



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307240-20

Strategic Housing Development

167 no. residential units (93 no. houses, 74 no. apartments), childcare facility and associated site works.

Location

In the townland of Commons, The Steeples Road, Duleek, Co. Meath. (www.steeplestreetshd.ie)

Planning Authority

Meath County Council

Applicant

Davy Target Investments ICAV.

Prescribed Bodies

Irish Water
The Minister for Culture, Heritage and the Gaeltacht
The Heritage Council

An Taisce — the National Trust for Ireland.

Observer(s)

24 valid observers, listed at Appendix A.

Date of Site Inspection

15 July 2020.

Inspector

Stephen Rhys Thomas

Decision Quashed

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by Davy Target Investments ICAV and received by the Board on 27 May 2020.

2.0 Site Location and Description

- 2.1. The subject site is a greenfield site which fronts onto the Longford Road, a local road providing access to the centre of Duleek, Co Meath. The site is located within the settlement boundary of Duleek, has mature hedging around the entire perimeter of the site and is accessed via an agricultural entrance directly from Longford Road to the front of the site. A residential estate to the north of the site consists of traditional two storey semi-detached dwellings and a row of detached dwellings that front onto and are accessed directly from Longford Road to the north. A number of detached bungalows set on large sites are positioned along the east and south of the site, access to two of these residences is from the Longford Road and from Larrix Street for the other two.
- 2.2. The site comprises three large agricultural fields, no longer in productive use, having been deep ploughed and the vegetation allowed to grow unhindered. For the most part the site is level, with a very slight rise north westwards towards Stoneyford Green housing estate. The site has road frontage along its western boundary. Laneways bound the north and southern boundaries. The northern laneway, apparently known as 'Julia Dunnes Lane', links the Longford Road with Larrix Street. The laneway is very overgrown with mature trees and hedgerows; it is inaccessible. The southern laneway is actually two separate laneways. The first, known as 'Kennel Lane' provides access to two bungalows and an agricultural field; it is surfaced with gravel and well maintained. The second is a gated laneway and provides access to a single property, it is surfaced with tarmac and also well maintained. The general character of the area is defined by relatively recent single storey and two storey detached and semi-detached houses, with a small number of older single storey buildings along Larrix Street.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 167 residential units, provided as 93 dwelling houses, 74 duplex-apartments in five three storey blocks and a creche, together with open space amenity and a single vehicular access point from the The Steeples.
- 3.2. The details are as follows:

Parameter	Site Proposal
Application Site	4.8 ha
No. of Units	167
Unit Breakdown	56 – three bed houses
	37 – four bed houses
	8 – one bed apartments
	29 – two bed apartments
	37 – three bed apartments
Other Uses	Childcare Facility - 415 sqm (45 spaces)
Car Parking	342 spaces
Bicycle Parking	235 spaces
Vehicular Access	A single access point from The Steeples
Part V	17 units
Density	35 units/ha.

- 3.3. The overall percentage breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	
Unit	8	29	93	37	167
% Total	5%	17%	56%	22%	100%

The development includes for, public amenity space, as well pedestrian and cycle facilities throughout the site and the potential for future connections.

4.0 Planning History

4.1. Western portion of the site:

PA reference number SA/140396 - Extension of Duration to SA/802333

PA reference number SA/802333 – Permission for 70 dwellings and all associated site development works.

5.0 Section 5 Pre Application Consultation

5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 25 November 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-305722-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Permeability and Boundaries

Ensure the provision of a high quality design strategy to ensure changes in levels/ gradient and the use of appropriate boundary treatment will not impact the amenity of the existing residents of properties along the east, having regard to the requirements of Design Manual for Urban Roads and Streets and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

- A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for

Urban Roads and Streets, in particular the provision of a road hierarchy, and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links through and off the site.

- A site layout plan illustrating the applicant's full control and ownership of lands in the vicinity of the site.
- Details of the boundary treatment addressing the points raised in Section 7.3.4 of the Planning Authority submission and clarification if any, of any proposed pedestrian and/or vehicular access into adjoining sites.
- A Social Infrastructure Assessment of the existing schools and the ability to serve the increase in population generated from the proposed development.
- Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site.
- Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Details of public lighting.
- A landscaping plan of the proposed open space within the site clearly delineating public, semi-private and private spaces, areas and play facilities allocated for a range of age groups and the boundary treatment adjoining any open space.
- A detailed phasing plan for the proposed development should be provided.
- A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
- A site specific Management Plan which includes details on management of duplex/apartments and all facilities associated with these buildings.
- A Construction and Demolition Waste Management Plan.
- A Road Safety Audit.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Minister for Culture, Heritage and the Gaeltacht (archaeology)
2. Irish Water
3. Meath County Childcare Committee

5.4. Applicant's Statement

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

The applicant has identified three properties along the south eastern boundary of the site and specified the boundary treatments that will be applied along this portion of the site. The proposed boundaries in the opinion of the applicant are satisfactory and will not impact the resident amenity of existing houses. Changes in ground level are also outlined and the applicant states that the proposed housing development requires robust boundary treatments to ensure security and privacy for future residents but will accept a appropriate condition should permission be granted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements.

- National Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35 seeks to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Planning Objective 13 provides that in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Planning Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities.

6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- ‘Urban Development and Building Height, Guidelines for Planning Authorities’. 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.3. Local Policy

6.3.1. The **Meath County Development Plan 2013-2019**, is the operative plan for this site. The Meath County Development Plan 2020-2026 is currently under review and the preparation of a Chief Executive Report in respect of submissions received on the Draft Plan is timetabled at this time.

6.3.2. The subject site is zoned as A2 New Residential where it is an objective to “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”.

Density - The appropriate density will be determined on a site by site basis having regard to the DoECLG Guidelines on Sustainable Residential Development in Urban areas and centre in the Settlement Hierarchy provided in the Core Strategy.

SS OBJ 6- Planning applications for 200 or more dwelling units must be accompanied by a report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity

Duleek is identified as a small town

- Table 2.2- Role of Settlements- population 1,500-5,000
- Table 2.4- Housing allocation – 239
- Table 2.5- Committed units Unbuilt in Dec 2014 - 169.

Duleek Written Statement (Volume 5 of the CDP), section 04 Residential Development states: The Core Strategy of the County Development Plan (Table 2.4 refers) provides a housing allocation of 239 units to Duleek over the 2013 – 2019 period. In addition, Table 2.5 indicates that there are a further 160 units committed to in the form of extant planning permissions. These sites with the benefit of extant planning permission are identified on the land use zoning objectives map. The principal sites in question pertain to lands off Station Road and Larrix Street.

The land use zoning objectives map has identified the lands required to accommodate the allocation of 239 no. units provided for under the Core Strategy.

This followed the carrying out of an examination of the lands previously identified for residential land use in the 2009 Duleek Local Area Plan and still available for development. The lands which have been identified for residential land use arising from this evaluation largely arise following the application of the sequential approach from the town centre outwards, in addition to proximity to the public transport corridor, brownfield/opportunity sites, environmental constraints/proximity to the River Nanny and tributaries which drain to a Natura 2000 site, and infill opportunities. The sites that were evaluated for inclusion within Phase 1 of the Order of Priority are presented in the Appendix attached to this Written Statement. The Planning Authority is satisfied that sufficient lands have been identified within Phase I of the Order of Priority to accommodate the household allocation of 239 units.

Variation No. 2 to the Meath County Development Plan 2013-2019

Variation No. 2 required the production of a written statement for towns and villages of a certain size. The written statement for each centre provides detail on the rationale which determined which lands would be identified for release during the period of the County Development Plan 2013 – 2019. Key points of the Duleek written statement include:

- The site is located on phase 1 lands, identified for their sequential position to the town centre.
- Site is defined as Site B (lands south of Larrix Street) with a ranking position of second for zoned and available lands
- A density of 25 units per hectare is included for the Core Strategy phasing.
- The Core Strategy included 2 hectare of lands in Phase 1 as already permitted (50 dwellings).

Written Statement Strategic Policies

SP2 - To encourage the sequential development of Duleek from the central core outwards, in order to ensure that the higher order facilities and the higher density development is located on the most central lands where possible, with optimum access and the highest level of services.

