



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308357-20

---

<b>Development</b>	Construction of 71 no. dwellings
<b>Location</b>	Enfield, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	TA200058
<b>Applicant(s)</b>	Rybo Partnership.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Observer(s)</b>	Gwen Reynolds.
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2020.
<b>Inspector</b>	Barry O'Donnell

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	8
3.4. Third Party Observations .....	9
4.0 Planning History.....	11
5.0 Policy Context.....	13
5.1. Relevant Ministerial Guidelines .....	13
5.2. Development Plan.....	14
5.4. EIA Screening .....	16
6.0 The Appeal .....	17
6.1. Grounds of Appeal .....	17
6.2. Planning Authority Response .....	22
6.3. Observations .....	23
7.0 Assessment.....	24
8.0 Recommendation.....	42
9.0 Reasons and Considerations.....	42
10.0 Conditions .....	42

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.74ha and is located on the Dublin Road, toward the eastern edge of Enfield. The site is currently greenfield in nature and is accessed via an entrance from Dublin Road, between two residential properties. There is also a secondary, narrow and overgrown access from the Delmere estate, to the west, between two detached residential properties.
- 1.2. The site is enclosed by existing residential development to the west, within Delmere, and south, by a number of detached properties along Dublin Road. Lands to the east are currently greenfield, but permission has been granted on the northeast-adjointing lands for a nursing home development and the southeast-adjointing lands are the subject of a current application for a proposed retirement village development. There is a proposed post-primary school site further to the east.
- 1.3. There are a mix of perimeter boundaries, with a c. 2m block wall and trees bounding the Dublin Road access, hedging and overgrown vegetation along the secondary access and a mix of hedging and trees bounding the east and west perimeters. An open drain marks the northern boundary of the site.

## 2.0 Proposed Development

- 2.1. The application was lodged with the Planning Authority on 22<sup>nd</sup> January 2020, with further information submitted on 17<sup>th</sup> July 2020, following a request for further information dated 12<sup>th</sup> March 2020. Revised public notices were submitted on 17<sup>th</sup> August 2020, following a request for same, dated 6<sup>th</sup> August 2020.
- 2.2. The proposed development described in the public notices entailed: -
  - construction of 71 No. houses and with a gross floor area of 6,881.2sqm, consisting of:
    - 29 No. 2-bed units
    - 42 No. 3-bed units (which have the option to convert attic space in order to provide a fourth bedroom)
  - 2 public open space areas comprising:
    - 1<sup>st</sup> at south end of the main site, measuring 2,015sqm

- 2<sup>nd</sup> in north half of the site, measuring 1256sqm.
  - Access from Dublin Road, measuring 6m wide and including segregated pedestrian and cycle lanes.
  - Pedestrian and cycle access from Delmere, to the west,
  - Wayleave created, to provide access to the east-adjointing site, which has been approved for a nursing home development.
- 2.3. The development includes the provision of 2 parking spaces per dwelling and 6 visitor spaces (148 spaces in total), pedestrian footpaths and cycle paths, landscaping, boundary treatments and associated site works.
- 2.4. At the further information stage, the proposal was amended, with the site area extended to 2.743ha and an additional unit was proposed, a 2-bed mid-terrace unit, which resulted in the total number of units proposed increasing to 72. The proposed site layout was also amended, it was proposed to provide a potable water supply from a permitted water supply well and treatment plant on adjacent lands and it was proposed to provide a temporary wastewater treatment plant until such time as upgrades to the Enfield wastewater treatment plant are completed (expected at end of year 2023).

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On 10<sup>th</sup> September 2020 Meath County Council refused permission, for 3 reasons as follows:
1. *The proposed development, as presented, is considered to be premature having regard to existing deficiencies in the provision on an appropriate water supply to serve the proposed development. The proposed development is therefore not considered to be in accordance with the proper planning and sustainable development of the area.*
  2. *The proposed development, as presented, which includes proposals to supply the development indefinitely with water from an interim private borehole and treatment plant is not considered to be in accordance with the proper planning*

*and sustainable development of the area and, if permitted, is considered to have the potential to create an unacceptable risk to public health and will therefore create an undesirable precedent. The proposed development is therefore considered to be prejudicial to public health and not in accordance with the proper planning and sustainable development of the area.*

3. *The proposed development, as presented, is considered to be premature having regard to existing deficiencies in the provision of an appropriate waste water supply to serve the proposed development. The proposed development is therefore not considered to be in accordance with the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The first Planner's Report, dated 12<sup>th</sup> March 2020, recommended that additional information be sought, relating to a number of aspects of the proposed development, in addition to those requested by internal technical departments as summarised below.

- Regarding zoning, the applicant was requested to submit a justification for how the development could be considered favourably, in the context of the current development plan zoning designations.
- Regarding the existing site access, which was understood to have been constructed without planning permission, the applicant was requested to submit revised notices, which were to refer to retention of the entrance.
- The development did not adhere to separation distance recommendations contained within the development plan and the applicant was invited to address the issue as part of an overall revised proposal.
- Proposed front boundary treatments for all houses were considered unclear and the applicant was requested to clarify the issue, including through the submission of revised drawings.

The second Planner's Report, date stamped 10<sup>th</sup> September 2020, followed receipt of the additional information response and followed the submission of revised public notices. Regarding zoning, it was accepted that the development plan zoning map

incorrectly identifies the site is Residential Phase II and that the site is zoned New Residential Phase I. Regarding transportation/access aspects, it was considered that subject to compliance with recommended conditions from the Transportation department, the issues could be suitably addressed. Regarding surface water, the report noted that the Water Services Department was broadly satisfied with the proposal. Regarding water supply capacity and wastewater treatment capacity, the report noted the concerns of both the Water Services department and Irish Water and recommended that permission should be refused on both aspects. The report recommended that permission should be refused for 3 reasons and the recommended reasons are generally in accordance with the Planning Authority's refusal reasons.

### 3.2.2. Other Technical Reports

#### **Environment Section**

Report dated 6<sup>th</sup> March 2020, which outlined no objection subject to 11 recommended conditions, which relate to control of the construction phase of the development.

#### **Conservation Officer**

Handwritten note dated 2<sup>nd</sup> March 2020, which requested archaeological pile testing and archaeological monitoring during construction.

#### **Water Services**

First report dated 20<sup>th</sup> February 2020, which advised that the proposed development did not meet the requirements of the Water Services section, relating to collection, treatment and disposal of surface water. Further information was requested in relation to surface water drainage proposals, seeking a revised attenuation system and further details regarding discharges from the site, confirmation of the winter water table within the site, the incorporation of a petrol/oil separator upstream of each proposed attenuation tank. The applicant was also requested to investigate and prove the existence and capacity of the existing surface water drainage network.

The second report dated 27<sup>th</sup> August 2020 advised that the development broadly meets the requirements of the Water Services department, in relation to the collection, treatment and disposal of surface water. Regarding the proposal to

service the development from a private water supply, the report advised that this is unacceptable to the Water Services department and that permission should be refused, for reasons relating to (a) failure to demonstrate that the necessary water capacity exists and that a connection to the Irish Water network can be provided and (b) public health concerns relating to the proposal to indefinitely supply the development with drinking water from a private borehole and treatment plant, in compliance with the Drinking Water regulations, the ability and means of the developer to continuously operate and maintain a private water supply to ensure the level of service required by all householders and the ability to provide essential firefighting capacity and capability.

### **Transportation Department**

First report dated 19<sup>th</sup> February 2020, which requested further information in relation to achievable sightlines, confirmation of parking spaces within the curtilage of each dwelling and also requested that a levy of €25,000 be requested, as a special contribution towards the costs to provide pedestrian and cycling facilities in Delmere required to facilitate access to the development.

The second report dated 9<sup>th</sup> September 2020, following receipt of the additional information response, outlined no objection to the development, subject to a recommended condition requiring that the developer submit an amended layout drawing of the main access from Dublin Road, which should include the footpaths, cycleway, entrance piers, drainage and public lighting.

### **Fire Service Department**

Report dated 19<sup>th</sup> February 2020, which advised that a fire safety certificate is not required for the development. The report also advised that the requirements of Building Regulations should be incorporated into the design of the development and that water supplies for firefighting should comply with the provisions of the Department of Environment and Local Government's Recommendations for Site Development Works in Housing Areas.

### **Broadband Officer**

Report dated 13<sup>th</sup> February 2020, which advised that limited information had been provided in relation the provision of broadband services. Conditions were

recommended, related to the provision and facilitation of broadband infrastructure and services.

### **Public Lighting**

Emailed comments dated 12<sup>th</sup> February 2020, which advised that public lighting had not been designed. It was recommended that public lighting should be provided to all public spaces within the development, in accordance with the Planning Authority's requirements, and that proposed landscaping should take into consideration the public lighting design. It was requested that under further information, the applicant should be requested to submit a public lighting design.

