



An
Bord
Pleanála

Inspector's Report

ABP-310251-21

Development	33 no. detached single storey two-bed modular housing units.
Location	Kilmainhamwood Retirement Village, Boynagh, Kilmainhamwood, Kells, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21381
Applicant(s)	Kada Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Noreen and Mary Cohen
Observer(s)	Vivienne Breslin
Date of Site Inspection	23 rd of August 2021
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site (stated area 3.41ha) is within the southern boundaries of the village of Kilmainhamwood. It is within and adjacent to the grounds of Kilmainhamwood Retirement Village and to the east of and proximate to the associated Nursing Home complex, both of which are accessed from the existing site entrance off the L-74203-0 local tertiary road. There is a detached single storey day-care facility to the south of the Nursing Home. The Kilmainham River lies to the east. Whitewood Lough is further to the south.
- 1.2. The existing retirement village has mostly small single storey semi-detached bungalow type units with pitched roofs and finished in red brick, as well as access roads, footpaths and open green spaces. The entire site is located inside the 50km/h speed limit on approach to the village to the east.
- 1.3. The proposed site includes the existing green open space area within the site and the proximate greenfield area to the east currently in agricultural use (being grazed by sheep on the day of the site visit). There is a gated access road to Kilmainhamwood WWTP to the east of the site.

2.0 Proposed Development

- 2.1. This proposal is for the following:
 - The provision of 33no. detached single storey two-bed modular housing units including 71no. car parking spaces,
 - ESB substation,
 - provision of a public amenity park with children's play area, art piece, landscaping, drainage swale and all associated works on a site of 3.41ha.
- 2.2. Documents submitted include:
 - A letter from Cobbe + Architecture which provides a description and rationale for the proposed development.
 - A Design Statement by Cobbe + Architecture
 - Civil Engineering Planning Report – M.Heslin

- External Lighting Assessment and Analysis Reports – Richard Dixon Associates
- Arboricultural Assessment (Tree Survey) – J McConville + Associates Arboricultural Consultants.
- Drawings including a Site Layout Plan, Floor Plans, Sections and Elevations.

3.0 Planning Authority Decision

3.1. Decision

On the 24th of May 2021, Meath County Council granted permission for the proposed development subject to 44no. conditions. These conditions generally concern design and layout, landscaping, boundary treatment, Infrastructural issues – roads and services, construction management, archaeological monitoring, part v, development bond and development contributions.

Condition no. 2 is of note relative to restriction of occupation:

Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority pursuant to section 47 of the Planning and Development Act 2000-2019 providing that the occupancy of the units shall be restricted to persons aged 55 years or older or to persons with a certified medical need for sheltered housing accommodation and spouses or partners of such persons.

Reason: To ensure that the proposed development is used as specified in the submitted plans in the interest of proper planning and sustainable development.

Condition no.4 is of note relative to the setting up of a management company.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment included the following:

- They noted the planning history and the application relative to the nursing home extension under consideration (Ref.21/295 refers). They noted that the current application is adjacent to the existing retirement village.
- They had regard to the land use zonings and considered that the principle of development is acceptable on this site.
- The overall scale, design, layout and appearance of the proposed development is considered acceptable on this appropriately zoned urban site within Kilmainhamwood village boundary.
- Given the location, layout and design of the retirement village the proposed development will not impact adversely on nearby residential dwellings.
- The existing main access to the retirement village and nursing home will remain from the local tertiary Boynagh Road to the north (L-74203-0).
- The proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European sites and that a stage 2 NIS was not required.
- They conclude that having regard to the documentation submitted, the nature and scale of the proposal, the suitability of the site, the pattern of development in the vicinity, national, regional and local policy, that subject to compliance with their recommended conditions that the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the properties in the vicinity. That it would not be likely to have significant effects on the environment or ecology of the area and would be in accordance with the proper planning and development of the area.

3.3. Other Technical Reports

Water Services Section

They provide that this proposal broadly meets the requirements of the Council's Water Services Section with respect to the orderly collection, treatment and disposal of surface water. They recommend a number of issues to be addressed prior to commencing construction stage.

3.4. Prescribed Bodies

Inland Fisheries Ireland

They note that the site is located close to the Kilmainhamwood River, which is a tributary of the River Dee. They refer to the importance of protecting fisheries, habitats and ecology and the value to these watercourses in the area and recommend conditions.

Irish Water

They had no objections subject to conditions.

Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media

They note that the proposed development is large scale in extent and is located in an area of high archaeological potential. They recommend conditions relative to archaeological monitoring.

Transportation

They have no objection, although note some concerns about footpaths. They recommend a condition that the applicant submit details of the footpath works required on Local Road, L-74023-0, along the boundary of the site.

3.5. Third Party Observations

Submissions from local residents refer to their concerns about the proposed development and these have been noted on file. These are considered further relative to the Third Party Grounds of Appeal and in the Assessment below.

4.0 Planning History

The Planner's Report provides details of the Planning History of the site. While they do not refer to anything of note permitted relative to the current application site, the following are of note relative to the adjoining site:

- Reg.Ref.21/295 – Permission granted by the Council to Kilmainhamwood Area Development Association (KADA), subject to conditions for in summary internal alterations and extensions to the existing nursing home to provide a

further 12no. single ensuite bedrooms, staff facilities, storage and a new entrance and reception area, single storey link structures joining the wings of the existing nursing home, single storey courtyard style extension to the east, consisting of 40no. single ensuite bedrooms, communal facilities and private gardens, 34no. additional car parking spaces, new vehicular entrance from Boynagh Close to the north, new utility building to the north consisting of sub-station, gardeners store, bin store, plant rooms and generator and all associated works at Kilmainhamwood Nursing Home. This was granted by the Council subject to 24no. conditions on the 25/05/21. It was not subject to appeal to the Board.

It is noted that this is the area shown hatched to the north of the red line boundary on the Site Layout Plan submitted with the current application as 'Future Extension to Kilmainhamwood Nursing Home – subject to separate planning application'.