SP 3 - To operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the County Development Plan as follows:

i) The lands identified with an A2 “New Residential” land use zoning objective corresponds with the requirements of Table 2.4 Housing Allocation & Zoned Land Requirements in Volume I of this County Development Plan and are available for residential development within the life of this Development Plan.

ii) The lands identified with an A2 “New Residential” land use zoning objective but qualified as “Residential Phase II (Post 2019)” are not available for residential development within the life of this Development Plan

Section 11.2.1 Residential Density

Meath County Council recognises the benefits of increasing the density of residential development at appropriate locations in harmony with improved public transport systems in accordance with various strategies and reports such as the ‘National Spatial Strategy’, the ‘Sustainable Residential Development in Urban Areas Guidelines’ and the ‘Regional Planning Guidelines for the Greater Dublin Area’. Such an approach would encourage a more sustainable form of urban development through the avoidance of excessive suburbanisation and consumption of greenfield virgin lands and ensuring a more economic use of existing infrastructure and serviced lands. A further benefit would be the reduction in the dependence on the use of the private motor car, facilitating and encouraging walking and cycling by reducing the distance to be travelled and improving accessibility to, and the attractiveness of, public transport. The use of zoned and serviced land to its maximum, as positioned in the core strategy through the emphasis on consolidation, will assist in achieving the objective of satisfying housing demand.

In respect of Large Growth Towns, Moderate Sustainable Growth Towns and Small Towns which are located on well established, existing or proposed public transport routes or nodes with additional capacity, residential densities in excess of 35 net residential units per hectare should be utilised particularly in town centre locations. This is subject to good design and in the absence of onerous site constraints. In all other instances, in the county’s smaller towns and villages, maximum densities of 35 net residential units per hectare shall be applicable, and in general densities and

house types shall be compatible with established densities and housing character in the area. The justification for the density of a given scheme should be detailed in the design statement or in a report accompanying the application where a multi unit proposal is below the threshold for a design statement. Where Meath County Council considers that there is an over proliferation of particular types of housing in an area, the Council may seek to re-balance the form of housing in new schemes.

However, before these benefits may be exploited, there are several challenges that should be considered, such as:

- Raising the standard of design to ensure that in the pursuit of quantitative based housing yield, qualitative aspects of design are not weakened;
- Considering the pursuit of radical new forms of development rather than a compression of traditional housing form;
- The identification of key public transport corridors and other suitable locations where higher densities may be considered;
- Ensuring that development takes place in an integrated manner, and;
- Considering the pursuit of higher residential densities only in conjunction with the protection of existing urban quality and where adequate infrastructure is available.

The appropriate residential density in any particular location will be determined by the following:

- i) The extent to which the design and layout follows a coherent design brief resulting in a high quality residential environment;
- ii) Compliance with qualitative and quantitative criteria set out in the subsequent sections;
- iii) The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas;
- iv) Proximity to points of access to the public transport network;
- v) Existing topographical, landscape or other features on the site, and;
- vi) The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.

The choice as to the level of residential density appropriate to a given area cannot therefore be considered in simple arithmetic terms for all development sites as a single numerical value. Rather, the identification of a given density and the question of its appropriateness should be determined by spatial planning and architectural design criteria, determined by the context of a given site and the relationship to the overall proper planning and sustainable development of that centre.

Section 11.2.2 Residential Design Criteria, sets out the various design and residential amenity considerations of residential development.

7.0 Third Party Submissions

- 7.1. 24 valid submissions were received by the Board and include residents' associations and elected representatives. Most observers object to the proposed development and a few recommend the attachment of certain conditions if permitted. The relevant planning issues can be summarised as follows:

Overdevelopment of Site – the draft County Development Plan allocates 336 new homes to the area, the proposed 167 is almost half this number and too much, the original permitted development allowed 70 units. The planning authority have stated a number of objectives to do with housing and density, in smaller towns and villages a maximum density of 35 units per hectare shall apply.

Poor local road infrastructure – existing local roads are narrow and cannot support the current volumes of traffic. HGV traffic from quarries is a problem in the area. The proposed development will empty traffic on to the Longford Road (L-56104-0) then on to the R150 close to a children's playground, leading to safety concerns. The provision of so many in curtilage parking spaces will resemble a car park and could cause blocked footpaths and dangerous manoeuvres on the main road. A by-pass to the south of the village will help and it is hoped that route selection and costing will happen soon. Not enough car parking spaces have been provided which will lead to car parking problems in the area.

Design – the height (13.6 metres) and scale of the proposed development is out of character with the area. The nearest duplex buildings of this scale are located in

Drogheda. Being close to local heritage items, the proposed development would not be appropriate at this location. It is a policy of the current Development Plan that new residential schemes are to be built in a style and scale that is appropriate to its setting, the proposal is contrary to this objective. The development will affect the visual amenities of the area. The frontage along Steeples Road/Longford Road will be out of character with other detached properties by the provision of car parking onto the road, the estate should be walled off like other estates in the area.

Residential amenity – the height of the high rise buildings will cause light to be blocked to residents of Stoneyford Green, privacy issues will also arise, bungalows would be more suitable at this location. The location of a bicycle storage area associated with the duplex units at the northern end of the site will attract antisocial behaviour. A shadow analysis has not been carried out to assess overshadowing, impacts from light blockage is expected from residents of The Steeples. Owners of property along the southern boundary of the site are concerned about privacy and the provision of a suitably boundary treatment.

Visual amenity – the height of the proposed buildings will block views of the church land steeples; this will impact upon the tourist and heritage character of the village. Other development in the vicinity has been refused permission for not fitting in with the village.

Laneway – concerns are raised that the laneway that links the Longford Road and Larrix Street will be open to the public (known as 'Julia Dunnes Lane'). Antisocial behaviour is a concern, so too is the removal of trees and installation of street lights. The opening up of the laneway is opposed. The laneway to the south of the site (Kennel Lane) is also highlighted as problematic for the planned provision of pedestrian access, it is neither owned nor maintained by Meath County Council.

Local amenities – there is lack of local amenities and this development will put strain on those amenities that are available. There are insufficient primary school places available, no secondary school, public transport is limited, water services are constrained, medical facilities are limited, and recreational facilities amount to two play grounds at either end of the village. If permission is granted a community fund condition should be attached.

Heritage – there are a number of local heritage items in the vicinity, such as St Patricks Church and St Marys Abbey, a full archaeological survey should be condition of the entire site.

Construction Phase – observers raise concerns that during construction there will be safety issues together with health concerns over the generation of noise and dust as well as the displacement of a large number of rats.

Pre-App consultations – no documentation can be found on the file concerning discussions with Meath County Council, apart from a letter dated 25 May 2020, stating an intention by the applicant to lodge the application. No consultation has taken place with the planning authority, this matter has been highlighted in a recent judicial review decision. There has been no public consultation.

Property Values – local property will be devalued as a result of the proposed development.

Validity of Application – address is not correct, there is no Steeples Road, it is the Longford Road.

Some submissions are accompanied by general layout plans showing their respective houses relative to the proposed development, photographs and case study images have also been submitted.

8.0 **Planning Authority Submission**

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 21 July 2020. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the Laytown-Bettystown Municipal District at a meeting held on the 9 July 2020, and is outlined as follows:

- Site overdevelopment and the impact upon the core strategy of the Draft Meath County Development Plan 2020-2026 and the impact on the settlement strategy of the existing plan that ensures balanced and self-sustaining growth for Duleek. What effect will the development have on the draft plan if granted?

- Inadequacy of the local road network and the impact of existing HGV traffic.
- The absence of a bypass for Duleek.
- The design of the proposal is out of scale in terms of style and height and will be out of character with the heritage of Duleek.
- Local social infrastructure including schools is inadequate.
- Local water services and public transport are inadequate.
- An oral hearing should take place.
- There will be financial implications for the Council, should permission be granted.
- The SHD process is criticised and there should be legal support for locals.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Principle and Planning Policy -the core strategy for the plan period 2013-2019 is an allocation of 239 residential units to meet the population growth of Duleek. To date, residential development has taken place in Duleek and 118 units remain available. The eastern half of the site was considered under Variation 2 and the site (site B) ranked second overall with a yield of 69 units during the plan period and the entire site (site B) is therefore allocated to Phase 1 release. The housing development yield for the site (site B) is 25 units per hectare. The development of the site for housing is welcomed, the lands are well located, close to the town centre and capable of infilling an urban gap.