Further emailed comments dated 12<sup>th</sup> August 2020, which advised that a public lighting design had not been provided in accordance with the 'Meath County Councils; Public Lighting Technical Specification & Requirements' document.

### **Housing Section**

Handwritten comments dated 30<sup>th</sup> January 2020, which advised that Part V requirements are to be met by the delivery of units on site.

### **3.3. Prescribed Bodies**

- 3.3.1. Health Service Executive (Environmental Health Officer) submission dated 25<sup>th</sup> February 2020, which sought a number of planning conditions as part of any grant, relating to the incorporation of sustainable design solutions and energy efficient technologies, provision for waste segregation for each house, construction management plan and other construction controls and a rodent survey of the site.
- 3.3.2. An Taisce submission dated 25<sup>th</sup> February 2020, which requested that the Planning Authority should ensure the existing infrastructure in the area is adequate to meet the needs of the proposal. The submission considered that a grant of permission would be premature, in the absence of sufficient potable and wastewater infrastructure.
- 3.3.3. Department of Culture, Heritage and the Gaeltacht submission dated 25<sup>th</sup> February 2020, which noted that the subject site is in the vicinity of a large enclosure of archaeological interest (Recorded Monument ME048-039) which is subject to



statutory protection. The submission requested that pre-development testing should be required as part of a grant of permission.

#### 3.3.4. Irish Water submissions dated 22<sup>nd</sup> February 2020 and 7<sup>th</sup> September 2020:

The first submission requested further information regarding water and wastewater aspects. The submission advised that there are significant water and wastewater constraints in the networks adjacent to the site and requested the applicant to engage with IW in order to determine the capacity of the network to accommodate the proposal. Concerns were also expressed regarding the necessity for a wastewater pumping station and the applicant was requested to consider a revised wastewater design. The applicant was also requested to provide a CCTV survey of the existing foul network and to confirm its condition and to verify that it is capable of accommodating the proposal.

The second submission advised that the development is premature, in light of water constraints, potential impacts on existing drinking water sources and the proposal to build a new pumping station. Regarding water, the submission advised that a public water connection to the IW network is not feasible at this time, due to significant constraints in the area. Also, in relation to the proposal to supply the development indefinitely from a privately owned borehole, it was advised that IW has serious concerns that such proposals would impact on existing water sources in the area, including the IW Enfield borehole and the recent 600m<sup>3</sup> additional drinking water capacity which is contingent on boreholes developed under planning Ref. ABP-304296-19, in close proximity to the site. In relation to wastewater, the proposal to provide a new pump station was unacceptable to IW, given there is an existing pump station at the GAA grounds opposite the site, it was requested that, should permission be granted, the development be required to gravitate towards the existing pump station and that the developer would be responsible for any upgrade required. The submission requested that 9 conditions be attached, should permission be granted.

### 3.4. **Third Party Observations**

- 3.4.1. A number of third party observations were received, the issues raised within which can be summarised as follows:

- The subject site is unsustainable, with reference to current school pressures and the site's location outside of the town centre.
- The waste plant is understood to be operating at capacity and additional loading is considered to be a health hazard. One observer advised that the system suffers from routine blockages and has to be pumped in the area of the Delmere housing estate.
- Enfield has limited capacity for water supply and its ability to accommodate the proposed development was questioned.
- The subject site and adjoining lands are low-lying and prone to flooding.
- The development is premature, pending the delivery of social and community infrastructure.
- The proposed entrance from Dublin Road is unsafe, with reference to the number of accesses on the same side of the road and the volume of traffic routing along the road in peak periods.
- The proposed cycle lane exit onto Delmere is unsafe as the lane exits onto a road. Concerns were also expressed regarding the volume of pedestrian and cycling traffic using this access, arising from the development of a proposed school, nursing home and mixed use area.
- The use of Delmere as a construction access to the site was objected to.
- Concerns were expressed regarding the impact of the proposed pedestrian and cycle access on the privacy of adjoining residential occupiers.
- The accuracy of the submitted drawings was questioned.

3.4.2. One observer commented that the community needs a primary care centre, community centre, suitable train and bus timetables, national school, a clubhouse for the local football team and 24-hour Garda station. Another observer suggested that it would be better to provide vehicular access via the proposed service road from the roundabout.

3.4.3. 1 additional observation was received following the submission of revised public notices, the issues raised within which can be summarised as follows:

- The concerns of the Delmere Estate residents' concerns were not adequately addressed.
- The capacity of the water supply to accommodate the development was again questioned.
- A proposed temporary wastewater treatment unit is a temporary measure, for a problem that has persisted for a number of years. It was understood that no further development would be permitted until both the water supply and waste treatment issues were addressed.
- Ongoing concerns regarding the safety of the Dublin Road access were expressed. It was requested that a traffic survey should be undertaken during peak periods.
- It was suggested again that it would be better to provide vehicular access via the proposed service road from the roundabout.
- Regarding private car use, it was suggested that an argument that the proposed development would not result in the promotion of car-based journeys does not consider current behaviour.

## 4.0 Planning History

4.1.1. I am not aware of any planning records pertaining to the site.

### Relevant Nearby Planning History

TA201224 - *Lands to the east*: Current application seeking permission for a post-primary school. A request for further information was issued on 28<sup>th</sup> October 2020, relating to the proposed site access and site layout, traffic impacts, proposed street layout with regard to DMURS principles and the proposed design.

TA201722 - *Lands to the south-east*: Planning Authority decision to refuse permission for a retirement village of 98 units, issued on 18<sup>th</sup> January 2021. The Decision Notice was not available to me, at the time of writing. The Planner's Report recommended that permission should be refused for 4 reasons, relating to: (1) non-compliance with the G1

zoning objective, (2) concerns regarding the impact of the development on the built form and character of the area, (3) proposals to supply the development indefinitely with water from an interim private borehole, and (4) prematurity, having regard to existing deficiencies in the provision of a wastewater supply to serve the development.

ABP-308155-20 – *Lands to the north of the Enfield Relief Road*: Permission refused on 16<sup>th</sup> December 2020 for a Strategic Housing Development of 513 units on 16<sup>th</sup> December 2020. Permission was refused as the development is located on lands not zoned for release during the lifetime of the 2013-2019 development plan.

TA201515 - *Lands to the west, within the Delmere estate*: Notification of Decision to Grant Permission issued on 8<sup>th</sup> December 2020, for the construction of a bungalow.

ABP-304296-18 – *Lands to the west of the Enfield Relief Road*: Permission granted for a Strategic Housing Development of 133 units on 9<sup>th</sup> August 2019, which included the provision of a temporary potable water supply and a temporary wastewater treatment plant.

TA160382 - *Lands to the east*: Permission granted on 31<sup>st</sup> January 2017 for the development of a 90 bedroom nursing home.

Condition No. 24 required the submission of an operation and maintenance plan and contract, to ensure that water supplied to the development is consistently compliant with parametric values as outlined in the European Union (Drinking Water) Regulations 2014 Schedule Part 1.

Condition No. 25 required that the development shall be connected to the public watermains when available and that the borehole shall be ceased as a source of water supply, within 1 month of connection to the public mains.

Permission was granted for amendments to the permitted development, under Reg. Ref. TA191820.

## 5.0 Policy Context

### 5.1. Relevant Ministerial Guidelines

#### Sustainable Residential Development in Urban Areas (2009)

5.1.1. Chapter 6 of the Guidelines sets out key planning principles to guide the preparation and assessment of planning applications for residential development in small town locations such as Enfield.

5.1.2. Section 6.8 outlines that the primary consideration for the design and layout of residential developments in small towns is that new development should relate successfully to the structure of the town or village. A number of design criteria are outlined, against which to consider such proposals. Such developments should:

- *'make the most effective use of the site, having regard to the criteria outlined below;*
- *make a positive contribution to its surroundings and take the best advantage of its location through the use of site topography, i.e. levels, views, context, landscape, design orientation (sunlight and daylight), to optimise sustainability;*
- *have a sense of identity and place appropriate to the character of the existing small town or village and a logical hierarchy of places within the scheme working from streets to semi-private and private areas;*
- *provide for effective connectivity, especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car; and*
- *include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.'*

5.1.3. In relation to the density of development on 'edge of centre sites', Section 6.11 outlines that the emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. It is recommended that such developments should be primarily residential, at a density of

20-35 units per hectare and including a mix of housing types from detached and terraced housing to apartment units.

Quality Housing for Sustainable Communities (2007)

- 5.1.4. The Guidelines identify principles and criteria that are important in the design of housing and highlight specific design features, requirements and standards.