Other Permissions

- Reg.Ref. 99/1939 – Mowlam Enterprises Ltd – Change of design & the increase from 14no. 1 bed special care homes previously approved reference no. 98/318 to 16no. 1 bed & 4no. 2 bed special care homes (total 20no.) – granted on 09/12/99.
- Reg.Ref.99/1708 – Mowlam Enterprises Ltd – Retention & Completion of boiler room, laundry & ancillary services, building to previously approved 50 bed nursing home – granted 23/02/00.
- 98/318 – Mowlam Enterprises Ltd – 50 Bed Nursing Home, Day Care Centre, 14 special care homes, 38 retirement homes with ancillary services and administration office on a revised site – granted on 08/02/99.

5.0 Policy Context

5.1. National Policy and Guidelines

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

Project Ireland 2040 - The National Planning Framework

The framework is concerned with securing compact and sustainable growth.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth.

Section 6.4 relates to and is supportive of appropriately designed Age Friendly Communities.

National Policy Objective 30 provides: *Local planning, housing, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.*

Section 6.6 deals with Housing. National Core Principles include:

Ensure a high standard quality of life to future residents as well as environmentally and socially sustainable housing and place-making through integrated planning and consistently excellent design.

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

Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities (2009)

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 and village locations such as Kilmainhamwood.

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.'

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. Densities of 20-35 units per hectare are promoted in these locations.

Principles relative to design and layout are also set out in the 'Urban Design Manual – A best Practice Guide' which is a companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'.

Quality Housing for Sustainable Residential Communities 2007

This has regard to Urban Design Objectives in the Provision of Housing and includes advice on Design and Layout. The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards.

Design Manual for Urban Roads and Streets 2019

The Design Manual provides guidance in relation to street design and design of residential areas. Four key design principles are interconnected street networks, multi-functional streets, a pedestrian focus and a multi-disciplinary approach. The

provision of good pedestrian and vehicular permeability is a requirement. These design principles reflect the provisions of the Guidelines on Sustainable Residential Development in Urban Areas.

The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices), provides advice on how to minimise flood risk through the planning process. It distinguishes between the vulnerability of different types of development and three different flood zones A, B and C

5.2. **Meath County Council Development Plan 2013-2019**

Kilmainhamwood is classed as a village in the County Meath Urban Settlement Strategy. The role of villages is to: *Serve smaller rural catchment, provide local services with some smaller scale rural enterprises in a number of such villages.*

Section 3.4.6 pertains to the Settlement Strategy and Housing – and provides objectives relative to Villages:

SS OBJ 15: *To ensure that Villages in Meath cater for a local catchment for service provision. Future population growth in Villages shall be managed to ensure that they do not lead to unsustainable commuting patterns.*

SS OBJ 16: *To ensure that Villages 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 17: *To ensure that in Villages, no proposal for residential development should increase the existing housing stock (including permitted units) of the village by more than 15% within the lifetime of the Development Plan.*

Chapter 5 provides the Social Strategy and includes policy to cater for the older age group

SOC POL 30: *To encourage, support and facilitate the provision of a range of services for the aged population. The Council is committed to accommodating the needs of older people in rural areas by the provision, or facilitation of nursing homes and sheltered housing developments. These facilities should be located within settlements in order to enhance overall quality of life, increase their links with, and accessibility to, local amenities, and therefore reduce the likelihood of social isolation.*

Kilmainhamwood Written Statement – Volume 5

The Land Use Zoning Map for Kilmainhamwood shows that the site is within the village boundaries and lies within two separate zonings 'G1' Community Infrastructure and 'F1' Open Space. While a nursing home is 'open to consideration' in the former it is not in the latter. Regard is had further to these Zoning Objectives in this Assessment below.

It is noted that Chapter 2 – Core Strategy (Volume 1 CDP) includes *Retirement Home / Residential Institution / Retirement Village* in uses 'Open to Consideration' in the G1 'Community Infrastructure' zoning.

Volume 5 contains the Kilmainhamwood Written Statement. The Goal is:

To make a positive a positive contribution to the development of Kilmainhamwood Village by the consolidation and strengthening of the defined and attractive village centre, recognising the importance of conserving and enhancing the quality of the village's built and natural environment, while catering for the needs of all sections of the local community.

Particular regard is afforded to the protection and enhancement of natural features such as the Kilmainham River, historical features of interest, open space needs and the existing topographical character within and surrounding the village. This land use framework endeavours to maintain and to add to a built environment that is both attractive and distinctive, and which creates a unique sense of place for those who both live and work in, as well as those who visit the village. The provision of a compact vibrant and effective village centre is essential if Kilmainhamwood is to cater for its current and future population needs in a sustainable manner. The new land use zoning objectives are closely linked to, and integrated with, the existing village, thereby encouraging more sustainable modes of transportation such as walking and cycling.

Details are given of the Kilmainhamwood waste water treatment plant and of water supply for the village.

Kilmainhamwood is a small relatively compact village. Having regard to residential development there are a number of small housing developments and a retirement village in the settlement. This is located to the south of the village.

The Core Strategy of the CDP (Table 2.4 refers) provides a housing allocation of 20 units for Kilmainhamwood over the 2013-2019 Plan.

All designers of multiple development within the Development Framework boundary are requested to submit a Design Statement to the Planning Authority with their planning applications in accordance with the requirements of Section 11.2 Residential Development of Volume 1. A Design Statement is an appraisal of the distinctive character of the area adjoining the proposed development site and must consider how the design and layout of the proposed development responds to and preferably enriches that character.