Density – the proposed density is 35 units per hectare. Section 11.2.1 of the Meath CDP sets out that in smaller towns and villages the maximum density should be 35 units per hectare, subject to a range of design criteria.

Urban Design – The architectural design rationale for the site and other documents are considered to be a reasonable response to the character of the site and surroundings.

Design and Layout – The housing mix provides a variety of types and options. The layout provides a strong urban edge to Longford Road. The internal layout is based around four character areas, the scale of which provides an appropriate form of two

storey at the periphery with three storey at the centre. The road hierarchy is set out and pedestrian circulation will follow these roads supplemented by other links through open space. The use of existing laneways is a missed opportunity and homezone roads are shown differently depending on the layout drawing.

Phasing – there will be two phases to the development, 93 houses in phase 1 and the remaining 74 duplex/apartment units in phase 2. Roads infrastructure, creche, open space and some Part V housing should be delivered early in the development.

Public Open Space – 0.70ha or 15% of the site is given over to public open space, the communal area between duplex units is excluded. A taking in charge condition should apply and the communal space should remain within the remit of a management company.

Private Amenity Space – the Housing Quality Assessment submitted by the applicant is noted and the standards set out for housing is detailed.

Landscaping – section 11.1.4 of the CDP sets out standards with regard to landscape proposals, the hard and soft landscaping proposal area acceptable, playground details are welcome, the retention of existing vegetation is encouraged by way of condition.

Boundary Treatment – section 11.2.2.6 of the CDP is set out, the retention of planting along the northern boundary is noted, fences at key interfaces are also noted, details of tree and hedge protection during construction is necessary and solid back-to-back walls would be welcomed at units 1-19 to 24-42 and 43-44 to 49-52. An appropriate condition has been suggested.

Traffic and Transport – the existing traffic situation is set out, critical road junctions are identified and key pedestrian routes are noted. The applicant's Traffic Assessment is queried but its findings accepted. A special levy should be attached to improve a pedestrian route at the R150/Steeple Road (Longford Road) junction. Access junction and cycle tie-in improvements along the site frontage to Steeple Road (Longford Road) are suggested. The general street layout is broadly acceptable, the internal roundabout is criticised in terms of pedestrian desire lines/cyclist safe usability/DMURS compliance. Cul-de-sac Road 2 is of excessive length but could in time link to the laneway north of the site. Block wall boundary treatments to laneways is criticised as not appropriate in character terms. Road 5

should be designed to allow access to lands east of the site. Car and cycle parking are acceptable. Planning conditions are recommended with regard to address these issues including a special contribution for junction improvement and the technical requirements of the Council, including public lighting.

Surface Water Management – standard technical conditions are recommended.

Waste Management, Environmental Protection and Public Health – standard technical conditions are recommended to do with the construction and operational phase of the development.

Social Infrastructure – a standard Part V condition is recommended. Development contributions are set out, childcare provision is noted, review of the submitted Schools Assessment by the applicant is requested, condition regarding artwork, broadband, fire safety are recommended.

Heritage – in terms of archaeology, a standard condition is recommended.

Architectural heritage impact is not considered to be an issue. An AA screening report and EIA screening report have been submitted and the Board are invited to consider their contents.

Flood Risk – the submission of an FRA is noted, the site is within flood zone C and therefore at a low risk of flooding, reference should be made to the comments of the Water Services and any surface water issues.

- 8.3. In summary, the planning authority are not opposed to the development, subject to the addition of conditions in the event of a grant of permission. Such conditions have been included within the content of the planning authority's submission and internal departmental reports. The planning authority recommend standard conditions in relation to Development Contributions, Taking in Charge, Childcare Facilities, Artwork, Estate Name, Broadband, Archaeology, Natural Heritage, Flood Risk and Fire Safety.

9.0 Prescribed Bodies

- 9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce — the National Trust for Ireland

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 25 May 2020. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. The public water network will have to be extended by approximately 300m of 150mm ID Main along the front of the development at the cost of the developer and work carried out by Irish Water.
- **The Minister for Culture, Heritage and the Gaeltacht**

Archaeology - On the basis of the information in the report, the results of the previous geophysical survey, the results of archaeological test excavations and the proposed archaeological mitigation (page 17); a planning condition pertaining to Archaeological excavation of the two Areas (Figure 8, Area 2B and Area 3B) and Archaeological Monitoring of ground disturbance at construction stages across the development site be included in any grant of planning permission that may issue.

Nature Conservation - The site is of limited ecological value, and that while hedgerows of some biodiversity value and containing mature trees on the northern boundary of the site are to be retained and securely fenced off from new private garden areas, several internal hedgerows described as poor examples of this habitat type in the Appropriate Assessment (Screening) report are to be removed. These hedgerows can be expected to harbour bird nests during the bird breeding season, therefore the timing of such works proposed in the AA (Screening) report, should be reflected in a condition.

10.0 Oral Hearing Request

- 10.1. There is provision within the Act of 2016 to hold an Oral Hearing in respect of a SHD application, section 18 of the Act refers. However, as the intention of the legislation is to fast-track SHD applications, the holding of oral hearings will be the exception. The legislation provides that An Bord Pleanála should have regard to the exceptional circumstances requiring the urgent delivery of housing and only hold a hearing where there is a compelling case for one.
- 10.2. The case presented by a single observer who made a valid request for an oral hearing revolve around the issues outlined by other observers and they include the possibility of traffic related issues, the out of character residential design and building height relative to existing development in the area, the problems associated with pedestrian linkages and school place deficiencies. But mainly the observer is fearful that their basic human right to privacy will be infringed because of the proximity of the proposed development, the potential for overlooking and the nuisance generated by a crèche facility. As far as these matters go, they all form part of the various elements of my assessment throughout this report and I find that the applicant has provided a sufficient amount of detailed analysis to answer any questions I or the Board may have. In addition, I note the thoroughness and detailed consideration provided by the planning authority, statutory consultees and other observers that allows me to be satisfied with the considerable amount of detailed material before me to allow for a reasoned decision to be made by the Board. I do not consider that there is a compelling case to hold a hearing and that the necessary information is held on the file.

11.0 Environmental Impact Assessment Screening

- 11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Report. The Screening Assessment concludes that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; that an Environmental Impact Assessment of the proposed development is not required. It also states that the proposed development is

considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. I am satisfied that the submitted Environment Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

- 11.2. The current proposal is an urban development project that would be in the built up area but not in a business district. The number of proposed dwellings is 167 and the site area is 4.8 hectares (gross). The proposed development is well below the applicable thresholds. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes no impacts upon the conservation objectives of the Natura sites identified.
- 11.3. The development would result in works on zoned lands. The majority of the proposed development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

12.0 Appropriate Assessment

- 12.1. An AA Screening Report dated September 2019 was submitted with the application and prepared by Dr. Mary Tubridy. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified,

and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

- 12.2. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA) and there are no watercourses on the site. Watercourses within the vicinity of the site include the Paramadden Stream a tributary of the River Nanny to the south. There is currently no attenuation of rainwater run-off from the site as it is currently agricultural land. In the absence of a direct hydrological connection via a watercourse, it is through drainage (infiltration) to groundwater that there is a possibility of a connection to i) the tributary stream and in turn with the wider catchment leading to River Nanny Estuary and Shore SPA; as well as ii) through discharges via the surface water management system to the Nanny River, and in turn the estuary.
- 12.3. The proposed development will incorporate sustainable drainage systems (SUDS). Foul and surface drainage infrastructure will be entirely separate up to the final point of discharge to the combined foul sewer. Foul effluent from the proposed development will be conveyed to and processed by the municipal treatment system.
- 12.4. A field survey of the site undertaken in September 2019 to characterise its habitats found that the fields are now covered in two common habitats GS2 (Dry meadows and grassy verges) and ED3 (Recolonising bare ground). Both have developed in the last four years as a result of ploughing to deter use of the fields for temporary encampments. A close inspection of the vegetation in the fields did not reveal the presence of any rare types or any invasive plant species. Other habitats include Scrub (WS1) in the historic laneway bordering the site to the north and Hedgerows (WL1). The hedgerow/scrub bordering the site to the north (Fig. 3) is of local biodiversity interest as it is dominated by Ash (mainly ivy covered) and also has much Hawthorn, Elder and Brambles (all native species). Some of the ivy covered trees may be used as roosting sites by bats. The other hedgerows at the site are poor examples of this habitat type. The site does not support rare habitats of species. The habitats and species which are present are common types and are not used by species which are associated with the nearby Natura sites.