**5.2. Development Plan**

- 5.2.1. The site is subject to a number of land-use zonings. The southern-most and western-most sections are zoned 'A1', with an objective '*To protect and enhance the amenity of developed residential communities,*' and the eastern-most part of the site is zoned 'G1', with an objective '*To provide for necessary community, social and educational facilities.*' Regarding the main part of the site, where the proposed housing is located, there are conflicting references to the site within the development plan, in relation to the applicable zoning objective.
- 5.2.2. The Enfield Land Use Zoning Objectives Map identifies that it is zoned 'A2', with a restriction that it is '*Residential Phase II (Post 2019)*'. However, Table 3 of the Enfield Written Statement (development plan volume 5) identifies the site as one of 8 'Phase I' sites, which are intended to accommodate Enfield's Core Strategy housing allocation of 319 units for the plan period. The 8 sites are identified as having a cumulative capacity to provide 331 units. Table 3 identifies the site as measuring 2.02ha and estimates that it is capable of delivering 51 units, at a gross site density of 25 units/hectare.
- 5.2.3. Section 1.2.3 of the development outlines that '*should there be any conflict between the appendices or maps and the written statement in Volume 1 and 5, the written statement shall take precedence.*'
- 5.2.4. In the circumstances, I am satisfied that the identification of the site as '*Residential Phase II (Post 2019)*' on the zoning objectives map is an error and that the site is zoned 'A2', with an objective '*To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.*'

5.2.5. Development plan objectives SS OBJ 12-14 pertain to small towns such as Enfield. They state that it is an objective of the Planning Authority:

*‘SS OBJ 12 To ensure that Small Towns develop to cater for locally generated development and that growth occurs in tandem with local services, infrastructure and demand.*

*SS OBJ 13 To ensure that Small Towns grow in a manner that is balanced, self-sustaining and supports a compact urban form and the integration of land use and transport.*

*SS OBJ 14 To ensure that in Small Towns, no proposal for residential development should increase the existing housing stock (including permitted units) of the town by more than 15% within the lifetime of the Development Plan.’*

5.2.6. The Enfield Written Statement also contains a number of strategic policies, which are relevant, stating that it is a policy of the Planning Authority:

*‘SP 1 To promote the future development of the town as a compact settlement with a pedestrian friendly environment, a legible and coherent physical form, and a variety of land uses and amenities.*

*SP 2 To protect the unique character of the town through the provision of appropriate infill development which has regard to the scale, character, topography and amenities of the town.*

*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.'*

- 5.2.7. Section 7.13 'Interim and Permanent Water Services Arrangements' is relevant, where the proposed development includes temporary potable water supply and temporary on-site wastewater treatment. It outlines that the Council will only consider such proposals where capital funding for a permanent solution has been included in the Investment Programme or where such funding will be included in subsequent investment programmes within the lifetime of the development plan and that such measures will only be considered in locations which accord with regional planning guidelines advice, as outlined in the settlement, economic and core strategies of the development plan. In instances where capital funding has not been identified, consideration will be given to proposals to provide a permanent solution, where they facilitate significant population or economic growth. Policy WS POL 12 is relevant to this issue, outlining that it is the Policy of the Council:

*WS POL 12 To consider proposals in line with the Interim and Permanent Water Services Arrangements outlined in this Development Plan for centres lacking in adequate treatment facilities and where the provision of such a facility/system does not affect the quality status of the receiving water as required under the Water Framework Directive. Such temporary provision will generally only be considered in locations which accord with the Regional Planning Guidelines for the Greater Dublin Area as outlined in the settlement, economic and core strategies of this Development Plan.*

### **5.3. Natural Heritage Designations**

- 5.3.1. The subject site is not located within or adjacent to any designated European Site.

### **5.4. EIA Screening**

- 5.4.1. The proposed development falls within the categories of an '*Extractive Industry*' and '*Infrastructural Projects*', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:



*2(e)(iii) With the exception of drilling for investigating the stability of the soil, deep drilling, consisting of-*

*drilling for water supplies, where the expected supply would exceed 2 million cubic metres per annum.*

*10(b) (i) Construction of more than 500 dwelling units.*

*(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

5.4.2. The proposal is for 72 residential units on a site of 2.743ha, where the estimated yield capacity of the proposed borehole is 121m<sup>3</sup>/day, or 44,165m<sup>3</sup>/annum. The proposed development falls below the above-outlined development thresholds and mandatory EIA is therefore not required.

5.4.3. In the case of sub-threshold development, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.4.4. No EIA screening report was provided as part of the application.

5.4.5. In this instance, where the subject site comprises zoned lands at the edge of the town, served by public infrastructure, and where the site is not located in or adjacent to any environmentally designated sites, I consider the development would not be likely to have significant effects on the environment. An environmental impact assessment report for the proposed development is therefore not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal are set out in separate documents, prepared by Future Analytics Consulting and O'Connor Sutton Cronin Consulting Engineers.

*Future Analytics Consulting submission*

- The county development plan has been erroneously interpreted and this has resulted in notable residential development being granted permission, prior to its intended sequencing, while the subject site has been deferred from coming forward for development. Other consented development has been able to leverage local capacity in water supply and foul water infrastructure, while the subject site has been effectively prevented from utilising this localised capacity. The Planning Authority has acknowledged there is an error within the development plan, in relation to the zoning/sequencing of the site for development.
- An analysis of permitted and commenced residential development at Enfield has been undertaken, for schemes of 10 units or more. 193 units have been permitted, on 3 sites, since 2014 and 74 units had commenced construction by mid-2020. This shows that development plan targets for Enfield have not been met.
- During the design stage, consideration was given to modification of ground levels within the site, in order to provide a gravity network to serve the development. It would have been necessary to make a material intervention of up to 2m, particularly at the north portion of the site and this would have resulted in impacts for adjoining and nearby residential properties. The design team's decision was to pursue an engineering solution, which was efficient and practical.
- The applicant's proposals with regard to water supply are proposed as a temporary measure, to facilitate the development in a timely, safe and effective manner, as has been implemented in many instances. Under Reg. Ref. TA160382, permission was granted for a nursing home on land in the ownership of the applicant and the grant of permission confirmed a temporary solution to water supply, where it was required by condition that the applicant should agree in writing an operation and maintenance plan and contract. The same approach is provided in this appeal, as part of the O'Connor Sutton Cronin appeal documents.
- Permission was granted under Reg. Ref. TA191820 for amendments to the approved nursing home development and the application sought, in part, to draw potable water from the same borehole. It is proposed to provide a service

connection from this permitted infrastructure, in order to serve the proposed development.

*O'Connor Sutton Cronin submission*

- Potable water and wastewater treatment aspects of the development were discussed during the assessment of the application. The discussions can be summarised as follows:
  - Regarding wastewater, at the further information stage Irish Water confirmed that the wastewater treatment plant has no additional treatment capacity, but that it could accommodate treated effluent. It was therefore agreed with IW that a temporary WWTP would be provided, with treated effluent discharged to the public network until the proposed upgrade works are completed (expected to be completed by year end 2023). The operation, maintenance and decommissioning of the temporary WWTP would be facilitated by the developer, at their own expense.
  - Regarding potable water, IW confirmed at the further information stage that there is not sufficient capacity in the network to accommodate the proposed development. The developer proposes to source its own potable water supply from a new borehole well nearby, a 7-day pump test of which yielded sufficient capacity to cater for the proposed development and the nursing home development. A copy of the document 'Hydrological Assessment in Relation to a Proposed Water Supply', prepared by Hydro Environmental Services in 2016 has been provided. A new metered 100mm diameter connection, carried out in accordance with Irish Water Code of Practice of Water Infrastructure, is proposed.
  - Regarding the necessity for a pumping station, it is not feasible to provide a gravity network to serve the development, without significantly raising northern parts of the site by up to 2m. this would cause adverse impacts on adjacent residential properties. It is therefore proposed to provide a gravity network for the southern portion of the site, where it is feasible to make a gravity connection, with the northern portion served by a pumping station which is designed and constructed in accordance with Irish Water requirements. This was discussed with IW and a pre-connection enquiry form

was submitted. The applicant is also agreeable to a requirement to survey the existing foul network and to complete remedial works deemed necessary by IW.

- The Planning Authority refused the proposed development for 3 reasons, related to potable water and wastewater treatment. Whilst Irish Water sought refusal of the application, having identified possible solutions to facilitate a grant of permission, they outlined recommended conditions which could have attached to a grant of permission, if the Planning Authority were so minded.
- Potable water:
  - OCSC made a pre-connection enquiry to Irish Water on 28<sup>th</sup> November 2019 and a response was received on 29<sup>th</sup> January 2020, following submission of the application. In its confirmation of feasibility for a water connection, IW advised that a proposed connection could not be facilitated. The responding letter then went on to outline that there is a lack of capacity in the network, advising that other developers in the area are looking at options to source water and to install water treatment and distribution network, and if any of these are progressed, there would be capacity to meet the requirement of the proposed development. It was also advised that the developer had the option of sourcing water and discussing with Irish Water how to deliver the project prior to a connection application. The issue was raised as part of the request for further information.
  - The applicant has engaged, in good faith, with both the Planning Authority and Irish Water. IW pointed the applicant in the direction of resolving potable water supply capacity, by identifying other developer-led initiatives and by advising that they could themselves source an alternative water source. The applicant took this advice on its merits and undertook to resolve the current deficiencies, by proposing to source a supply from the borehole approved under Reg. Ref. TA191820. A hydrological assessment report was provided as part of the proposal, which confirmed the yield of the borehole. IW then proceeded to object to the proposed borehole abstraction. IW position on the matter appears at best to be capricious.