Under Heritage Section it is provided that: *Kilmainhamwood is a picturesque location that has potential to attract tourists. The built and natural heritage is an asset to Kilmainhamwood and should be exploited to a greater degree to encourage visitors.*

Regard is had to heritage and archaeology. Also, to the habitats created by the Kilmainhamwood River which flows along the north and east of the village drains to Whitewood Lough and onto the River Dee which is in the Neagh Bann International River Basin District. *The protection of the natural environment of Kilmainhamwood is fundamental to the success amenity background. Therefore, it is vital to achieve the correct balance between protection of the natural environment and the future development of the village.*

Strategic Policies SP1 to SP5 are noted and regard is had in particular of:

SP1: *To encourage the sustainable growth and improvement of Kilmainhamwood on an appropriate scale relative to its attractive form and its classification in the County Settlement Hierarchy.*

SP3: *To protect the unique character of the village through the provision of appropriate infill and new development which has regard to the scale, character, topography and amenities of the village.*

Objectives of note include: HER OBJ 2 - *To seek the development of a linear park along Kilmainham River to Whitewood Lake subject to the undertaking of an appropriately detailed Flood Risk Assessment which will inform the necessary planning consent and which should not generally increase existing ground levels within these flood risk zones.*

5.3. Natural Heritage Designations

The site is not within or directly adjoining or proximate to any Natura 2000 site.

5.4. EIA Screening

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

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.

The proposal is for 33 retirement housing units, on a site of 3.41ha and is located on a greenfield site within the village boundaries of Kilmainhamwood. It falls below the above-outlined development thresholds and mandatory EIA is therefore not required. 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.

No EIA screening report was provided as part of the application. In this instance, in view of the limited scale and nature of the proposed development and where the subject site comprises zoned lands at the edge of the village, 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

John Callaghan, Civil Engineer, has submitted a Third Party Appeal on behalf of Noreen Cohen and Mary Cohen, who reside at separate addresses at Kilmainhamwood Retirement Village. Information submitted includes the following:

- The Appellants are owner occupiers of residences which were constructed under a Grant of Permission Ref.No. 98/318 and which was subsequently amended under Reg.Ref. 99/1839.
- They made a joint submission to Meath Co.Co. relative to the subject application. They provide a copy of that for the Board.
- The Appellants relied on the construction of two planning applications 98/318 and 99/1839 which were to direct and control the Kilmainhamwood Retirement Village. Details are provided and these include relative to open space and provision of infrastructure, range of support services that were to be made available and continuum of care.
- The Residents had expectations about being able to become Members of Kilmainhamwood Area Development Management Company (KADA Ltd.) which is registered with the Companies Registration Office and they provide details.
- Only in recent years has streetlighting been installed. Houses 1 to 6 have no rear boundary wall, the low hedge provides no screening in winter.
- The Appellants have only recently learned of the planning conditions regarding the restriction on ownership and the entire Nursing Home and Retirement Village being operated as a single integrated entity with a prohibition of subdivision.
- Their Submission made to the Council notes concerns about the proposed internal road network, traffic and parking, provision of a public amenity park and children's play area.

Grounds of Appeal – No.1 – Contravenes Conditions

- The existing buildings built on the combined Nursing Home & Residential Complex was constructed under planning Reg.Ref.98/318 as amended by Reg.Ref.99/1839. The development contravenes planning conditions.
- The Grants - Condition 2 of 98/318 & Condition 3 of 99/1939 required, that the complex be operated as a single and integrated healthcare and retirement facility, and prohibited subdivision other than by way of a separate planning permission. They include a copy of these conditions.
- The Complex has been partitioned and ownership transferred to different entities that undermine the planning intent of the complex operating as a single integrated health care facility.
- The proposed granted permission did not seek to revise the relevant conditions of 98/318 & 99/18939 that imperatively imposed these objectives relating to integrated use and prohibiting subdivision of ownership.
- They enclose an extract taken from a Site Location Map submitted which defines the extent of the lands bound by the conditions on the grants 98/318 & 99/1839.
- The development description does not refer to the use of the dwellings as part of an Integrated Care Facility.
- The Planning Authority in imposing an age condition to justify the grant were stepping into the role of shaping the development. This effectively amounts to advocating design changes and moves the Local Authority into the role of developer. The LA cannot be impartial in such circumstances. The issue of the PA stepping into the shoes of the Developer arose in the case of Illium Properties Limited v Dublin City Council [2004] IEHC 327.

Ground No.2 - Excessive scale and urban generated.

- The permissions granted Reg.Refs. 98/318 & 99/1839 (descriptions noted in the Planning History above) provided for open space and landscaping works that included a fountain. Just 10 out of the 20 special care homes were built and now it is proposed to add 33 houses with 71 car parking spaces.

- This application marks a substantial transition from the provision of special care towards owner occupiers who will be anticipated to have two car parking spaces per two bedroom house. This indicates a type of development that is suited to residential zoned lands.
- Kilmainhamwood was allocated a growth of 20 housing units during the life of the current plan 2013-2019 under Table 2.4 of the Core Strategy.
- The layout of the 99/1939 planning grant accorded with the layout of the brochure used to sell off homes to residents. The level of car parking to be provided was minimal and the use of land was being transformed from agricultural use to the quietest possible residential use that was possible. They include a page from the brochure showing the layout then proposed.

Ground no.3 – Traffic and Nuisance

- The original planning grants envisaged tranquillity and the highest levels of residential amenity. In effect the PA are being asked to licence the infliction of nuisance on a residential community which has enjoyed quietness over 20 years. The Courts have previously granted relief to protect the quiet enjoyment of residential use of property. O’Kane v Campbell [1986] I.L.R.M 115 and Molumby v. Kearns [1999] IEHC 86. This is a Community that has the very highest expectation of peace and a quiet environment.
- The provision of 2 car parking spaces per 2 bedroom residential unit avails occupation by active working people who need to use 2 cars to commute to places of employment.
- Condition no.17 limiting Noise to 70 dB (A) from 0700 to 1900 hours is a big imposition. There is no program for determined length of construction works and it could go on for years.

Ground 4 – The National Planning Framework and lack of local Services

- They refer to Section 6.4 of the National Planning Framework relative to supporting well designed ‘Age Friendly Communities’. They consider no justification has been provided for the scale of the proposed development.

- Kilmainhamwood is a small settlement which lacks services and local retail and amenity facilities. This proposal is about importing people to a rural village that has recently lost its bread and milk shop.
- They refer to Section 6.6 of the National Planning Framework Plan which provides the priorities and principles relative to housing. This seeks to ensure a high quality of life for future residents as well as environmentally and socially sustainable housing and placemaking through integrated planning and consistently excellent design.
- They refer to Section 3.8.9 in the Navan Development Plan 2009-2015 (as extended) and to 'Housing Provision for the Elderly'. This has regard to location and accessibility issues.
- Kada Ltd as a Registered Charity would likely rely on Public Funding for the provision of the proposed housing. It is appropriate that public funds be applied to housing that is well located close to retail facilities, public transport, social services and amenities.