12.5. It has already been stated that the site is not located within or directly adjacent to any Natura 2000 area. There are a number of Natura 2000 sites within 15km of the study site, details as follows:

Site Name and Code	Distance (km)	Qualifying interests
River Boyne and River Blackwater SAC No. 002299	4.2	7230 Alkaline fens 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicionalbae)* 1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Salmon <i>Salmo salar</i> 1355 Otter <i>Lutra lutra</i>
River Boyne and River Blackwater SPA No. 004232	4.2	A229 Kingfisher <i>Alcedo atthis</i>
Boyne Coast and Estuary SPA No. 004080	9.6	A048 Shelduck <i>Tadorna tadorna</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A142 Lapwing <i>Vanellus vanellus</i> A143 Knot <i>Calidris canutus</i> A144 Sanderling <i>Calidris alba</i>

<p>Boyne Coast and Estuary SAC No. 001957</p>		<p>A156 Black-tailed Godwit <i>Limosa limosa</i> A162 Redshank <i>Tringa tetanus</i> A169 Turnstone <i>Arenaria interpres</i> A195 Little Tern <i>Sterna albifrons</i> A999 Wetlands</p> <p>1130 Estuaries 1140 Mudflats and sand flats not covered by seawater at low tide 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows (<i>Glauco - Puccinellietalia maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') 2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes')</p>
<p>River Nanny Estuary and Shore SPA No.004158</p>	<p>10.6</p>	<p>A130 Oystercatcher <i>Haematopus ostralegus</i> A137 Ringed Plover <i>Charadrius hiaticula</i> A140 Golden Plover <i>Pluvialis apricaria</i></p>

		A143 Knot <i>Calidris canutus</i> A144 Sanderling <i>Calidris alba</i> A184 Herring Gull <i>Larus argentatus</i> A999 Wetlands
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* Denotes a priority habitat.

12.6. I am of the view that those sites listed in the table above should be considered to be the only Natura 2000 areas within the zone of influence of the development as pathways do not exist to other areas. The applicant's Screening Report may be summarised as follows:

- The Loss or fragmentation of habitat area - The proposed development will not lead to a reduction or loss of any habitats within the Natura sites or annexed habitats outside it. Fieldwork in September suggests that the habitats which will be disturbed are common types.
- Loss or fragmentation of area used by annexed species - Fieldwork in September 2019 confirmed that the site is not used by species associated with the nearby Natura sites such as otter and wading bird species as the site does not have the habitats needed by these groups.
- Impacts of changes in key indicators of conservation value e.g. water quality - Water will be provided through the council's supply. This will not directly affect the Natura site. Foul water will be discharged to the council's system.
- Duration of construction, operation, decommissioning - Hedgerow disturbance will take place between 1st September and 1st March to avoid interference with nesting birds.
- Climate change - It is estimated that climate change will result in more extended but less frequent wet and dry periods and warmer water temperatures, as rainfall patterns in Ireland are changing. This could result in precipitation increases of over 10% in the winter months, and decreases of approximately 25% in the summer, and annual temperature increases. Potential local impacts will be managed through SUDS type measures in the site.

- 12.7. The screening report identifies a number of different plans and projects described in section 2.6, those plans, and projects are not anticipated to act in-combination with the proposed residential development. In the *Finding of no significance impacts matrix* of the applicant's report, the authors conclude that the project has been screened for AA. The authors found that that the proposal will not have a significant negative impact on the Natura 2000 network.
- 12.8. The site lies within the built-up zone of the town and is entirely composed of agricultural land. The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. There is no evidence that the site is in use for field feeding by protected bird species listed as qualifying interests of the River Nanny Estuary and Shore SPA, River Boyne and River Blackwater SPA or Boyne Coast and Estuary SPA.
- 12.9. No surface water feature was identified within the subject lands or in the vicinity and the project will incorporate sustainable drainage systems (SuDS) as well as connection to the 400mm diameter public surface water sewer on Steeples Road. A flood risk assessment was undertaken, which shows the site is located within Flood Zone C for fluvial flooding. Foul effluent from the proposed development will be connected to the municipal system via a 225mm diameter sewer along Steeples Road. Fresh water supply for the development will be via a mains supply.
- 12.10. Therefore, having regard to the scale and nature of the proposed development of 167 residential units and a childcare facility and its location within the built up area of Duleek on land that is served by municipal sewers, I am of the opinion that no Appropriate Assessment issues arise. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European sites. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, 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 on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Decision Quashed

13.0 Assessment

13.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Residential Amenity
- Visual Amenity and Heritage
- Traffic and Transportation
- Local Amenities
- Water Services
- Other Matters

13.2. Principle and Quantum of Development

13.2.1. Zoning - The site is zoned for residential development in the Meath County Development Plan 2013-2019, A2 New Residential where it is an objective to “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 principle of residential development for the site is therefore considered acceptable and not questioned. With this the planning authority agree.

13.2.2. Concerns have been raised by local elected representatives and observers that though a residential development may be acceptable at this location, the quantum of development exceeds the current development plan and will have impacts on the new development plan, currently under review. Duleek is seen as a small village and the addition of such a large number of units is considered unacceptable.

- 13.2.3. The planning authority have provided a detailed analysis of the existing core strategy and the allocation of units for Duleek. The planning authority states that the core strategy for the plan period 2013-2019 is an allocation of 239 residential units to meet the population growth of Duleek. At this time, committed and completed residential development has taken place in Duleek and 118 units remain available. It should be noted that approximately half of the site has an extant permission for 70 dwellings, SA/802333 refers. The planning authority used the figure of 69 units for the north eastern part of the site (site B) in Variation 2 of the County Development Plan which could then move forward for development in phase 1. The housing development yield for the site (site B) is 25 units per hectare. The planning authority state that the development of the site for housing is welcomed, the lands are well located, close to the town centre and capable of infilling an urban gap. In terms of density the planning authority note that section 11.2.1 of the Meath CDP sets out that in smaller towns and villages the maximum density should be 35 units per hectare, subject to a range of design criteria.
- 13.2.4. Firstly, elected representatives and observers concern themselves with the matter of the draft plan. The review of the current County Development Plan is underway, however, the operative plan for the purpose of my assessment is the current County Development Plan and its objectives for the area.
- 13.2.5. The objections raised by observers are twofold and relate to quantum of development and its impact on the core strategy and density and its impact on quantum. The two are related and I address them both in my assessment.
- 13.2.6. In terms of bringing the site forward for development I note that the site (B) ranked second out of 10 sites in Duleek with a yield of 69 units, after site H with a yield of 20 units. The Meath County Development Plan operates an order of priority for the release of residential zoned lands. Phase 1 lands can be developed during the life of the current County Development Plan, i.e. up to 2019 with Phase 2 lands to be developed post 2019. The current plan is still in operation, I am satisfied that the subject lands are Phase 1 lands and are available for development.
- 13.2.7. In terms of the Core Strategy, Duleek has a total household allocation of 239 up to 2019. The planning authority's opinion indicates that there are extant permissions for 85 units in Duleek, with 36 of additional units either completed or under construction.

Total extant units with permission would include the 70 units permitted on the western portion of the overall site. Adding these 70 units to the balance of the core strategy target would amount to 188 units, the proposal is for 167 units. Bearing in mind that half of the site already has permission for 70 units, and these units would of course not be built. I am satisfied that the proposed development falls within the unit allocation for Duleek up to the end of 2019 and would be broadly compliant the Core Strategy of the County Development Plan. On the basis of the foregoing, I consider that the proposed development is acceptable in principle.