- The late objection to the borehole supply appears to be based on the potential to impact on the existing IW Enfield borehole and the recent 600m<sup>3</sup> additional drinking water capacity, which is contingent on boreholes developed under Ref. ABP-304296-19, in close proximity to the site.
  - The applicant's borehole is 1.63km from the IW Enfield borehole and is 1.04km from the permitted Legendstar borehole, which was referenced in IW submission on the application. The Legendstar borehole is 0.98km from the IW Enfield borehole.
  - The IW Enfield borehole has an estimated yield capacity of 1,275m<sup>3</sup>/day, the Legendstar borehole has an estimated yield capacity of 960m<sup>3</sup>/day and the applicant's borehole has an estimated yield capacity of 121m<sup>3</sup>/day.
- IW did not object to the Legendstar borehole application, which is closer to their borehole and they are now objecting to a proposed borehole with a lower estimated yield and almost twice the distance away.
- The Inspector's report on the Legendstar application, Ref. ABP-304296-19, considered the issue of potable water in Enfield in detail.
- It is clear that IW is amenable to the use of borehole supplies and, in this instance, the IW concerns should be tempered by the Board and the applicant should be allowed to bring forward their own supply, on an interim basis.
- Public health & undesirable precedent:
  - The Water Services Department, which objected to the proposed development, did not object to the Legendstar development, which contained 133 units.
  - The applicant does not intend to supply the development from a privately operated borehole. The proposal is interim in nature and will be discontinued as soon as an alternative public supply becomes available.
  - Regarding firefighting, the applicant is amenable to a condition which requires temporary storage for firefighting purposes, if this is necessary.
  - Regarding the setting of an undesirable precedent, there are many examples of borehole supplies to housing developments in Meath, including in Stamullen, Ashbourne and Enfield.

- The Water Services Department's report should be tempered by the Board and the applicant should be allowed to bring forward their own supply, on an interim basis.
- Wastewater
  - In its initial consideration of the site, O'Connor Sutton Cronin developed an all-gravity wastewater solution, but this was dropped because it resulted in the north-western section of the site being raised by between 1.5m and 2m, which was considered unacceptable. Given the topography of the site, the need for housing and the availability of an alternative design solution, the proposed part-pumped solution was brought forward.
  - The levels of the wastewater design put forward are driven by the invert level of the foul sewer manhole located on the public road, outside the site, which drains to the IW foul pump station at the GAA grounds opposite.
  - The applicants remain unable to ascertain the invert level of the IW foul pump station. In the event that the invert level and design of the pump station is such that a gravity connection could be made directly, bypassing the existing manhole, the applicant is willing to be conditioned in that regard. If this is not possible, the applicant can only effect discharge by the proposed means.
  - IW submission should be dismissed by the Board and the applicant should be allowed to develop the foul collection and discharge system, as designed, and to provide a local pump station to give effect to same.
  - Regarding the potential requirement to upgrade the existing pump station, this is the first time this has been raised, but the applicant is willing to deal with IW to identify and pro rata fund the cost of necessary upgrades.
  - The proposal to develop a temporary wastewater treatment plan is interim in nature, to reduce the biological loading of effluent to the Enfield treatment plan until such time as that plant is upgraded.

## 6.2. Planning Authority Response

- 6.2.1. Submission dated 3<sup>rd</sup> November 2020, the contents of which can be summarised as follows:

- The Planning Authority is satisfied that all matters outlined in the appeal were considered in the course of its assessment of the planning application, as detailed in the planning officer's report.
- The proposed development is not considered to be consistent with the proper planning and sustainable development of the area and permission should therefore be refused.
- Regarding refusal reasons 1 & 2, the Board will note the 2 reports received from Irish Water, dated 10/3/2020 and 7/9/2020, and the recommendations contained therein. The Board will also note the reports and recommendations from the Water Services Department, dated 20/2/2020 and 27/8/2020.
- Regarding refusal reason 3, the Board will note the 2 reports received from Irish Water and the recommendations contained therein.
- The Board is requested to uphold the Planning Authority's decision.

### 6.3. Observations

6.3.1. Observation letter received from Gwen Reynolds, raising the following issues:

- The proposed site access is not suitable at this location due to the high number of driveways and roadways already accessing onto Dublin Road. The access will add considerable risk to people walking and cycling to and from the sports pitches and the new school.
- A traffic survey should be done, it seems presumptuous to assume that all residents will walk to the shops and nearby facilities.
- Regarding the water and sewerage proposals, new developments along the Ring Road are already fitting temporary sewerage systems with the anticipation of upgrades to the Enfield wastewater treatment plant; are these upgrades approved and financed or will these temporary measures become permanent?
- Delmere has ongoing problems with their system, which was never fit-for-purpose and which regularly backs up and needs to be pumped out.

- A more practical and safer entrance would be off the roundabout at Royal Oaks, where the secondary school and nursing home have applied for planning permission.

#### 6.4. **Prescribed Bodies**

6.4.1. The appeal was circulated to The Heritage Council. No submission was received.

### 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Proposed layout and density;
- Residential amenity;
- Impact on the character of the area;
- Impact on neighbouring properties;
- Access;
- Potable water and wastewater deficiencies;
- Flood risk and drainage;
- Other issues;
- Appropriate assessment

#### 7.2. **Principle of Development**

7.2.1. The site is subject to a number of land-use zonings, 'A1', 'A2' and 'G1', under the Meath County Development Plan 2013-2019, with the main part of the site zoned 'A2'. I have previously outlined, at Section 5.2 of this report, the anomaly in the development plan regarding the 'A2' zoning and that I am satisfied that the site is identified for residential development within the lifetime of the current development plan. Residential development is permitted under the A1 and A2 zonings and is open for consideration under the G1 zoning.



7.2.2. I consider the proposed development is consistent with the 'A1', 'A2' and 'G1' zonings.

### 7.3. **Proposed Layout and Density**

7.3.1. The *Sustainable Residential Development in Urban Areas* (2009) Ministerial Guidelines outline that residential developments in small towns such as Enfield, the primary consideration is that new development should relate successfully to the structure of the town. The proposed layout is broadly acceptable, in accordance with the recommendations of these Guidelines, where it maintains appropriate relationships to adjoining residential properties to the west and south; provides pedestrian and cycling connectivity towards the town centre and facilitates connectivity through the site, allowing access to the planned school to the south-east; and provides centrally located, usable public open spaces. I do, however, have some concerns with the proposed layout, as are outlined below.

7.3.2. The pedestrian and cycle lane access to the site from the Delmere estate would not be overlooked by the proposed housing, with boundary treatments blocking potential overlooking of the space from adjoining properties. Connectivity is an important and welcome part of the development of the site, providing a through-route to the proposed school site to the east, but this proposed access may become a location for anti-social behaviour. I accept, however, that due to the nature of the site in this area, there are very limited options available to the applicant, which would increase the level of surveillance, and I do not consider that this is an issue which would justify a refusal of permission. Should the Board decide to grant permission, I recommend that a condition is attached, which requires the detailed layout of this access to be agreed with the planning authority, including the installation of appropriate public lighting and, where possible, CCTV cameras.

7.3.3. I am also concerned that the main section of the access road within the site, adjacent to units 13-34 is wide and long, with no relief to the long and uninterrupted view, and the layout incorporates very little tree planting or landscaping, which would assist in place-making and visual enhancement of this central part of the development. The proposed layout appears to have evolved with primary consideration given to parking and access, rather than placemaking. There is space available to incorporate additional tree planting or landscaping within this area and I

would recommend that should the Board decide to grant permission, a condition should be attached requiring that the layout of this section of the access road should be amended, in order to provide for additional tree planting and landscaping along its length. The 'access' aspect of the development is discussed in more detail at Section 7.7 of my report.