Ground 5: The Water Framework Directive

- The River Dee is a Salmonoid Water. They are concerned about the quality of the river achieving only moderate status and refer to EPA River Q Values and outfall from the Kilmainham sewerage treatment plant.
- In *Kelly v An Bord Pleánala IEHC 400* there was reference to: *complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed development on the Natura 2000.*
- It is reasonable to expect Similar Scientific Rigour in relation to considering if *deterioration of the status of a body of surface water will be caused by a development. (Case C461/13 Obligation of the Member States not to authorise a project that may cause a deterioration of the status of a body of surface water – Decisive criteria for determining whether there is a deterioration of the status of a body of water).*
- The WFD requires the status of each water body in the Member States to be evaluated. They note that certain consequences follow from the evaluation,

including a classification of the water body and to prevent deterioration. They refer to the *Weser ruling*. *The Obligation is for GOOD status to be secured*.

- They refer to the judgement in *Waltham Abbey Residents Association v An Bord Pleánala & Ors* [2021] IEHC 312 and other case law relative to the need to whether an EIA was or was not necessary.
- They note that the EU published a Best Available Techniques Standard for Wastewater in 2016, relative to daily measurement. All effluent should have daily records of emissions at the point of discharge (undiluted) since 2016. They include a Table regarding BAT measurements to monitor emissions.

Ground 6 – Environmental Impact Assessment

- The Environmental Impact of the further increment may engage subthreshold EIA requirements and may cumulatively engage EIA requirement.
- This issue of cumulative impact has not been assessed in the application or in the Planner's Report.
- The catchment of the River Dee is material is considering cumulative impact. The recorded pollution in the Kilmainhamwood Stream should reasonably be a factor in deciding whether subthreshold Environmental Impact is engaged or not.
- They query as to whether any previous development in Kilmainhamwood or Nobber has been subject to EIA.
- They have regard to the criteria relative to a subthreshold EIA. They note that the long droughts of 2018 & 2020 resulted in low Dry Weather Flows and elevated water temperatures in River conditions that make any pollution of surface particularly acute.

Ground 7 – A Sewer Diversion on lands outside the red lined site boundary

- The case of *Frascati Estate v Walker* [1975] I.R. 177 deals with ownership issues relating to lands subject to planning applications. They note that the Land Registry Maps indicate an easement for a Foul Sewer Main routed across the Estate. It is now proposed to reroute this Sewer to build houses on

its existing location. These works involve tapping into the Sewer outside the footprint of the defined site.

Ground 8 – Project Splitting

- They refer to the issue of project splitting and to the previous application made by Kada Ltd (Reg.Ref.21/295) for the nursing home extensions and to the current application. They note that in *O’Grianna & Ors v An Bord Pleánala* [2014] IEHC 632 23, the High Court held that a project could not for planning purposes lawfully be split into two independent parts.

Ground 9 – Ownership issues

- They refer to the ownership of the complex and to the case of *Frascati Estates v Walker* [1975] I.R 177. There is a difference between what the applicant claims to own and the records of the Land Registry. This issue is material given the planning conditions operative from 98/318 & 99/1939.
- They enclose Land Registry details and Folio details.

Ground 10 – Compliance of the Site Notice with the Planning Regulations

- The applicant failed to ensure the notice was fixed on a rigid material and to ensure it was visible at all times within the 5 week period.

Ground 11 – Traffic Safety

- They note concerns about the road layout and traffic safety issues
- The Road Layout of the combined development consists of a straight internal Road over 200m long which will have cars parked along it obscuring vision for crossing the road due to the carparking arrangements on site.
- The proposal should be subject to a road safety audit of the entire development to assess the likely traffic levels and associated risks.

6.2. Applicant Response

Cabbie + Architecture has submitted a response to the grounds of appeal on behalf of the First Party which includes the following:

- They note that the submission made by the Third Party was taken on board in the Planner's Report.
- The scheme as proposed was designed, following consultation with the LA to create a scheme which would enhance and improve the existing site for both the existing tenants and the new occupiers.
- The proposal provides open, permeable boundaries, soft landscaping and allows for the creation of internal streets and shared courtyards, usable communal spaces where people can relax or mingle with their neighbours, thus fostering a sense of inclusivity and community.
- The newly proposed public amenity park and associated facilities will be for the benefit of both the residents of the development and the wider Kilmainhamwood community. It will provide additional biodiversity and habitats for flora and fauna.
- Various elements of the Meath County Council Rural Design Guide have been considered during the design process. A Design Analysis accompanies this application.
- The applicant KADA Ltd, a charitable housing association, has undertaken significant research regarding local housing need and the provision here is deemed appropriate and viable, and is a direct response to their objective to provide affordable residential sheltered accommodation for older people.
- They consider that the proposed development will provide for a purpose-built class leading development within the retirement village and act as a template for further similar developments within the wider region.
- They consider that several of the matters referenced by the appellants are not in their opinion relevant to the current application and seem to be more concerned with legacy issues pertaining to the original planning permission.
- Irish Water have notified ORS who are acting as civil and structural engineers for the project, that in relation to the contamination levels in the River Dee, a pre-connection application was lodged with Irish Water and a confirmation of feasibility letter dated 6th of April 2021, confirmed a wastewater connection for the development is 'feasible without infrastructure upgrade by Irish Water'. It

is ORS's opinion that this implies that there is adequate capacity at the nearby wastewater treatment plant to cater for this development.

- In relation to matters of folios and legal agreement they are satisfied that they have the appropriate legal ownership to the site as required to have made the application and to allow the development to proceed.
- They conclude that the proposal is in keeping with the proper planning and development of the area and meets the Development Plan criteria and objectives of the Council. They believe the concerns of the Appellant, whether real or perceived have been fully addressed. They ask the Board to uphold the decision of the Local Authority and to grant permission.