13.2.8. Density - In relation to density, the National Planning Framework promotes 'compact growth' and 'consolidation' within established urban areas. The Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out density guidance for urban areas The Urban Development and Building Height Guidelines (2018) indicate that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas. However, the guidelines also caution that where it is proposed to have higher densities and height due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

13.2.9. The Meath County Development Plan states that in the county's smaller towns and villages, maximum densities of 35 net residential units per hectare shall be applicable, and in general densities and house types shall be compatible with established densities and housing character in the area. In addition, Variation 2 sets out a Written Statement for Duleek in which a table of housing yield and phasing for residential sites is presented. The table sets a yield of 69 units at a density of 25 units per hectare for Site B. I have taken Site B to include all lands south of Larrix Street zoned A2. Site B amounts to 2 hectares of the lands the subject of this application. In this regard, the planning authority indicate that the density yield of the site is 25 units per hectare and highlight section 11.2.1 of the Development Plan and state that individual residential densities should be determined by a variety of factors. Observers are concerned that the quantum of development and consequently the residential density of the proposed scheme is too high. However, the Duleek Written Statement of the Development Plan states encouragement for the sequential development of Duleek from the central core outwards, in order to ensure that the

higher order facilities and that higher density development is located on the most central lands where possible, with optimum access and the highest level of services. This site is such a location.

- 13.2.10. Specifically, the Development Plan written statement for Duleek identifies a residential density of 25 units per hectare for site B (2.67 hectares). Site B is described as located south of Larrix Street and I understand it to take in the north eastern portion of the subject site. I have calculated that there are 37 houses and 28 duplex units proposed for a part of Site B. The total number of units proposed for a part of Site B is 65 across an area of 2 hectares, or 32.5 units per hectare. This residential density of 32.5 units per hectare exceeds the Council's local objective of 25 units per hectare identified for Site B. Despite the County Development Plan's broader advice in relation to density that states in the county's smaller towns and villages, maximum densities of 35 net residential units per hectare shall be applicable, the targeted residential density for this site is 25. In residential density terms alone, the proposed development is out of step with the Duleek Written Statement. However, in sustainability terms higher densities should be encouraged and the average residential density across the entire subject site amounts to 35 units per hectare and this accords with Strategic Policy 2 of the Duleek Written Statement that seeks higher density development located on the most central lands where possible.
- 13.2.11. Finally, Chapter 6 of the Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out density guidance for urban areas. Duleek falls into the Small Towns and Villages category. Section 6.11 of the guidelines state that net densities of 20-35 dwellings per hectare should generally be encouraged on edge of centre sites and that the form of development should include a wide variety of housing types from detached dwellings to terraced and apartment style accommodation. The proposed density of 35 units per hectare across the entire site is within this density range. Given the locational context close to the town centre, the level of public transport and other services in the area I am of the view that development at this upper limit of the density range is acceptable on this site.
- 13.2.12. Subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation is compatible with the stated objective for lands zoned 'A2 New Residential', that seeks the provision of "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”.

13.2.13. Material Contravention – above in section 13.2.10 of my report I highlight that the residential density proposed for the site is greater than the 25 units per hectare targeted by the local development plan. I have outlined that I think the 35 units per hectare proposed by the applicant is entirely suitable for the site and in line with national planning guidance namely the Sustainable Residential Development in Urban Areas (2009). However, the provision of a higher density figure would materially contravene the Development Plan with respect to specific policies and numerical objectives for the site. The planning authority raise no particular concern over residential density and welcome the development of the site. Local observers raise concerns in relation to the quantum of development. The relevant numerical objectives fall from Variation 2 of the County Development and are detailed in ‘Table 2.4 Housing Allocation & Zoned Land Requirements’ of the County Development Plan and the ‘Yield and Phasing of Residential Zoned Sites’ table in the Duleek Written Statement, Volume 5 of the development plan. The Board should note that a Material Contravention Statement was not submitted by the applicant. However, the Board may still decide to grant a permission where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned subject to certain criteria.

13.2.14. Under the Planning and Development Act 2000, the Board is precluded from granting permission for development that is considered to be a material contravention of the local development plan, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and is considered to be strategic in nature. In terms of national policy, the National Planning Framework, including objectives 13, 33, and 35, support increased densities within urban areas at an appropriate scale of provision relative to location. The Sustainable Residential Development in Urban Areas Guidelines 2009 (Chapter 6) recommend

minimum net densities of 20-35 dwellings per hectare will be appropriate, including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation. The Urban Development and Building Height Guidelines (2018) promote increased building height and density in urban areas having due regard to the locational context, availability of public transport services and other associated infrastructure. The proposal for a medium density mixed conventional house and duplex apartment scheme on the subject site is strategic in nature, consistent with national policy and section 28 ministerial guidelines. Permission can therefore be granted under Section 37(2)(b)(i) and (iii) of the 2000 Act as amended.

13.3. Residential Amenity

- 13.3.1. Future Residents - The applicant has submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation submitted by the application, all house types significantly exceed the relevant floor areas advised.
- 13.3.2. In all cases, over 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In locations where the gable ends of some house types are closer such as along Road 1, either landing windows or obscured glazed windows are provided, and this is satisfactory.
- 13.3.3. In terms of private open space, garden depths are mostly provided at a minimum of 11 metres and according to the schedule provided by the applicant result in 62 or 177 sqm across all house types. A very small number of rear garden depths are as low as 5 metres but are associated with large detached or semidetached houses with side access. In all of these cases where garden depths are quite shallow, there are wider parts to the rear garden that extend to 9 metres. In reality, the rear gardens associated with dwellings vary in shape and area and provide in excess of 60 sqm,

the minimum sought by guidelines. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

- 13.3.4. The proposed development also comprises 74 duplex-apartments in five three storey blocks at the centre of the scheme. The five blocks are arranged around a central linear communal amenity space, with play area, seating areas and bicycle storage structures. The Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are provided with large balcony spaces that range from 12.8 to 26.7 sqm, with the majority between 14 and 18 sqm, all to an acceptable standard. All apartment units are dual aspect, with a combination of smooth plaster finish and selected brickwork, this is an acceptable format.
- 13.3.5. The Duplex Table of the Housing Quality Assessment deals with apartment design and compliance with the relevant standards. The floor to ceiling heights associated with apartment blocks are 2.725 metres at ground and first floor level and 2.4 metres at second floor, this accords with the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m and the standard for a 2 bedroom (four-person) apartment is 73 sq.m. The accommodation schedule shows that this has been exceeded by more than the minimum 10% in all cases. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3), with none close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In terms of the apartment component of the scheme, I am satisfied that the location and layout of the duplex apartment blocks is satisfactory, no amendment or adjustment to design by condition is necessary.
- 13.3.6. The planning authority raise no particular opposition to the residential amenities offered to future occupants, subject to standard conditions, the proposed development is acceptable.

- 13.3.7. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 13.3.8. Existing Residents - The proposed development will be located on lands that have been in use for agricultural purposes with frontage along the Longford Road. The lands are currently not in productive use and colonising vegetation is taking over. The boundaries of the site are characterised by mature hedging. An informal laneway runs along part of the northern boundary of the site and further north of and backing onto this lane is Stoneyford Green, a housing estate. This laneway, according to observers is known as 'Julia Dunnes Lane'. Farmyard buildings and a single storey house also occupy land to the north east of the site. Another private laneway, known as 'Kennels Lane' runs along the south eastern boundary of the site along which are located a two houses on large garden plots. A private laneway skirts the southern section of the site and provides access from Longford Road to a single house on a large garden plot.
- 13.3.9. In my view there are two principle areas where residential amenity issues may arise. Firstly, the houses along the south and eastern boundary of the site. Secondly, houses within Stoneyford Green estate to the north of the site. A number of observers from The Steeples across the road from the western boundary of the site have raised a number of issues and I shall deal with those last.
- 13.3.10. Firstly, there are four dwellings along the southern and eastern boundary of the site. These dwellings are large single or single and half storey dwellings set on very large garden plots. The ground level of the subject site is slightly above that of these four houses, less so towards the east and more so for the two dwellings directly south of the site. in any case the difference in ground levels is not so great that it would create an issue of concern for me. In three cases, the distance between these detached dwellings and the boundary of the site is at a minimum 12 metres and this results in the closest proposed dwelling being placed 22 metres or more from the rear elevations of these three houses. I note that the applicant has prepared

a detailed account and analysis of the relationship between proposed and existing houses, house numbers 1, 2 and 3 in the applicant's statement of response. This information is useful and details ground levels and proposed boundary treatments. The minimum separation distance that is proposed between proposed and existing dwellings along the southern boundary is at least 22 metres or more, I am satisfied that there will be no loss of amenity. A distance of least 22 metres between houses is enough to ensure privacy by limiting overlooking, the proposed dwellings are to the north of existing houses and I anticipate no issues of overshadowing or loss of light. Finally, the proposed houses and childcare facility are no more than two storeys in height and so overbearing appearance will not occur.