- 7.3.4. Public open space measuring 3,271sqm or 12% of the overall site area is proposed, falling below the development plan minimum requirement for 15% (4,115sqm) of the site area to be provided as public open space. There is therefore a shortfall of 844sqm, based on the minimum requirement. From a review of the drawings, I estimate that accommodating this shortfall would require the omission of 2/3 units. Section 11.2.2.2 of the development plan outlines that a financial contribution may be appropriate, in lieu of provision, where it is in the interest of the proper planning and sustainable development of the area. In this instance, where the open spaces are central to the development and would be usable, I consider a financial contribution in lieu of the shortfall would be appropriate, should the Board decide to grant permission for the development. I note that the Planning Authority did not express any concerns regarding the adequacy or quality of the proposed public open space.
- 7.3.5. Proposed boundary treatments consist of a 2m block wall along the bulk of the site perimeter, save for the west side of the access from Dublin Road, which would consist of 'dense planting' alongside the existing boundary wall, and the north side of the pedestrian and cycle access, where the existing boundary hedge would be retained. The proposed block wall would be pebble dashed where it runs through publicly visible areas of the site, for example around the turning head, along the boundary of the larger open space parcel, adjacent to the south boundary of the pedestrian and cycle access, adjacent to the proposed wayleave and along the east side of the proposed access from Dublin Road. Shared rear garden boundaries would consist of 2m high concrete post and timber panel fencing. The proposed treatments are generally acceptable.
- 7.3.6. Regarding density, a proposed gross density of 26.24 units per hectare is acceptable in this instance, based on the site's location at the eastern edge of the town. The *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* advise that for 'edge of centre' sites, densities to a range of 20-35

dwellings per hectare will be appropriate. I also note that the development plan Core Strategy envisages residential development in Enfield being provided at an average net density of 25 units per hectare.

- 7.3.7. The development would not increase the population of Enfield by more than 15%, so accords with development plan policy SS OBJ 14.

#### 7.4. Residential Amenity

- 7.4.1. The development provides for 42 No. 3-bed units (house types A & C) and 30 No. 2-bed units (house type B). House types A & C are outlined as having the option to convert the attic space, to include the provision of an additional bedroom.
- 7.4.2. The application documents include an accommodation schedule, which outlines the performance of all units in relation to the recommendations of *Quality Housing for Sustainable Communities (2007)*. The floor area of house types A & C both measure 140.8m<sup>2</sup> (assuming conversion of the attic space) and the floor area of house type B measures 88.4sqm. In each instance, the floor area exceeds the recommended minimum floor area.
- 7.4.3. The internal layout of the units is also shown to meet or exceed the recommended minimum floor area, with reference to the main living room, aggregate living area, aggregate bedroom area and storage space.
- 7.4.4. A minimum of 76sqm of private open space is provided for house type A & C plots, whilst a minimum of 56sqm is provided for house type B plots, exceeding the development plan minimum requirement of 55sqm per 2-bed and 60sqm per 3-bed unit. House types A & C plots would also provide adequate space in the event of a fourth bedroom being provided, where the development plan requires a minimum of 75sqm to be provided for 4-bed units.
- 7.4.5. The development provides for typical separation distances of 2.5m between the flank walls of adjoining terraces. Whilst the development plan outlines that a separation distance of 3.2m should be provided, I am satisfied that the proposed level of separation is adequate to allow for normal service access to the rear garden and is acceptable. The Planning Authority did not raise any significant concerns in relation to the proposed level of separation.

#### 7.5. Impact on the Character of the Area

- 7.5.1. The development will have a limited impact on the character of the area, where it is set back from Dublin Road by around 75m and is effectively enclosed by existing housing both along Dublin Road and within the Delmere estate.
- 7.5.2. The primary public interface of the development will be the access from Dublin Road. As is outlined in Section 7.7 of my report, I have concerns regarding the layout of this access, however; I am satisfied that that an appropriately scaled and laid out access can be provided, which would have no undue impact on the character of the area.
- 7.5.3. The site is not located within or adjacent to an architectural conservation area and there are no protected structures in the vicinity.

#### **7.6. Impact on Neighbouring Properties**

- 7.6.1. There are a mix of existing, permitted and proposed uses in the immediate vicinity of the site. There are adjoining residential properties to the west and south, permission has been granted on the northeast-adjoining lands for a nursing home development and the southeast-adjoining lands are the subject of a current application for a proposed retirement village and there is a proposed post-primary school site further to the east.
- 7.6.2. Regarding the west-adjoining properties, the development maintains a separation distance of minimum c.20m from the rear of the adjoining dwellings and, whilst the separation distances are in some instances the result of these adjoining properties having long rear gardens, I am satisfied that the relationship would be appropriate, where there would be no undue overlooking of neighbouring gardens. Unit Nos .42-46, which would have rear-facing first floor windows looking towards the rear of the adjoining properties, are provided with rear gardens c.11m in depth and the adjoining housing is set away from the shared boundary by at least 27m.
- 7.6.3. Regarding the south-adjoining properties, a minimum separation distance of around 36m would be maintained from unit Nos. 1-12. Rear-facing first floor rooms within these units would look towards the south-adjoining rear gardens, but the relationship between properties would be appropriate, due to the level of separation between opposing windows.
- 7.6.4. The development of this site will inevitably lead to houses being placed in proximity to shared boundaries with other residential properties and I am satisfied that

adequate consideration has been given to the protection of residential amenity at adjoining properties.

- 7.6.5. The proposed pedestrian and cycle access is located between two detached properties within the Delmere estate. The development identifies that the existing hedge along the shared boundary with the north-adjointing property would be retained and that a 2m high wall would be provided along the shared boundary with the south-adjointing property. I have previously outlined concerns that, due to the lack of passive surveillance and the enclosed nature of this space, it may become a location for anti-social behaviour. I have also recommended that, should the Board decide to grant permission, a condition should be attached, which requires the detailed layout of this access to be agreed with the planning authority. Subject to an appropriately considered and designed layout in this area, the development will not unduly impact on the residential amenity of these properties.
- 7.6.6. The development would have an appropriate relationship to the permitted nursing home development and other proposed development sites to the east, maintaining adequate separation distances to shared boundaries.

## 7.7. Access

- 7.7.1. The primary access to the site is proposed from the Dublin Road, with the carriageway measuring 6m wide and the layout also incorporates 1.8m wide footpaths on both sides of the road and a 1.5m wide cycle path, on the west side of the road.
- 7.7.2. A secondary, pedestrian and cycling access is proposed from the west, via the Delmere estate.
- 7.7.3. I consider the main Dublin Road access is more akin to the junction of two roads, rather than an access to a residential development, incorporating excessive corner radii and carriageway width. The *Design Manual for Urban Roads and Streets* (2019) (DMURS) outlines that the design of vehicle crossovers from streets should '*clearly indicate that pedestrians and cyclists have priority over vehicles.*<sup>1</sup> The proposed layout is likely to lead to conflict between motorists, pedestrians and cyclists, where both the public footpath and an in-road cycle lane route past the access point. I

---

<sup>1</sup> Design Manual for Urban Roads and Streets, Section 4.3.1, Page 87.

consider the design and layout of the access should be reconsidered, to reduce both the turning radii and carriageway width and to incorporate DMURS principles, in relation to the prioritisation of pedestrians and cyclists.

- 7.7.4. Also, in relation to the proposed cycle track, at 1.5m wide, it appears too narrow to allow for two-way traffic. The National Cycle Manual (NTA, 2011) recommends designers of cycling infrastructure should minimise the need for cyclists to transition from one type of link (the physical infrastructure linking origin and destination) to another, should provide consistently for cyclists and should make the facility predictable and legible<sup>2</sup>. The Manual advises that a basic two-way route should measure at least 1.7m, not including inside edge and outside edge factors.
- 7.7.5. I note that the Transportation Department requested a condition which required the layout of this access to be amended, to facilitate pedestrian and cycle linkages in accordance with the National Cycling Manual and Traffic Management Guidelines. I am satisfied that there is adequate space available to provide an appropriately designed access and I would recommend that should the Board decide to grant permission, a condition should be attached, requiring the detailed layout of the access to the site from Dublin Road to be agreed with the Planning Authority, to incorporate DMURS and National Cycling Manual principles.
- 7.7.6. The main internal section of the access route, parallel to units 13-34, at 6m wide and over 100m long, is unlikely to act as a self-regulating street, in terms of vehicle speeds, and may promote higher vehicle speeds resulting in vehicle/pedestrian conflict. I note that the proposed layout identifies the incorporation of vertical deflections, in the form of raised pedestrian crossings, which are acknowledged by DMURS as a means of slowing vehicles. In addition to vertical deflections, I consider the opportunity to incorporate horizontal deflections, such as chicanes or pinch points, should be considered. Such additional measures would have a number of benefits; (a) further promoting reduced vehicle speeds and (b) aiding placemaking by allowing for the incorporation of additional tree planting and landscaping along this section of the road, which would serve to break up the long and uninterrupted view along its entire length. Should the Board decide to grant permission, I would recommend a condition be attached, which requires the internal road layout to be

---

<sup>2</sup> National Cycle Manual, Section 4.2, Page 52.

agreed with the Planning Authority, to include the incorporation of DMURS principles in relation to traffic calming and placemaking measures.