6.3. Planning Authority Response

They have regard to and provide a summary of the Third Party Grounds of Appeal. They provide that the comments, concerns and issues raised by the Appellants in their appeal submission have been fully considered. They refer the Board to the Planner's Report for the application dated 19/04/21. They request the Board to uphold the decision of the Planning Authority and to grant permission subject to the original conditions attached (Appendix 1).

6.4. Observations

An Observation has been made by Vivienne Breslin. She submits the following documents for the consideration of the Board in the determination of the Planning Appeal:

- (1) Deed of Transfer from the original Developer of the open and public spaces to Boynagh Cross Property Management Company Limited.
- (2) Letter from KADA inducing residents not to appeal and promising a legal agreement to be delivered on the 18th of May after the closing date for appeals.
- (3) In this letter they provide that they will commit to not building the 4 houses highlighted as an issue and in line with the attached map drawn up by their architect.

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;
- Planning History and Land Ownership issues;
- Design and Layout;
- Impact on the character of the area;
- Access and Parking;
- Infrastructural/Drainage/Flood Risk
- Other issues;
- Ecology;
- Screening for Appropriate assessment

7.2. Principle of the Development

- 7.2.1. As noted in the Planning Policy Section of this Report above, there are a number of policies and objectives both at National and Local levels, that support the provision of suitably designed and sustainable accommodation to meet the needs of older people. This includes Policy SOC POL 30 of the Meath CDP 2013-2019, which is committed to accommodating the needs of older people through a range of services.
- 7.2.2. Regard is had to Volume 5 and to the Kilmainhamwood Village Context in the Policy Section above. This includes: *The character of the village is rural in form although there are a number of housing developments including a retirement village and convalescent home.* This also notes: *The Development Framework endeavours to facilitate the continued growth of well designed, sustainable new residential communities, which are integrated with the existing village's built environment.*
- 7.2.3. Note is had to the Land Use Zoning for the subject site, under the current Meath County Development Plan 2013-2019, where the site is shown under two separate zonings. The western part, which includes the existing nursing home complex is zoned 'G1' Community Infrastructure, with an objective: *To provide for necessary*

community, social and educational facilities. Retirement Home / Residential Institution / Retirement Village uses are open for consideration in the 'G1' zoning. The eastern part of the site is zoned F1: *To provide for and improve open spaces for active and passive recreational amenities.* F1 – Open Space - does not include these categories either in 'Permitted Uses' or uses 'Open to Consideration'.

- 7.2.4. It is noted that the Site Layout Plan shows that the proposed development of the modular housing units will be on the area zoned 'G1' to the south of the existing nursing home complex. The 'F1' Open Space zoning is shown as a public park, to the east of the complex, and is within the red line boundaries of the subject site. Therefore, the proposal complies in principle with the land use zonings.
- 7.2.5. Chapter 2 of the Meath CDP, provides the Core Strategy and this includes: *In order to ensure towns and villages grow at a suitable and sustainable scale, appropriate to their position in the settlement hierarchy and this core strategy, measures must be put in place to ensure that the quantum and scale of residential development that will take place in urban centres complies with that shown in Table 2.4.* This provides the Housing Allocation & Zoned Land Requirements and includes an allocation of 20 units for the village of Kilmainhamwood. It is noted that the current application is for 33no. modular units, regard is had to this issue further below.
- 7.2.6. In view of the planning history and pattern of development in the area, and the proximate nursing home and existing permitted housing for older people, it is considered that the principle of this form of development has been established in the village of Kilmainhamwood. However, the justification for the scale of the proposed development and the impact of 33no. further housing units to be designated for older people in this area needs to be considered. This includes relative to the availability of amenities and services in the village.
- 7.2.7. Regard is had to the documentation submitted, including the Third Party Grounds of Appeal, the Observation made and the First Party Response. Reference is had to the scale, design and layout of the proposed development, access and parking, infrastructural and environmental issues, screening for AA and the suitability and sustainability of the proposed development. Regard is had further to the issues raised and consideration of the impact of the proposed development on the character and amenities of the area in this Assessment below.

7.3. Planning History and Land Ownership issues

- 7.3.1. The Third Parties make reference to the original permissions for the Retirement Village and Nursing Home complex in Kilmainhamwood – Reg.Refs. 99/1839, 99/1708 and 98/318 refer and a description of these is noted in the Planning History Section above. They submit that the Planning Conditions on 98/318 and 99/1839 bound the use of the development to being owned and operated by a single entity. That splitting the project into two applications would undermine linking the use of the two parts together under further planning conditions. They are concerned that the proposal will result in the revision of the use as a single integrated healthcare and retirement facility as granted in the original permissions to the splitting of the development into two projects.
- 7.3.2. In this respect regard is also had to the recent permission for the extension to the nursing home to the north of the site (Reg.Ref.21/295 refers). They consider that this issue is material given the planning conditions from Reg.Refs. 98/318 and 99/1939. In this instance regard is had to condition no.4 of the Council's permission for the subject application relative to details of a management company to be set up. It is recommended that if the Board decide to permit that a similar type condition be included.
- 7.3.3. The Third Party and the Observer note their concerns regarding land ownership issues and have submitted Land Registry details and Folio numbers. They also make reference to a number of decisions on various legal cases. While regard is had to these, it is noted that each case presents different scenarios and is considered on its merits. The Observer includes a copy of the Deed of Transfer from the original Developer of the open and public spaces to Boynagh Cross Property Management Company Limited.
- 7.3.4. The First Party response to the grounds of appeal notes that KADA Ltd., is a charitable housing association. In relation to the matters of folios and legal ownership, it is provided that the applicant is fully satisfied that they have the appropriate legal ownership of the site as required to have made the application and to allow the development to proceed.
- 7.3.5. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and

Development Act: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development”*. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: *“The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”*