- 13.3.11. I am aware of the location of the proposed childcare facility, towards the front of the site and to the rear of house 1 and 2, as denoted by the applicant. Concerns have been raised about privacy issues concerning the location of the crèche, nuisance because of noise may also be a concern too. However, I am satisfied that if the childcare facility accords with appropriate operating hours, then a reasonable standard of residential amenity will be maintained.
- 13.3.12. There is a fourth house located along the southern and eastern boundary of the site and not selected by the applicant for focussed assessment. However, this single storey dwelling and its garage are located close to the boundary of the proposed development. Proposed house number 72, house type B2 will be located 13 metres from the southern gable of the existing bungalow. Whilst there would be no direct overlooking of the ground floor living rooms of the existing bungalow, it would be appropriate to relocate the rear facing window of bedroom 3 to its eastern elevation. This would serve the dual purpose of ensuring privacy and providing more passive supervision opportunities over the small area of open space at the eastern tip of the site.
- 13.3.13. The property owners that did make observations along the site's boundaries, all made reference to privacy and security associated with the proposed boundary treatments. I would agree that in all cases an appropriate boundary treatment should be selected that is robust, long lasting and secure. In this instance the applicant has specified a variety of boundary treatments along the site boundary. According to the applicant's Boundary Masterplan, a 1.2 metre high three bar parkland rail fence is proposed along the private laneway to the north of house 1, this fence will serve two

purposes, it would enclose the private laneway as well as the linear open space and pedestrian path to the Longford Road and the car park of the creche. Whilst a parkland rail fence is attractive, it will require maintenance and may not serve well in terms of preventing access to the private laneway associated with house 2.

Therefore, I recommend that a 2 metre high block wall should extend from the site boundary with The Longford Road all along the boundary with the private laneway, the rear of house 2 and 3 and also all along 'Kennel Lane'. In fact, I think it would be highly appropriate to install the same 2 metre high concrete block wall along the extent of the site that bound private property.

13.3.14. Residents of Stoneyford Green have raised issues to do with how the proposed development will impact upon their property. Their concerns range from the use of the laneway that links Longford Road with Larrix Street, known locally as 'Julia Dunnes Lane'. This is the second of the principle areas that I perceive may cause issue for local residents. Firstly, the laneway that runs between the subject site and Stoneyford Green is inaccessible at present, it is wildly overgrown with mature hedging and trees. The laneway forms a well buffered boundary between Stoneyford Green and the subject site. The proposed layout shows the potential for two pedestrian links to spring onto the laneway from two small open spaces in the north of the site. This would add significantly to the pedestrian permeability of the site, if it could be achieved. The applicant has stated that they do not have a legal interest over the entirety of the laneway, and it seems that the actual implementation of a pedestrian linkage is some way off. This current planning application will not achieve the aim of providing a pedestrian linkage, but the layout shows the potential for this in the future. I am not concerned that the issues raised from residents of Stoneyford Green will come to pass because of this application, as the laneway will remain untouched. However, the potential for some sort of linkage in the future should be planned for and this the applicant has done by providing two access points that are well overlooked. It would therefore be appropriate to attach a condition that ensures planned pathways within the proposed development run right up to the boundary in anticipation of some future connection.

13.3.15. Residents of Stoneyford Green also raised issues around the scale and height of the duplex units and the proximity of other dwellings. The loss of aspect, the potential for overlooking and overshadowing have been raised as potential impacts.

Duplex block 5, house type C3 and house type F2 are located directly south of semidetached and detached houses of Stoneyford Green. Plot 01, house type F2 is a two storey detached house with a first floor bathroom window on its northern elevation, the dwelling is over 17 metres south of its nearest neighbour. There are no residential amenity issues that arise from the design and position of this unit. Plot 42, house type C3 is detached house with a first floor ensuite window on its northern elevation, the dwelling is over 24 metres south of its nearest neighbour. Given the distance, orientation and scale of the house on plot 42, I anticipate no residential amenity issues to arise for residents in Stoneyford Green. Lastly, duplex block 05 is presented as a three storey, pitched roof building up to 13.6 metres in height. Block 05 is located at least 24 metres south of existing property at Stoneyford Green, to the north. Residents fear a loss of privacy and overshadowing from block 05. In my view such impacts are unlikely for a variety of reasons, the separation distances are such that a three storey (13.6 metre) high domestically scaled building is unlikely to impact the habitable rooms of dwellings over 24 metres to the north, in addition the thick tree and hedge cover already in place, very likely casts shadows to the rear gardens of houses along this portion of Stoneyford Green already. I also do not anticipate any adverse impacts from overlooking for the same reasons as well as the fact that the principle outlook from block 05 is east/west, not northwards towards Stoneyford Green. I conclude that there will be no adverse residential amenity impacts to arise from the proposed dwellings along the northern portion of the site and so no changes are recommended.

13.3.16. I do note the location of a large secure bicycle storage area (107 spaces) along the boundary of the site adjacent to block 02 and I anticipate that this may cause issues that have been identified by observers. In this respect and in given the generous car parking already provided for, I think it would be appropriate to relocate the secure storey facility from the boundary of the site to the location of car parking spaces 107-112. This would entail the reduction of car parking spaces 107-112 in favour of the bicycle storage spaces instead.

13.3.17. Lastly, a number of observers from The Steeples to the west of the subject site have highlighted concerns that include overlooking, overshadowing and a change in the character of the area as a result of the proposed houses along Longford Road. The proposed houses along Longford Road are detached, semi

detached and terraced, all two storeys in height and more than 30 metres across a wide public road from detached dwellings at The Steeples. The proposed dwellings are all finished with mostly brick and some render, conventional in design and scale, no different to other existing housing estates in the area. The separation distances are such that there can be no impacts from overlooking, overshadowing or overbearing appearance, I am satisfied that there will be no loss of residential amenity from the proposed development to residents of The Steeples.

13.3.18. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants, subject to the minor alterations I recommend. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area as well as those houses within the Stoneyford Green and The Steeples housing estates.

13.4. Visual Amenity and Heritage

13.4.1. A number of observers have raised concerns that the proposed development will be out of character with nearby housing estates. The frontage along Longford Road is highlighted as being quite different to other housing estates that enclose housing behind walls and railings. The provision of duplex apartment units is also raised as an area of concern, it is stated that there no other examples of duplex units in Duleek. Another aspect is a perceived loss of visual amenity in that observers describe how Duleek is an historical village and that the steeples and towers associated with churches at the centre of the town will be obscured by this development.

13.4.2. In order to assess the visual amenity, or character, scale and design of the proposed development I am guided by two principles, the local planning policies and national guidance. In this respect, my assessment has regard to the various policies and objectives set out in section 11.2 of the County Development Plan, the written statement for Duleek and other relevant components of the local plan. In addition, I am guided by the design considerations contained in the relevant section 28 guidance, including the 'Urban Development and Building Height, Guidelines for

Planning Authorities' 2018, 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018 and the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'). However, I have also taken into account the design rationale submitted by the applicant and the views and concerns raised by observers.