- 7.7.7. Regarding visibility splays, the site falls within the 50km/h speed limit for the town and is on a bus route. In such areas DMURS advises that visibility splays of 2.4m x 49m should be provided, to the nearside edge of the road. As part of the further information response, the applicant demonstrated that visibility splays can be provided, in both directions, in accordance with the DMURS advice.
- 7.7.8. Regarding parking, the development provides 2 spaces per dwelling, within the front garden of each property, and 6 visitor spaces, in accordance with development plan provisions.
- 7.7.9. The proposed wayleave is identified as providing pedestrian and cycle access, from the site, and temporary planting is also identified, until such time as the adjacent school development is completed. Details regarding the construction make-up or layout of this pedestrian and cycle access, which would route through lands in the applicant's ownership, have not been provided. Should the Board decide to grant permission, I recommend a condition which requires that such details be provided, for the written agreement of the Planning Authority.
- 7.7.10. I note that the observer has raised a number of concerns relating to the access aspect of the development. In relation to the concerns regarding road safety, I am satisfied that an appropriately designed and laid out access can be provided. I do not share the observer's concerns relating to traffic. The site is located in close proximity to the town centre and other services and amenities in the area and is well-connected, in terms of footpath access. The site is in a sustainable location and whilst some additional traffic movements are inevitable as part of the development of the site, future residents would have the option to make certain journeys by means other than the private car.

## 7.8. **Potable Water and Wastewater Deficiencies**

- 7.8.1. Irish Water identified in its submissions on the application there are significant water and wastewater constraints in the networks and these issues were central to the Planning Authority's decision to refuse permission.

### *Potable Water*

- 7.8.2. Enfield's water supply is provided by a bored well, which is evidently currently operating at capacity. Irish Water has confirmed that there is no capacity currently to accommodate the development.
- 7.8.3. The grounds of appeal outline that, following Irish Water's confirmation that there is currently no capacity in the network to accommodate the development, the applicant has proposed to source a temporary water supply from a new nearby borehole, permitted as part of the nursing home development approved under PA Reg. Ref. TA160382 and amended under PA Reg. Ref. TA191820. A connection to this borehole would be made in the area east of the proposed wayleave.
- 7.8.4. I note that Irish Water has expressed concerns that this temporary approach would impact on existing water sources in the area and that the development is considered to be premature. I also note that the Planning Authority's Water Services section outlined that this proposal is unacceptable, on a number of grounds.
- 7.8.5. In this instance, where the source of the water supply has previously been approved, I consider the main issues to be addressed are (a) whether the development is premature, (b) the acceptability of servicing a residential development of 72 units from a private water supply source and (c) the capacity of the borehole to service both the approved nursing home development and the current proposed development.
- 7.8.6. Regarding prematurity, the issue of water supply in the area has been ongoing for a number of years and a solution does not appear to have been identified, where Irish Water's Investment Plan 2020-2024 does not identify plans for capital investment in the Enfield network. I noted in my review of planning records in the area that permission has been granted elsewhere in the area for large-scale developments which incorporated a private water supply similar to that currently proposed, in the context of the absence of public network capacity. In particular, permission has been granted for a Strategic Housing Development of 133 units (Board Ref. ABP-304296-18 refers) and a 98-bed nursing home development (PA Ref. TA160382). I also noted that Irish Water had no concerns with a proposed Strategic Housing Development of 513 units (ABP Ref. ABP-308155-20), which would also have been served by a temporary water supply. The Planning Authority also did not express any



particular concerns relating to the provision of a temporary supply in each of these instances.

- 7.8.7. Cognisance must also be given to Enfield's role in the delivery of the county development Core Strategy, where a determination of prematurity in this instance is likely to have implications for the delivery of housing. Enfield is identified within the development plan Core Strategy as a 'small town' and it has been allocated a proportion of planned housing, over the planned period. Indeed, I note that the draft development plan 2021-2027 identifies that Enfield will continue to role to play in the accommodation of further population growth in the county, over the next plan period.
- 7.8.8. In the circumstances, based on the foregoing considerations and, particularly where Irish Water has no plans currently to provide a long-term solution to the issue, I do not agree that the development is premature.
- 7.8.9. Regarding the acceptability of servicing a development of 72 units from a private water supply, this approach has been established in the area, through previous grants of permission for large-scale developments, details of which have previously been outlined. There is therefore no in-principle issue with the proposed approach.
- 7.8.10. The Planning Authority's Water Services section has outlined concerns that this approach may be prejudicial to public health, but detailed justification has not been outlined, to substantiate the concerns. Consideration must also be given to the fact that the borehole itself has previously been permitted, so the primary issue in this instance is the impact of the proposed increased rate of abstraction. I note in this regard that the European Union (Drinking Water) Regulations 2014 provide a control mechanism over the supply of drinking water and in this instance, for a privately supplied water source, the regulatory role falls to the Planning Authority.
- 7.8.11. Irish Water's stated concerns relate to the protection of existing water sources in the area and I note that as part of the requested conditions, Irish Water has requested that the developer is required to clearly demonstrate that there would be no impact on existing water sources and abstraction points in the area. The matter was addressed as part of application Reg. Ref. TA160382, as part of which the borehole was granted permission, within a report entitled '*Hydrological Assessment in Relation to a Proposed Supply*' prepared by Garland Consulting Engineers, which outlined that monitoring of other proximate wells during the 7-day pump test was

undertaken and only minor water level impacts were observed, suggesting that pumping from the subject borehole would likely have negligible impacts on domestic or public wells outside of the landholding boundary.<sup>3</sup> I am satisfied that the applicant has demonstrated that the borehole can be provided, without having any impact on existing water sources and abstraction points in the area.

- 7.8.12. Regarding the capacity of the approved borehole to service both the nursing home development and the current proposed development, the grounds of appeal outline that the subject borehole has an estimated yield capacity of 121m<sup>3</sup>/day and that this is adequate to serve the development. I also noted in my review of the planning history files that the Garland Consulting Engineers report outlined that the analysis of samples taken as part of the 7-day pump test, analysed in accordance with a suite of parameters as specified by the European Union (Drinking Water) Regulations 2014, indicated a groundwater of a reasonable quality.
- 7.8.13. In terms of the cumulative demands of both the proposed development and the permitted nursing home development on the borehole, this has not been stated, in relation to the yield capacity of the borehole, and the Board may wish to have the applicant confirm the cumulative demands, prior to making a decision.
- 7.8.14. In conclusion, I do not agree with the Planning Authority's determination that the development is premature or would create an unacceptable risk to public health. I consider that the provision of a temporary potable water supply to serve the development is appropriate in this instance.

#### *Wastewater*

- 7.8.15. The application initially proposed to connect directly to the public wastewater network but, this approach was amended at the further information stage, following confirmation that the Enfield wastewater treatment plant is operating at its biological capacity. The applicant now proposes a temporary wastewater treatment plant on-site as part of the development, with treated effluent discharging to the network, until such time as upgrades to the WWTP have been provided. The temporary treatment plant would be located in the area of the proposed wayleave and would include the provision of a pumping station.

---

<sup>3</sup> Hydrological Assessment in Relation to a Proposed Groundwater Supply, Garland Consulting (2016), Page 17

- 7.8.16. Correspondence from Irish Water dated 29<sup>th</sup> January 2020, provided as part of the further information response, outlined that there is currently no treatment capacity at the Enfield wastewater treatment facility, but that treated effluent can be accepted. Upgrades to the treatment plant are identified to be provided under the Irish Water investment plan and are intended to be completed by the end of 2023, following which a connection can be provided.
- 7.8.17. Regarding the issue of prematurity, whilst the Planning Authority's refusal reason No. 3 states that the development is '*premature having regard to existing deficiencies in the provision of an appropriate wastewater supply to serve the proposed development*', Irish Water's concerns regarding prematurity appear to relate solely to '*the proposal to build a new pump station to service the development which is not acceptable to Irish Water...*', as specified in the submission dated 7<sup>th</sup> September 2020. This submission does not question the ability or capacity of the wastewater treatment plant to accept treated waste from the site, but rather the means by which treated effluent is transferred to it.
- 7.8.18. The applicant's reasoning for proposing a pump station is outlined within the O'Connor Sutton Cronin appeal document, which outlines that an all-gravity solution was initially considered at the design stage, but this was dropped because it resulted in the north-western section of the site being raised by between 1.5m-2m. I agree that a design solution which would see part of the site raised by 1.5m-2m is unacceptable, due to the impact such ground level alterations would have on adjoining residential occupiers.
- 7.8.19. It is clear from the grounds of appeal that the invert levels of the public manhole outside the site and the existing pumping station at the GAA grounds are central to the design of the proposed wastewater network. As the planned upgrades to the Enfield wastewater treatment plant will not affect the invert level of either connection point, and as Irish Water has indicated that treated effluent can be accepted from the site, I consider it would be unreasonable to refuse the development on the grounds of prematurity. Indeed, I note that within the conditions requested as part of any grant of permission, Irish Water requested a condition which requires that '*where a gravity connection is unachievable the applicant shall engage with IW to arrange the decommissioning of the existing Irish Water pump station.*' This indicates that the issue can be resolved.