7.4. Design and Layout

- 7.4.1. Cobbe + Architecture have submitted a Design Statement with the application. This provides that the scheme is comprised of 33no. modular housing units laid out in a pattern that continues and reinforces the existing street and housing pattern established by the retirement village. The houses are shown as detached single storey structures in a linear cul-de-sac format, with access from the existing nursing home complex access, each with 2no. parking spaces.
- 7.4.2. The houses are to be constructed as modular units. They are set 2.3m apart as per the Council’s Development guidelines. It is provided that their form is simple, economical, yet highly functional and responds precisely to the requirements of a retirement village. It is submitted that while the houses adhere to a uniformity in plan, variety in design is provided through the different elevational treatments using high quality materials. House types A, B and C show the variations proposed in elevational treatment, including glazed areas. They are shown as two bedroom units c.90sq.m. This includes kitchen/dining and living room areas. They are shown as low profile flat roofed units 2.8m in height. The concept is for ‘Independent Living’ Modular Homes.
- 7.4.3. Each area has a small paved patio terrace to the rear. The individual bin storage areas are shown adjacent. To the front of the units are shared surfaces. Having regard to the Site Layout Plan it is considered that they present a compact form of modular development in a relatively uniform formation on a limited site area.
- 7.4.4. In addition, the proposed layout provides for a public park area which is in the eastern part of the site. The provision of such is in accordance with the ‘F1’ zoning objective and those for Kilmainhamwood in Volume 5 of the Meath CDP.

7.4.5. Details on infrastructure, including access and parking area and drainage are shown and these are discussed further in the sections below.

7.5. Landscaping and Boundary Treatment

- 7.5.1. The eastern part of the site is to encompass the public park, which is appropriate to the 'FI' Open Space land use zoning. Details are given relative to boundary treatments between the site and the proposed public park. It is provided that a new fence and hedge will separate the houses from the park for security and safety purposes. As shown on the Landscape Plan, it is proposed to provide pedestrian gates between the linkages from the retirement residential area of the site to the public park. On site I noted that other than along the site boundaries there are few trees and hedgerows dispersed within the subject site and that the proposed park area is predominantly grassland.
- 7.5.2. A landscaping design has been submitted for the development and for the public amenity park. This allows for connectivity and permeability between both parts of the site. Connectivity is to be a key tenet of the design of the new park also linking up with the existing river walk to the north to provide a continuation of that public amenity. It is noted that as shown on the Land Use Zoning Map for Kilmainhamwood a riverside walk is indicated. This is outside of the redline boundary of the site.
- 7.5.3. An Arboricultural Assessment (Tree Survey) has been submitted to assess the trees on the site. This has regard to Ash trees and Hawthorn hedging along the site boundary. This notes that the proposed development is being constructed with shallow foundations and is not in close proximity to the existing trees. It provides that there will be no risk of potential nuisance from retained trees that might cause concerns and a requirement to remove them. All retained trees are to have appropriate remedial tree surgery works, prior to the development being occupied and ongoing arboricultural management. An Arboricultural Method Statement has been submitted, which includes regard to protection of trees during construction works in accordance with current standards.
- 7.5.4. I note that there is a lack of open space or courtyard areas for the existing or future residents included in the design and layout submitted. The Public Park while adjacent to, is separate to the area proposed for the modular housing. It is noted that

that while there will be gated access to the proposed park area to the east, there is no dedicated open space/communal area proposed within the retirement village for the future residents.

- 7.5.5. While I have some concerns regarding the impact of the overall design and layout on the character of the area, I would recommend if the Board decides to permit, that the 4no. units i.e. nos.20, 21,22 and 23 on the green area, that forms part of the existing open space for residents and is now shown as part of the subject site for modular housing, be omitted to provide some dedicated open space provision for existing and future residents within the Retirement Village. In addition, I would recommend that a condition relative to landscaping be included.

7.6. Impact on the Character and Amenities of the Area

- 7.6.1. Regard is had to the uniformity of the proposed modular form of these purpose-built dwellings, to the design and layout, street elevations and to the sections submitted. While these buildings are low profile and will be seen in the context of the nursing home development, I would be concerned that while they will be functional, that when seen as a whole, the overall visual impact will not be in character with or enhance the appearance of the village of Kilmainhamwood. It is noted that the existing retirement bungalows are more traditional in form and are semi-detached, external finishes include red-brick and render and pitched slate roofs. It would be preferable if the proposed additional retirement units could be constructed so that they would be more in character with those existing. I would consider that the proposed modular flat roofed units would detract from the existing retirement village design concept and would appear more like a holiday village, rather than more permanent retirement homes, that would enhance the character of the village.
- 7.6.2. Chapter 2 of the MCD Plan 2013-2019 provides the Core Strategy. Table 2.4 details the household allocation for the urban and rural area of the county for the lifetime of the Development Plan. It is noted that this is 20 for Kilmainhamwood. This proposal is for 33no. units. A justification for the provision of 33no. modular homes in Kilmainhamwood has not been given in the documentation submitted. While reference has been made to the need for affordable purpose-built retirement housing, this has not been qualified, relative to the number of units proposed. The

Third Party is concerned that there is no indication that there is demand for 33 senior families within the existing settlement for supported homes and that with 2+ car park spaces per house, it does not appear the applicant envisages high support housing being provided. They are concerned about commuter housing being made available.

- 7.6.3. There are concerns about the lack of facilities for the future residents in the area. During my site visit I noted that Kilmainhamwood Village contains few facilities for existing and future residents of the Retirement Village, especially as the local shop appears to be closed for some time. There now appears to be no local shop, cafe or facilities for the existing residents in the 'Independent Living' bungalows within the retirement village or the town. There are two public houses in the northern part of the village. It was unclear whether these remain open, they were closed at the time of the site visit. There is a Church and graveyard in the northern part of the village. Other facilities in the village include a school, a childcare centre and Kilmainhamwood GAA Club. In this respect the development (it is noted that each modular building includes 2no. car spaces) appears to be car dependent.
- 7.6.4. It is noted that the First Party response considers that the layout of the accommodation and amenities proposed aims to provide a class leading development within the framework of a purpose-built retirement village and to act as a template for further similar developments within the wider region. I would be concerned that having regard to the design and layout that this proposal would not set a desirable precedent for future such developments.

