(iii) is not satisfied in that provisions for emergency services access to this part of the proposed development are not set out.

- 7.4.4. The grounds of appeal states that the area has been subject to flood defence works as part of the River Tolka flood alleviation works and these ensure that the subject site protected from flooding events at a 1 in 100 year fluvial event standard; the site is surrounded by town centre commercial and residential uses and it is appropriate to allow a further small scale infill development; and the area was subject to strategic Flood Risk Assessment which considered an undefended scenario, as well as flood alleviation and defence measures. Redevelopment of existing sites is permissible, per SFRA and the development plan, in areas subject to flood defence/protection. This is reflected in the town centre zoning which has had regard to the Development Plan Justification Test.

- 7.4.5. Although the site is zoned, it also designated as flood risk zone A & B on the zoning map, and per FR POL 2 – *Development located in areas with the benefit of existing flood defences (as identified on the land use zoning objectives map as an interface with Flood Risk Zones A & B) shall be limited to extensions, change of use and*

reconstructions, therefore, the zoning does not per se, indicate its suitability for development. However it should be noted that the town centre zoning refers to a relatively small area of land in the old centre of Clonee and it appears to me that infill and consolidation of this area would be desirable for planning reasons. It is also worth noting that this is a brownfield site, OSI aerial photograph show that a building (dwelling) previously occupied this site.

- 7.4.6. Circular PL 2/2014, 13 August 2014 has revised the Flood Risk Management guidelines – including reference to consolidation of urban centres ‘particularly city and town centre areas whose continued consolidation², growth, development or regeneration, including for residential use, is being encouraged in order to bring about compact and sustainable urban development, and more balanced regional development. In my opinion the revision supports the subject development.
- 7.4.7. Revisions to the Flood Risk Management guidelines by Circular PL 2/2014, include the introduction of the term small scale infill: ‘*Applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances.*’
- 7.4.8. It is disputed between the planning authority and the first party whether or not the two-storey residential block can be regarded as small scale infill.
- 7.4.9. The part of the development facing the Main Street is considered by the planning authority to be small scale infill. The Environment Section (Flooding) report, on which the decision to attach conditions 2 & 3 rests, considers that it will infill and form part of the Main Street streetscape, and it further states that this part of the proposed development would not have an adverse impact or impede access to the local watercourse, floodplain or flood protection and management facilities and does not obstruct important flow paths. On that basis it allows that the front part does not have to satisfy the justification test per revised section 5.28.

² Additions to the guidelines, introduced by the circular letter, are underlined.

7.4.10. The same report contends that the semi-detached two storey houses proposed to the rear are not infill and do not pass the justification test:

- their development would cause displacement of potential floodwaters result in increased flood risk elsewhere, if local defences were to fail,
- the finished floor level (set at 61.8 AOD) is below the anticipated 100 year flood level of 62.07 AOD (this does not include for climate change and freeboard); and
- provision for emergency services access to this part of the proposed development is not set out.

7.4.11. I note that in their earlier report the Environment Section (Flooding) advice did not include any specific advice on level but stated that that critical information was not available to determine if the proposed development meets the requirements of the Justification Test, that the OPW CFRAMS information and mapping for the immediate area was withdrawn pending update/finalisation and will incorporate the current and most up to date information on flooding for the proposed site; and that the mapping and critical flood levels is to be issued in the coming months. Although not stated in the second report, the inclusion of a specific flood level for the 1 in 100 year event, may indicate the availability of more up to date information.

7.4.12. I accept that the development of the proposed two storey dwellings does not achieve an equal benefit to the streetscape as the mixed use building at the front, which infills a gap in the street edge, however this is a town centre site which notwithstanding its designation as flood zone A & B remains zoned. In my opinion it is reasonable to consider this portion of the site also as being infill development. The development in its entirety can reasonably be regarded as small scale infill development, per the amendment to the guidelines in circular PL 2/2014.

7.4.13. I accept that policy FR POL 2 limits development on zoned lands notwithstanding the zoning objectives map, nevertheless per item 1 of the justification test: the subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

Having regard to the existing ground levels on the site, it appears to me that the proposed two storey block of dwellings will not increase flood risk elsewhere.

Flood resilient measures are proposed which minimises flood as far as reasonably possible. It has been demonstrated that the existing flood protection measures are adequate to protect the development. The proposed development does not to raise significant flooding issues, obstruct important flow paths, or introduce a significant additional number of people into flood risk areas.

7.4.14. In my opinion Circular Letter PL 2/2014 and the amendments to the guidelines contained therein which are directed at achieving a:

fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding the subject site and its flood risk context

as they apply to the circumstances of this case, support the proposed development.

7.5. Other Issues

7.5.1. All other issues regarding the suitability of the proposed development for this location were dealt with by the further information request and revisions, and by the conditions attached to the decision. In relation to the conditions regarding to development contributions, I consider the substitution of the Boards standard condition appropriate.

8.0 Recommendation

8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations, and subject to the following conditions.