7.8.20. In conclusion, where Irish Water has not raised any concerns regarding the capacity of the Enfield wastewater treatment plant to accommodate treated effluent from the site, I am satisfied that the incorporation of a temporary wastewater treatment plant on the site is appropriate in this instance. Should the Board decide to grant permission, I recommend that a condition be attached, requiring the developer to agree the means of connection of the site to the public wastewater treatment network and that any such connection shall not result in alteration of ground levels within the site.

## 7.9. Flood Risk and Drainage

7.9.1. Regarding flood risk, the northern-most part of the site, where the proposed surface water outfall is located, is situated within a flood zone (available flood mapping for Enfield does not distinguish between Flood Zones A and B). This flood zone closely follows the route of a drainage channel, identified by the applicant as forming part of an Office of Public Works Arterial Drainage Scheme (Ref. C1/36/24/5). The main part of the site, where the proposed housing is located, is approx. 120m south of the flood zone and is thus deemed to be at low risk of flooding.

7.9.2. Surface water is primarily proposed to drain to two separate concrete attenuation tanks within the site, which are located under the proposed public open spaces, with attenuated run-off discharging to this OPW drainage channel. The application documents outline that on-site trial pit excavations determined that the site is unsuitable for an infiltration attenuation system.

7.9.3. Additionally, front garden parking areas are provided with permeable paving.

7.9.4. Details regarding existing and proposed run-off rates have been provided within the Engineering Services Report, with proposed run-off rates calculated as being maintained at the same level as the existing greenfield discharge rate and an allowance of an increase of 20% in rainfall, due to climate change, has been factored into the proposals.

7.9.5. On my visit to the site, I noted the presence of two drains, adjacent to the northern boundary and adjacent to the south side of the pedestrian and cycle access. These drains are not identified on the application drawings but appear to fall within the applicant's ownership.

- 7.9.6. In the case of the drain adjacent to the northern boundary, this backs directly onto the rear gardens of a number of properties within the development, but it is unaffected by the development. Controlled discharge of attenuated surface water to the stream further to the north will ensure that no additional loading will be placed on this drain by the development.
- 7.9.7. In the case of the drain routeing along the south side of the pedestrian and cycle access to the site, this was only partially visible to me and appeared to route across the site, under the route of the main access. The drain is not identified on the application drawings and the area in which it is located is shown as being covered over and landscaped and also containing a 2m high boundary wall. Drainage proposals for the development do not extend into this area. A third party observer on the application provided pictures of localised flooding in the area, including along the pedestrian and cycle access route, and raised concerns that this drain contributes to flooding in the area. Any proposal to block or cover this drain, without adequately culverting, is likely to lead to downstream flood issues and, in such circumstances, would be unacceptable. Should the Board decide to grant permission, I recommend the attachment of a condition which requires the submission of additional drawings which (a) identify the location and extent of this drain and (b) outline measures to culvert the drain, in order to ensure that no downstream flood issues would arise.
- 7.9.8. Subject to receipt of satisfactory proposals to culvert this drain, I consider the proposed surface water drainage system is acceptable. I note in this regard that the Planning Authority's Water Services Department clarified this aspect of the development, as part of the further information request, and subsequently confirmed that the proposals were acceptable.

#### 7.10. **Other Issues**

- 7.10.1. The proposed development comes within the provisions of Part V of the Planning and Development Act, 2000, as amended, for the provision of social housing. The Planning Authority's Housing Section requested that Part V requirements should be met by the delivery of units on the site. Should permission be granted, a condition should attach requiring the applicant to enter into an agreement with the Planning Authority in relation to discharge of obligations under Part V.

- 7.10.2. I note that both the Department of Culture, Heritage and the Gaeltacht and the Planning Authority's Conservation Officer have requested that archaeological testing and monitoring should be undertaken during the construction phase, owing to the proximity of the site to other recorded monuments in the area. I consider this is a reasonable request.
- 7.10.3. The Planning Authority's Public Lighting section has commented that public lighting proposals are unsatisfactory and do not accord with the Council's public lighting technical specification and requirements. Details regarding this aspect of the development can be agreed with the Planning Authority and can be controlled by condition, should the Board decide to grant condition.
- 7.10.4. The Planning Authority's Transportation Department has requested a special levy of €25,000 as a contribution towards the costs of providing pedestrian and cycling facilities in Delmere, required to facilitate access to the development. I consider the request for a contribution is reasonable, where there will be a requirement for additional facilities to be provided in order to facilitate pedestrian and cycle access to the site from Delmere, but details regarding the means by which the requested levy was calculated have not been provided. I am satisfied that the matter can be controlled by condition.

## 7.11. **Appropriate Assessment**

- 7.11.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.
- 7.11.2. The proposed development is not directly connected with or necessary to the management of a European site and accordingly screening for Appropriate Assessment was carried out.
- 7.11.3. The site is not located within or adjacent to any Natura 2000 site. The closest Natura 2000 sites are:
- River Boyne and River Blackwater SAC (Site Code 002299), approx. 10km to the north

- River Boyne and River Blackwater SPA (Site Code 004232), approx. 11.5km to the north
- Balynafagh Bog SAC (Site Code 000391), approx. 13km to the south
- Balynafagh Lake SAC (Site Code 001387), approx. 12km to the south

### Stage 1 Screening for Appropriate Assessment

7.11.4. Regarding the Balynafagh Bog SAC and Balynafagh Lake SAC, although both sites fall within the search zone, they are upstream of the subject site and any potential pollution or sediment which may enter the River Blackwater as a result of the development would flow away from these sites. I am satisfied there will therefore be no interaction between the proposed development and these SAC sites and there is therefore no potential for direct or indirect effects on qualifying habitats and species within either site.

7.11.5. The River Boyne and River Blackwater SAC is of conservation interest for the following habitats and species:

• Alkaline fens [7230]
• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]
• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]
• <i>Salmo salar</i> (Salmon) [1106]
• <i>Lutra lutra</i> (Otter) [1355]

7.11.6. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*'To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and or Annex 11 species for which the site is selected'*.

7.11.7. The River Boyne and River Blackwater SPA is of conservation interest for the following species:

Kingfisher ( <i>Alcedo atthis</i> ) [A229]
--

7.11.8. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'*

*Impacts on the River Boyne and River Blackwater SAC and SPA*

7.11.9. Regarding construction phase impacts, there is potential for sediment and pollutants to enter the surface water system during the construction phase, which would then in turn be transferred to the drain to the north of the site, at the point of the surface water outfall. Available Office of Public Works drainage mapping indicates that this drain is part of a drainage network, which ultimately drains into the River Blackwater to the south, via the Ballycorrion River. The River Blackwater flows in a north-east direction in this area, to its confluence with the River Boyne, north of Longwood.

7.11.10. I estimate that the drainage network routes for a distance of around 1.75km from the site before converging with the Ballycorrion River and thereafter routeing south towards the River Blackwater. In the event that any sediment or pollutant were to enter the River Blackwater at this point, it is approx. 17km from the Natura 2000 site (measured in a direct line). Due to the level of separation between the site and the Natura 2000 site, I consider the potential for significant impacts on qualifying interests within the River Boyne and River Blackwater SAC and SPA is low.

7.11.11. At the operational phase, it is proposed that foul effluent would be discharged to a new wastewater treatment unit, which would in turn discharge to Enfield wastewater treatment plant situated beside the River Blackwater, near Johnstown Bridge. The wastewater treatment is operating at or beyond its biological capacity and the on-site treatment facility is required as an interim solution until such time as upgrade works are completed at the wastewater treatment plant, currently envisaged before end-2023.

7.11.12. A temporary potable water supply is proposed to be sourced from an existing permitted borehole to the north-east of the site. The approved borehole would provide water which would be treated within a water treatment plant, indicated as being carried out in accordance with the Irish Wate Code of Practice of Water Infrastructure.