7.7. Access and Parking

- 7.7.1. Access is to be provided to the proposed development via the existing private gated entrance to the retirement village off Railway Road. Therefore, it is not proposed to provide a new access from the public road. The site is within the 50kph speed limit for the village of Kilmainhamwood.
- 7.7.2. A Civil Engineering Planning Report prepared by M.Heslin for ORS Engineering a Sustainable Future has been submitted with the application. This includes regard to access and the internal road network of the proposed development and to the infrastructural drawings submitted. They provide that guidance from DMURS Engineering Criteria has been taken into account relative to the design of streets and

footpaths for the development. This includes note of Internal Road Markings, Pedestrian Linkages/Crossing Points, Internal Road Junctions, Turning Areas for Vehicles, Speed Restraint Measures, Parking Locations and to Health and Safety. They note that they have undertaken an Autotrack swept path analysis on the proposed site to confirm adequate access for service vehicles within the site. That refuse truck was modelled and sufficient access is achieved.

- 7.7.3. It is noted that the Council's Transportation Department does not object to the proposal. They provide that the internal road layout complies with DMURS and the applicant has demonstrated by autotrack, that service vehicle access has been accommodated within the proposed development. Road widths are 6m to accommodate perpendicular parking. They note that the applicant has provided a pedestrian link to the public road to the proposed parkland at the northeastern corner of the site (adjacent to the gated access road to the Kilmainhamwood WWTP). They note that the footpaths on the public road do not extend to this location and pedestrians will be required to walk on the public road. That this is undesirable and could create a traffic hazard. That the applicant should be requested to extend the existing footpaths (at Edenwood entrance) on the public road and link them with the proposed internal footpaths. They have no objections subject to the agreement of details of the footpath works required on the Local Road (L-74023-0) along the boundary of the site.
- 7.7.4. It is submitted that the proposal follows the 'Homezone' principles and concepts advocated in the DMURS. The concept is to create a safe semi-pedestrian rather than just a road for parking. To provide an environment that gives priority to pedestrians and encourages residents to walk and cycle. It is recommended that if the Board decide to permit that such linkages/footpaths be conditioned. Additionally, that a condition be included relative to the provision of secure cycle parking with the PA prior to the commencement of development as required by Section 11.9.2 of the Meath CDP.
- 7.7.5. 71no. parking spaces are to be provided for the 33no. 2 bed dwellings. Table 11.9 of the Meath County Development Plan 2013-2019 provides the Car Parking Standards. This refers to 2no. spaces per conventional dwelling, and 1 space per 3 beds and one space per employee for Nursing Homes. Therefore, the car parking requirements are exceeded.

7.7.6. The Third Party concerns relative to traffic and parking are noted. As these are to be Independent Living Units, separate to the Nursing Home, I would consider that 2no. spaces per unit would apply i.e 66 spaces. I would be concerned that in view of the location of the site, to the south of the village of Kilmainhamwood, the lack of facilities available for future residents, and the lack of public transport in the area, that the proposal will be very car dependent.

7.8. **Other issues**

7.8.1. An external Lighting Analysis and an External Lighting Assessment has been submitted with the application. This defines the external lighting design for the proposed Modular Housing development and outlines the design intent and considerations to be taken with regards to light levels, light spread and light intensity at sensitive areas of the development and to reduce obtrusive light. The external lighting comprises of column lighting for road lighting and low level bollard lighting for the shared garden areas. Lighting is to be provided in accordance with current standards and guidelines for such works. I would recommend that if the Board decides to permit that a condition be included relative to public lighting.

7.8.2. In view of the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media comments relative to archaeological potential, I would recommend that if the Board decides to permit that a condition relative to pre-development testing and archaeological monitoring be included.

7.8.3. Issues regarding construction have also been raised. If the Board decides to permit, I would recommend that a condition relative to Construction Management be included.

7.9. **Drainage issues**

Water Supply

7.9.1. Regard is had to the Civil Engineering Report and to the relevant infrastructural drawings submitted with the application. ORS provide that they have liaised with Irish Water in relation to the proposed water supply and wastewater connection for the development. A pre-connection enquiry has been lodged with Irish Water for the proposed development. They provide that existing water and wastewater infrastructure maps in the locality of the site have been sourced from the Council and

are attached in Appendix A. The proposed water supply for the development is to connect to the existing watermain in two localities. One connection point to be at the southwest corner of the site and the other to the southeast of the existing nursing home building. Details are given on the anticipated demand. Also, that all watermain infrastructure is to be designed and constructed in accordance with Irish Water standards. It is provided that there is capacity in the supply to cater for the proposed development.

Wastewater Drainage

- 7.9.2. It is noted that the existing Kilmainhamwood Water Treatment Plan is outside of the red line boundary to the south-east of the subject site and the proposed public park area. There is a gated access road to the site. Details submitted include that there is an existing wastewater drainage pipe running diagonally across the proposed site. This serves the existing nursing home and the retirement village. It is proposed to install a new 225mm diameter gravity wastewater sewer and details are given of the route and of the internal wastewater sewerage system. The existing section of the pipe which runs diagonally across the site will then be decommissioned and removed.
- 7.9.3. Third Party concerns are noted relative to this rerouting to build houses on its existing location. Also, that these works involve tapping into the Sewer outside the footprint of the defines of the site. The First Party response provides that they have had regard to the Irish Water response to ORS who are acting as civil and structural engineers for the project and provide that there is adequate capacity at the nearby wastewater treatment plant to cater for this development.
- 7.9.4. All internal wastewater drainage is to be separate to surface water drainage infrastructure in accordance with Irish Water Standards. Proposed wastewater sewer loading calculations are attached in Appendix B. It is provided that the anticipated wastewater volume generated from the development has been calculated in accordance with Irish Water – Code of Practice for Wastewater Infrastructure and Wastewater Infrastructure Standard Details.