13.4.3. The overall site is level, with a very slight raise in height north westwards, a rise of no more than three meters across the entire site. The land around the site is mostly developed for housing and is also level, there are no notable highpoints in the immediate vicinity. The only high point of note is the small rise that St Patricks church (in ruins), St. Cianáin's church (in ruins) and St. Kienan's Church (now a restaurant) all sit on, overlooking the Paramadden Stream. It is true to say that the tower and steeple associated with these structures are noticeable around Duleek and have been highlighted in the applicant's design statement. Local observers also note the prominence of these steeples and towers and fear that they will no longer be visible. The tallest structures proposed in the scheme are the duplex units, they rise to 13.6 metres with a pitched roof and are of a domestic scale and design. There are no tall structures proposed in the subject development. In addition, the three storey element of the proposed development is nearly 300 metres from the ecclesiastical site that contains elements of locally notable height. I cannot see how the proposed development will block views of these locally important features, given their limited height and scale in addition to the considerable distance away. In fact, I take an opposite stance and point out that views to these church features will be enhanced by the availability of even more view points from within the site. Those views cannot now be enjoyed as the lands are in private ownership, however, once developed anyone will be free to enjoy the views and vistas that the site currently now privately possess. In urban design terms I am satisfied that the site has had regard to its locational characteristics and exploits views to the church towers and the proposed development will enhance the heritage value of the town.

13.4.4. Local observers have raised concerns about the design of the proposed houses, disdain is shown for the provision of duplex units of three storeys. I note that the applicant has prepared an Architectural Design Rationale in response to the requirements of the development plan and to address national guidance. This

document states that the development responds to its context by creating a strong street edge with new buildings along Steeples Road/Longford Road and by providing units with back gardens along all sensitive boundaries within the site. At the middle of the scheme is a central parkland with housing and three storey duplex units overlooking it to provide active surveillance. Future pedestrian connections have been considered. The development is divided into four character areas each with a distinct architectural quality. These areas define a series of recognisable neighbourhoods within the overall development which assist in wayfinding and create a sense of place in each instance. Local observers broadly disagree with the applicant's design rationale, however, the planning authority raise no particular concerns about design and layout.

- 13.4.5. The urban design and layout of the site is logical and accessible. I find that the design of the dwelling houses and the materials specified are no different and perhaps better than existing local examples. Duplex units of three storeys are proposed at the central part of the scheme, they are domestic in design and no different to any three storey house that might be proposed. The location of the duplex units at the site and buffered by heavy planting associated with a laneway to the north of the site will render the units very difficult to actually see from outside the site. In any case whether they are visible or not I am satisfied that the design and finishes associated with the duplex units is of a high quality and would be a positive addition to the built form of Duleek.
- 13.4.6. I am satisfied that the design and layout of the entire site, at a central location within the town, will be a positive addition to the built form of Duleek. The opening up of this site will offer new and accessible public realm to existing and future residents of the area.
- 13.4.7. Some concerns have been raised by observers that the proposed development will impact upon the heritage value of Duleek. The planning authority do not hold the same opinions and my comments above can be considered as relevant in heritage terms. I have already considered that there will be no impact from the proposed development on any Natura 2000 site, see section 12 above. I do however, note that the Department of Culture, Heritage and the Gaeltacht made a formal submission and recommended standard conditions to do with archaeology and wildlife. The

attachment of these conditions, if appropriate, is considered reasonable in the event that permission is granted.

13.5. Traffic and Transport

- 13.5.1. The development proposes a single vehicular access point from the Longford Road, also referred to in documentation as Steeples Road, a fact criticised by observers but of no consequence in this assessment. The single access road will service 146 dwelling units and a childcare facility. 21 houses along the frontage of the site will avail of direct access from the Longford Road. The applicant has submitted a Traffic and Transport Assessment (TTA), the methodology of which the planning authority are satisfied with. Local observers have little to say about the internal layout of the site but are concerned that additional traffic onto the Longford Road will cause traffic congestion and hazards. There are concerns too about the provision of housing directly fronting onto the Longford Road and that there may be conflicts between heavy goods vehicles and people existing their homes. The lack of existing pedestrian facilities in the area are also criticised, and local observers worry about overspill car parking taking place.
- 13.5.2. The applicant's TTA models the proposed T-junction for the survey year 2018, the opening year 2021 and 15 years thereafter i.e. 2036. The data shows that average delays are imperceptible for traffic on the main road, as well as users entering / exiting the development, users will experience imperceptible impact. The results of the traffic modelling are submitted with the application. The TTA concludes that it is evident that a dedicated right turn lane along The Steeples Road/Longford Road is not required to facilitate the development. The TTA goes on to consider a number of other aspects of local traffic and transport but no junction improvements are highlighted as necessary in the local area. The planning authority note the findings of the TTA but highlight issues with the current format of the Longford Road / R150 junction and seek a special contribution for upgrade works. I agree that even though the proposed development places no particular strain on the local road network, the existing junction at Longford Road / R150 is sub optimal and not currently DMURS compliant. This junction is difficult to negotiate on foot and lacks the type of dimensions and geometry that would positively advance the urbanisation of Duleek. I would favour the improvement of this junction for a variety of reasons, it would slow and calm traffic travelling along Longford Road and it would provide a much more

hospitable pedestrian and cyclist environment. All key features in promoting sustainable travel patterns, i.e. people walking or cycling to the town centre, schools and other services.

13.5.3. The internal layout of the site is arranged around four streets that radiate out from a central roundabout. The planning authority have some concerns about this central roundabout, in their view it is not a good environment for cyclists, and it interrupts pedestrian desire lines, changes are recommended. I agree that a centralised roundabout is really not necessary at this location given the volume and speed of traffic likely to be involved. I am aware that DMURS generally favours conventional junctions with tight geometry to calm traffic and place vulnerable road users first. DMURS states that more compact roundabouts (i.e. those with a radii of 7.5m or less) may be considered where vehicle flows are not sufficient to warrant full signalisation, such as on Links, and pedestrian activity is more moderate, such as in Suburbs and Neighbourhoods, provided they are appropriately fitted with the appropriate pedestrian crossings. In tandem with the planning authority I consider that a redesign of this central junction is necessary, and this may result in a conventional four arm crossroads (not signalises) or a redesigned mini roundabout with better and more direct pedestrian facilities. A suitable condition would allow the planning authority to refine this matter further.

13.5.4. The planning authority have highlighted the missed opportunity of opening up laneways to the north and south of the site. Whilst the opening up of these laneways would most likely increase pedestrian permeability the applicant has detailed a lack of ownership as an obstacle. Local observers have also raised issues with opening up these laneways from a residential amenity perspective, the prospect of antisocial behaviour is feared. Ordinarily the maximisation of pedestrian permeability through linkages is to be encouraged in this instance however, there are a number of issues at play. Firstly, not all of the laneways are in the control of the applicant. Secondly, the northern laneway is densely overgrown and offers a considerable and advantageous buffer to Stoneyford Green to the north. The southern laneway provides access to two dwellings and is also in private ownership. The site is relatively small and there are other more convenient pedestrian desire lines along the existing road network in the area. On balance, I am satisfied that the applicant has provided a logical site layout that provides the possibility for future pedestrian

linkages to these private laneways. A suitable condition should be attached to ensure the footpaths reach right up to the boundary without the imposition of a ransom strip, so that access can be enabled at a future date.

13.5.5. Lastly, observers have raised aesthetic and traffic safety concerns about the way the development fronts onto the Longford Road. The planning authority have not raised any particular concern and welcome the new frontage and pedestrian facilities along Longford Road. At present the road in the vicinity of the site, is very wide with housing on one side, traffic is inclined to move swiftly along this route. With the arrival of individual houses facing onto and accessing Longford Road at multiple locations, so too will the behaviour and speed of passing traffic change. The provision of multiple entrances along Longford Road will moderate driver behaviour resulting in slowing traffic and making the pedestrian environment safer and more pleasant than it is now. Aesthetically, this location is part of Duleek and the urban expansion of the town is to be encouraged. The roll out of pedestrian facilities such as footpaths and street lighting is welcomed and in my opinion a beneficial addition to the overall amenity of the town.