9.0 Reasons and Considerations

The site is located on zoned lands in the centre of the village of Clonee where it is surrounded by development, within an area which has been subject to flood defence works, and notwithstanding its designation as a flood risk area it is considered that the development of this infill site, which would not increase flood risk elsewhere,

would be in accordance with the Flood Risk Management Guidelines and the Meath County Development Plan 2013-2019 (as extended and varied) and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11 day of February 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the occupation of any units within the site, the developer shall submit, for the written agreement of the Planning Authority, details of a management company for the future management and maintenance of public open spaces, roads, footpaths, communal areas and public lighting within the site boundaries onwards from their completion in a satisfactory manner. The company shall indefinitely manage the above and demonstrate capacity to resource and finance their activities.</p> <p>Reason: To ensure the adequate future maintenance of this private development and in the interests of residential amenity.</p>
3.	<p>The site car parking and site access shall be as per site layout drawing No 17.102.102 submitted on the 11/02/19. Prior to the commencement of development on site the developer shall submit for the written agreement of the planning authority the exact detail of the footpaths</p>

	<p>adjacent to the development. The applicant shall obtain a road opening license in order to carry out any works on the roadside of the site boundary, including constructing the site entrance. These works shall be carried out prior to the occupation of the development.</p> <p>Reason: In the interest of traffic safety and orderly development.</p>
4.	<p>Prior to the first occupation and following any future change in occupancy of the retail unit all details of proposed signage shall be submitted to the Planning Authority for prior written agreement.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to the commencement of development on site the applicant shall submit details for the written agreement of the planning authority of flood resilient measures for the entire development.</p> <p>Reason: In the interest of flood risk management.</p>
6.	<p>In relation to surface water management, prior to the commencement of development the developer shall submit for the written agreement of the planning authority:</p> <p>a) Details for the flow control device and associated chamber. All flow devices shall be fitted to a minimum 225mm outlet pipe and with a pull cord by bypass. In order to isolate and carry out maintenance of the flow control device a penstock valve (or similar approved) shall be installed within the flow control chamber on the upstream end of the manhole. Any flow control discharge of below 5 l/s is not permitted as it is likely to block. Flow control device shall have a minimum orifice of 100mm.</p> <p>b) Details of the excavation of a trial hole under the supervision of a MCC Water Services Engineer to confirm the level of the onsite water table. In the event that the formation of the attenuation system</p>

	<p>is less than 1m above the water table the applicant shall redesign the attenuation system to provide a fully water tight concrete structure acceptable to MCC Water Services. In the event that the ground conditions are suitable for the proposed Stormtech system, the applicant shall submit a detailed design. The attenuation system shall be configured to achieve partial treatment, the isolator row shall connect the attenuation systems inlet and outlet chambers. The isolator row shall also be linked to adjacent rows by means of a high level 225mm overflow pipe.</p> <p>Reason: In the interest of surface water management.</p>
7.	<p>The construction of all works to roads and footpaths, shall be carried out in accordance with the standards set out in the ‘Design Manual for Urban Roads and Streets.’ (Department of Transport, Tourism and Sport and Department of Environment, community and Local Government, 2013) and the National Roads Authority ‘Design Manual for Roads and Bridges’.</p> <p>Reason: In the interest of orderly development.</p>
8.	<p>All surface water from roofs, entrances, paved areas, footpaths, surface and car parking areas shall be collected and disposed of within the site to the surface water drainage system and under no circumstances shall discharge to the public foul sewer.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of orderly development and the visual</p>

	amenities of the area.
10.	<p>No development exempted or otherwise shall be erected over the public sewer, drain or watermain.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>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. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Details of site security fencing and hoardings; (b) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

	<p>(c) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(d) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(e) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Proposals for a 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 street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
15.	<p>rior to commencement of development the developer shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit</p>

within the development for approval of the planning authority.

Realizable options showing the feasibility for connection of the units within the development to an exterior broadband service provider(s) and backhaul network shall be included concurrent with the initial construction and infrastructure installation within the development. Any land and way-leaves required for above and/or below ground infrastructure within the development shall be made available for such apparatus. All of the above proposals shall be in accordance with the requirements of the Department of Communications, Climate Action and Environment.

The developer shall lay 2 no 110mm diameter uPVC pipes from the entrance of the development along the main reservation of the access roads. These ducts are to be chambered at the start point, finish point, at every road crossing and at every change in direction and at intervals no greater than 250m. The chamber size is to be 1,200mm x 600mm. Where possible, the duct network shall be designed as resilient which may require the laying of ducts at either side of the road.

To service individual units within the development, a single duct branch connection is to be extended off the spine duct network described above. A 600x 600mm chamber unit shall be installed along this duct at each group of four houses/two commercial units. From this chamber 1 no 50mm sub-duct shall extend into each dwelling to a point near the consumer unit. The length of sub-duct is not to exceed 100metres (draw ropes to be included).

The design of the network described above is to be presented to the planning authority for approval prior to commencement of works on site. The network design shall also be made available to all telecommunications companies seeking to install broadband service infrastructure in the development.

Reason: To facilitate Licensed Operators in providing broadband services to each dwelling within the estate without the need to re-open the road, footpaths or verges.

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

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Planning Inspector

16th October 2019

Appendices

Appendix 1 Photographs

Appendix 2 Meath County Development Plan 2013-2019 (extended), extracts.

Appendix 3 The Planning System and Flood Risk Management Guidelines for Planning Authorities, extracts.

Appendix 4 Circular PL 2/2014, 13 August 2014

Appendix 5 OSI aerial photograph extracts 1995 and 2000