Surface Water Drainage

- 7.9.5. Note is had of existing and proposed Surface Water Drainage. This includes details of the existing system which it is provided ultimately discharges into the river Dee. It

is submitted that it is unclear whether any of the existing development is attenuated via attenuation tanks or if any other SUDs measures have been adopted. In view of difficulties arising relative to connecting the new system, it is proposed to construct a new surface water drainage system to serve the new development and which will have capacity for a future extension of the existing nursing home (subject of a separate planning application). They provide that the proposed surface water drainage system is to be designed in accordance with current standards.

- 7.9.6. The site has combined into a single catchment for surface water drainage purposes. As well as catering for the subject development (33no. units and all associated infrastructure) the design of the surface water drainage has also included an allowance for a proposed future extension to the nursing home to the north of the site. The nursing home extension is subject to separate planning permission (Reg.Ref.21/295 refers). However, the future application and that proposed in the subject application have been combined in size relative to the surface water infrastructure which will cater for the entirety of both proposed new developments.
- 7.9.7. Details are given of the Internal Surface Water Drainage. Table 5.1 in the Civil Engineering Report refers. This catchment is to have a gravity surface water drainage network which will outfall into a dedicated wetland (or pond). As part of the design, a swale is to be formed to the south of the park to collect drainage from the new development. This includes plans for collection of runoff from the development site via below ground gravity pipework which will ultimately discharge to a wetland (or pond) to be located in the proposed parkland to the east of the development. The wetland is to be designed with adequate storage for a 1 in 100 year storm event of critical duration. An outlet is to be provided from the wetland to the river Dee to the east of the site. This outlet will be flow controlled to limit surface water outfall from the site to greenfield runoff rates.
- 7.9.8. As surface water is to be collected from the roads and car parking areas with a low risk of spillage, a Class 1 Petrol/Oil Bypass Interceptor is to be installed as per the ORS drawing prior to discharge into the proposed wetland. All surface water is to be drained from impermeable areas through precast lockable gully traps. Details are given of the Calculation Variables and Calculations for the Greenfield runoff rate are included in Appendix D. Flow Controls are to be provided. The outflow pipe network from the wetland which will be flow controlled to allowable greenfield runoff rates, will

extend to the eastern side of the site where it will outfall to the river Dee. A non-return value will be provided to the outfall point prior to discharge to the river.

- 7.9.9. It is noted that the Water Services of the Council do not object to the proposed surface water treatment and disposal and provide that it broadly meets their requirements with respect to the orderly collection, treatment and disposal of surface water. They recommend a number of conditions. Should the Board decide to grant permission I would recommend that appropriate drainage conditions be included.

Flood Risk

- 7.9.10. The Civil Engineering Report also includes regard to Flood Risk. They submit, that having regard to flood mapping no indication of any likely past or future flood incidences were identified in the vicinity of the site. That the development will present no significant increase in the risk of flooding within the site or downstream of the site. Surface water runoff will be limited to greenfield runoff rate via flow control measures. Therefore, it is not considered that flooding is an issue relative to this site.

7.10. Ecology

- 7.10.1. Third Party concerns relative to The Water Framework Directive, status of the water body and potential for impact on salmonoid waters are noted. Inland Fisheries have been consulted and they note that the site is located close to the Kilmainham River which is a tributary of the River Dee. From a fisheries perspective these watercourses contain valuable habitat and support stocks of salmon, trout and lamprey among other species. They also note that Salmon and Lamprey species are Annex II listed species in the European Habitats Directive. The WFD status of the waterbody at this location, Dee-030, is Moderate and At Risk of not achieving Good status. It is important to ensure that the proposed development will not have a negative impact on the ecological status and fisheries value of these watercourses.
- 7.10.2. Inland Fisheries have no objection to the development from a fisheries perspective, provided that the Kilmainhamwood treatment works has sufficient capacity to receive and treat the wastewater from the development. That only clean, uncontaminated surface water should be discharged from the site both during and following construction. On-site surface water should be treated in a sustainable manner to minimise the impact on water quality. The surface water outfall to the watercourse

should be designed to prevent habitat degradation at the outfall location. They recommend that the construction of the outfall to the watercourse should be carried out in the period July to September if it includes instream works.

7.10.3. Details are given of the construction of the proposed wetland and it is provided that it will promote biodiversity. It is considered important to ensure that the proposal not impact adversely on the environment or on water quality in the area. It is noted that it is proposed to connect to the Kilmainhamwood WWTP and that the Council or Irish Water have not objected to this. It is recommended that if the Board decide to permit that appropriate conditions relative to drainage including surface water drainage be included.

7.11. Screening for Appropriate Assessment

7.11.1. The site is not within, directly adjoining or proximate to any Natura 2000 sites. The following are within 15kms of the subject site:

- Killyconny Bog SAC (Clogbally) SAC (site code: 000006)– c.11.8kms to the south-west of the site.
- River Boyne & River Blackwater SAC & SPA– c.12.6kms to the south- west, near Kells (site codes: 002299 & 004232).

7.11.2. It is noted that a Screening Report for AA has not been submitted with the application. The Planning Authority's Screening for AA provides that they have considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project) either by itself or cumulatively with other plans and developments in the vicinity, would not be likely to have a significant effect on European sites.

7.11.3. The appeal site is a fully serviced and zoned site, and which is not within or in close proximity to any Natura 2000 sites. The nearest such sites are at a considerable distance. Subject to standard good practice construction methods and having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, no Appropriate

Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The scale, design and layout of the residential element of the proposed development, including the lack of designated open space for the residents therein, would detract from the amenities of existing and future residents within the Retirement Village complex and from the character of the village of Kilmainhamwood, which is lacking in facilities and services. It would lead to a car dependent development and would fail to provide for a high quality development of the subject site, would not integrate well with the existing build in the retirement complex, would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.
2. To permit this scale of residential development on this site, albeit for retirement purposes, would fail to comply with the Core Strategy of the current county development plan, which outlines that 'in order to ensure towns and villages grow at a suitable and sustainable scale...measures must be put in place to ensure that the quantum and scale of residential development that will take place in urban centres complies with that shown in Table 2.4'. The proposed development would, therefore, be contrary to the core strategy of the county development plan and to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

1st of September 2021