13.6. Local Amenities

13.6.1. A number of observers have expressed concerns that Duleek does not offer the level of community type services that would sustain the level of development proposed. The lack of schools and in particular a post primary school is highlighted, together with a dearth of parks and play areas for children. The applicant has supported the application with a Social Infrastructure Audit, that looks at demographics and the availability of existing facilities linked to health/wellbeing, childcare and education. In general terms the report states an acceptable level of facilities and in relation to schools it states that their study of local school capacity confirms that based on previous enrolment figures, there are sufficient primary school places in the local area to cater for the proposed development. The report also notes that the primary and secondary school requirements will be catered for by the existing primary schools and secondary schools in the area as established by an assessment of school need undertaken by Meath County Council. Observers disagree and this perception is perhaps more a reflection of what has been allowed to develop in Duleek and what has actually materialised in terms of social infrastructure to date.

13.6.2. The fact of the matter is that three primary schools serve Duleek and they are, not ideally, located in the countryside outside the town. Nevertheless, they are in place and according to figures available to me, will be in a position to accommodate the school going population of the development when built. There is a small playground located in the open space associated with Bathe Abbey to the south and the proposed development will provide its own open spaces and play areas that will be available to the local community too. Duleek town centre has a variety of commercial enterprises, shops, restaurants and so forth as well as medical, dental and pharmacy facilities. The proposed development will provide a new childcare facility. Duleek town centre is a pleasant space with good public realm and pedestrian facilities, it is an attractive place to be. The planning authority welcome the development of this centrally located site. The proposed development will provide additional population to sustain and enable the growth of Duleek as a whole and I see no adverse impacts upon the social or for that matter the commercial infrastructure of the town.

13.7. **Water Services**

13.7.1. Observers have raised quite broad issues to do with water services. The applicant has submitted a detailed engineering services report and Site Specific Flood Risk Assessment (SSFRA). The site is located in flood zone C and the likelihood of flood risk on the site or elsewhere is discounted. The SSFRA concludes that no development will take place in the floodplain; as such no floodwaters will be displaced during extreme flooding events. The flood extents in the post-development scenario will remain unchanged. The planning authority agree and have no recommendations with respect to flood risk, I concur.

13.7.2. In terms of surface water management, the applicant states that all surface water run-off from roof areas and hardstanding areas will be collected in the site's drainage network. It is proposed to connect the drainage system to the existing public 400mm diameter surface water sewer located on The Steeples Road/Longford Road. SuDS features will also be incorporated into the scheme. The planning authority require some technical changes to the applicant's proposals, mainly to do with site attenuation and discharge rates, 20% upsizing of the attenuation system is recommended.

13.7.3. In terms of water services, Irish Water raise no particular issues, though they outline that the public water network will have to be extended by approximately 300m of 150mm ID Main along the front of the development at the cost of the developer and the work to be carried out by Irish Water. As there are no major issues of concern regarding the site and water services, I see no barrier to permission being granted subject to conditions of a technical nature.

13.8. **Other Matters**

13.8.1. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the requirements of the planning authority. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to bus services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. These conditions are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.

14.0 **Recommendation**

14.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 **Reasons and Considerations**

15.1. In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Meath County Development Plan 2013-2019;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the National Planning Framework (2018);

- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;
- (g) Design Manual for Urban Roads and Streets (DMURS) May 2019
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of educational, social, community and transport infrastructure;
- (j) the Chief Executive's report received from the planning authority;
- (k) the submissions and observations received and
- (l) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Draft Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27 May 2020 by Davy Target Investments ICAV, Davy House, 49 Dawson Street, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development on a site at Longford Road, Duleek, County Meath.

The proposed development comprises the construction of 167 residential units, provided as 93 dwelling houses, 74 duplex-apartments in five three storey blocks and a creche, together with open space amenity and a single vehicular access point from the Steeples/Longford Road.

The details are as follows:

Parameter	Site Proposal
Application Site	4.8 ha
No. of Units	167
Unit Breakdown	56 – three bed houses 37 – four bed houses 8 – one bed apartments 29 – two bed apartments 37 – three bed apartments
Other Uses	Childcare Facility - 415 sqm (45 spaces)
Car Parking	342 spaces

Bicycle Parking	235 spaces
Vehicular Access	A single access point from The Steeples
Part V	17 units
Density	35 units/ha.

16.1. The overall percentage breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	
Unit	8	29	93	37	167
% Total	5%	17%	56%	22%	100%

The development includes for, public amenity space, as well pedestrian and cycle facilities throughout the site and the potential for future connections.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Meath County Development Plan 2013-2019;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the National Planning Framework (2018);
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;
- (g) Design Manual for Urban Roads and Streets (DMURS) May 2019
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of educational, social, community and transport infrastructure;
- (j) the Chief Executive's report received from the planning authority;
- (k) the submissions and observations received and
- (l) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on a site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development is not required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this edge of town centre location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the development plan, a grant of permission could materially contravene 'Table 2.4 Housing Allocation & Zoned Land Requirements' of the Development Plan and the 'Yield and Phasing of Residential Zoned Sites' table in the Duleek Written Statement, Volume 5 of the County Development Plan 2015-2019 with reference to residential density alone. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Development Plan would be justified for the following reasons and consideration:

In relation to section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000 (as amended), the proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); the development shows support for the National Policy Objectives in the National Planning Framework, in particular Objective 33 and 35 given its location within Duleek identified as a Small Town in the Meath County Development Plan 2013- 2019 where Strategic Policy 2 of the Duleek Written Statement seeks higher density development located on the most central lands where possible; the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016 and compliance with Chapter 6 of the Sustainable Residential Development in Urban Areas Guidelines 2009 in terms of residential density.

17.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The rear facing bedroom window of bedroom 3 of house number 72, house type B2, shall be repositioned to the eastern elevation.

(b) The secure bicycle storage area for 107 bicycle spaces north of duplex block 01 shall be relocated to remove and replace car parking spaces 107-112, and the resulting space shall be used to provide communal open space.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. (a) All screen walls shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development, with the exception of the perimeter boundary of the site, other than the Longford Road, and this revised boundary treatment shall be a two metre high concrete block wall, suitably capped and finished.

(b) All rear garden walls shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing

signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

8. 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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Specifically:

(a) the central four arm roundabout shall be redesigned in accordance with DMURS principles.

(b) Cycle lanes shall conform to the standards set out at section 4.3.2.1 of the National Cycle Manual and which shall be segregated from the pedestrian footpath, maintain priority over minor roads at junctions, and bring cyclists across the junction at the Longford Road.

Revised plans showing compliance with these requirements and showing the works in relation to the Longford Road shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual

11. Final details of roads and traffic arrangements serving the site (including signage) shall be agreed and shall include the integration of all works at the junction of the development at Longford Road, and at the junction of the development with Longford Road and the R150 with any local authority works.

Revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development: In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

12. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the Planning Authority.

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

13. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.

Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be

submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

15. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

16. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with 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 or management company.

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

17. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or

trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

19. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

21. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

22. 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.

Reason: In the interest of sustainable waste management.

23. 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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) 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.

Reason: In the interest of amenities, public health and safety.

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

26. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

27. 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.

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

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

29. 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.

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.

30. 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 necessary improvements to the junction of Longford Road and the R150. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

Stephen Rhys Thomas
Senior Planning Inspector

30 July 2020

18.0 Appendix A

18.1. List of valid observers:

1. Mark & Deborah Taylor
2. Colin & Samantha McDonnell
3. Caroline Doyle
4. Darren O' Reilly
5. Emer Lynch & Others
6. Geraldine Keogan
7. Hugh Keogh
8. Mechelle & Anthony Clarke
9. Paul Curran
10. Rita & Christy Murray
11. Sharon Keogan
12. Stoneyford Green Residents
13. Adeniyi and Tomilola Allen-Taylor
14. Aiden Burns
15. Ann Marie Cudden
16. Anna and David Murphy
17. Ethna McDermott
18. Maria Murtagh
19. Patrick McGuinness and Others
20. Paul and Barbara Davis
21. Sam and Elizabeth Holdsworth
22. Simon and Aoife Walsh
23. Tony and Niamh Dalton
24. Zita Gavin