- 7.11.13. Surface water would primarily be stored within 2 underground attenuation tanks and discharged, at a controlled rate, to the drain to the north of the site. Surface water from the site would be managed in accordance with SuDS, to attenuate flows and control the quality and quantity of discharges to the collection system.
- 7.11.14. Regarding the SPA site, I consider there is no potential for significant impacts on Kingfisher, which is the qualifying interest for which the site is designated. Its habitat is along waterways and its nesting habitat is within the banks of watercourses<sup>4</sup>. There will be no interaction between the proposed development and the SPA and the application site does not contain any watercourses which would provide any suitable nesting or feeding habitat.
- 7.11.15. Regarding the SAC site, the potential impacts during the operational stage relate to wastewater and surface water discharges and increased water abstraction.
- 7.11.16. In terms of wastewater, as has been outlined previously, effluent is proposed to be treated on-site prior to discharge to the public network. As the public network discharges directly to the Blackwater River, there is a pathway from the site to the SAC site. The proposed system would discharge to the public network, rather than directly to the River Blackwater and, taken together with the significant downstream distance of c.17km to the SAC, I consider the proposed wastewater system does not have the potential to affect qualifying interests within the SAC site.
- 7.11.17. In terms of surface water drainage, similar to the construction phase, should any sediment or pollutant enter the drainage network, the separation distance between the outfall point and the SAC is considerable, more than 20km, and the potential of significant impacts on qualifying interests within the SAC is low.
- 7.11.18. In terms of increased water abstraction, where the well infrastructure has previously been approved, the potential for significant impacts on qualifying interests within SAC site is low, having particular regard to the level of separation between sites.

## **Results of Stage 1 Screening for Appropriate Assessment**

---

<sup>4</sup> Assessment of the distribution and abundance of Kingfisher Alcedo atthis and other riparian birds on six SAC river systems in Ireland, NPWS (2010), Page 7

7.11.19. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site Nos. 002299, 004232, 000391 and 001387, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

## 8.0 Recommendation

8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

## 9.0 Reasons and Considerations

9.1. Having regard to the A1, A2 and G1 zonings which apply to the site under the Meath County Development Plan 2013-2019, under which residential development is permissible, together with the site's urban location, the nature and scale of the proposed development and the pattern of development in the vicinity, the proposed development would be an appropriate form of development. The development would not be premature or prejudicial to public health in relation to the provision of temporary potable water and wastewater treatment facilities, would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 17 <sup>th</sup> April 2020, as amended by further information submitted on 17 <sup>th</sup> July 2020, 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
----	--

	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, revised layout proposals for the pedestrian and cycle access to the site from the Delmere estate, shall be submitted for the written agreement of the Planning Authority, which shall contain public lighting and active surveillance measures. The development shall thereafter be carried out in accordance with such agreed plans.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</p>
3.	<p>The proposed access from the Dublin Road shall be redesigned as follows:</p> <ul style="list-style-type: none"> <li>• The vehicular crossover from Dublin Road shall incorporate reduced turning radii and a maximum carriageway width of 5.5m, together with the use of vertical deflections, in line with the recommendations of Section 4.3.1 of the <i>Design Manual for Urban Roads and Streets</i>, in order to give priority to pedestrians and cyclists.</li> <li>• Cycle tracks through the site shall be of minimum width 1.75m in order to facilitate two-way traffic, in accordance with the recommendations of Section 1.5 of the NTA National Cycling Manual</li> <li>• The internal access road between units 13-34 shall be redesigned in order to incorporate horizontal deflections, in accordance with the recommendations of Section 4.4.7 of the <i>Design Manual for Urban Roads and Streets</i>, and which should be of sufficient area to facilitate tree planting and landscaping.</li> </ul> <p>Prior to the commencement of development, the developer shall submit, for the written agreement of the Planning Authority, revised plans which incorporate such amendments.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development and to ensure pedestrian and cyclist safety.</p>
4.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority details regarding the layout</p>

	<p>of the proposed pedestrian and cycle lane from the site, connecting to the proposed school site to the south-east. The route shall be constructed within 1 year of the opening of the school.</p> <p><b>Reason:</b> In the interests of proper development and the timely provision of community facilities</p>
5.	<p>The development shall be carried out in accordance with a phasing plan that shall be agreed in writing with the planning authority prior to commencement of development. In particular, the plan shall stipulate that none of the authorised dwellings may be occupied until the necessary connection for water supply and the drainage of foul effluent have been constructed to the satisfaction of the planning authority.</p> <p><b>Reason:</b> To ensure the timely provision of services for the benefit of occupants of the proposed dwellings.</p>
6.	<p>Details of the materials, colours and textures of all external finishes to the proposed houses shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of the visual amenities of the area.</p>
7.	<p>Foul effluent from the development shall be discharged to a temporary effluent treatment system to be provided on the site, the design of which shall be agreed with Irish Water and shall be capable of producing an effluent quality of BOD 20mg/l and TSS 30mg/l prior to discharge to the public sewer network.</p> <p>The treatment system, including the method of effluent transfer from the site to the public network, shall be designed, installed and maintained in accordance with the requirements of Irish Water and the planning authority. The treatment system shall not require the alteration of ground levels within the site boundaries.</p> <p>Following the completion of the proposed upgrade works to Enfield wastewater treatment plant by Irish Water, all foul effluent arising from the proposed development shall discharge to the public sewer system and the</p>

	<p>onsite treatment system shall be decommissioned and removed from the site.</p> <p><b>Reason:</b> In the interest of proper site drainage and for the protection of public health.</p>
8.	<p>The temporary water supply for the proposed development shall be from a bored well supply to be provided on lands in the applicant's ownership, approved under Planning Authority Reg. Ref. TA16/0382 and amended under PA Reg. Ref. TA191820, as detailed on the plans and particulars submitted with the application.</p> <p>The wells, treatment plant and storage facilities shall be provided in accordance with the detailed requirements of the Planning Authority and shall be developed and commissioned in advance of the occupation of any of the residential units.</p> <p>The development shall be connected to the public watermain when available. The borehole shall cease to be used as a source of water supply for the development within 1 month of connection to the public mains.</p> <p><b>Reason:</b> To ensure that an adequate and potable water supply is available for the proposed development in the interests of public health.</p>
9.	<p>Prior to the commencement of development, the applicant shall submit an assessment of the proposed temporary water supply to confirm that there would be no impact on existing water sources and abstraction points in the area, with particular reference to the Irish Water Enfield borehole and the borehole permitted as part of permission Ref. ABP-304296-18 which will be taken in charge by Irish Water.</p> <p><b>Reason:</b> To ensure the development will not affect other potable water sources in the area</p>
10.	<p>A temporary water supply for fire fighting purposes shall be provided and maintained in accordance with the Planning Authority's requirements, details of which shall be agreed prior to the commencement of development.</p>

	<b>Reason:</b> In the interest of fire safety.
11.	<p>Prior to the commencement of development, the developer shall submit an operation and maintenance plan and contract, for the written agreement of the Planning Authority, to ensure that water supplied to the proposed residential development is consistently compliant with the parametric values as outlined in the European Union (Drinking Water) Regulations 2014.</p> <p><b>Reason:</b> In the interest of public health</p>
12.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p><b>Reason:</b> In the interest of public health and orderly development.</p>
13.	<p>Prior to the commencement of development, the developer shall submit, for the agreement of the Planning Authority, additional drawings which (a) identify the extent of a drain which routes along the south boundary of the pedestrian/cycle access to the site (b) outline proposals to culvert or otherwise incorporate this drain into the site drainage network.</p> <p><b>Reason:</b> In the interest of proper site drainage.</p>
14.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of proper site drainage.</p>
15.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and</p>

	<p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
16.	<p>a) The development, including all roads, footpaths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, shall be carried out and completed in accordance with the 'taking-in-charge' standards of the planning authority.</p> <p>(b) the areas of open space shown on the submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. The open space shall be laid out and landscaped prior to the making available by the developer for occupation of any of the houses in the relevant phase of the development.</p> <p>(c) all the areas of public open space, as shown on the submitted drawings which are to be taken in charge, shall be maintained by the developer until the development is taken in charge by the local authority. When the estate is taken in charge, these open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.</p>

	<p><b>Reason:</b> In the interests of proper development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.</p>
17.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details of the intended construction practice for the development, including hours of working, noise management measures and construction traffic management plan. The plan shall be updated at regular intervals.</p> <p><b>Reason:</b> In the interest of public safety and residential amenity</p>
18.	<p>Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement, 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. This 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.</p> <p><b>Reason:</b> In the interest of orderly development and sustainable waste management.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>



20.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
21.	<p>Prior to commencement of development, the developer 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.</p> <p><b>Reason:</b> 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.</p>
22.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
23.	<p>A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
24.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is</p>

	<p>proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of suitable transportation.</p>
25.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of orderly development and the visual amenities of the area.</p>
26.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
27.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority</p>

	<p>and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
28.	<p>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 a shortfall in the provision of public open space on the site. 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.</p> <p><b>Reason:</b> 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.</p>
29.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of walking and cycling infrastructure through the Delmere estate, to facilitate such access to the proposed development from this area. 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</p>

	<p>changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p><b>Reason:</b> 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.</p>
30.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

---

Barry O'Donnell  
 Planning Inspector

26<sup>th</sup> January 2021