



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310843-21

#### Development

Planning permission is sought for 36 houses, 36 duplex apartments units, 3-storey mixed use building comprising a café, a medical centre, a creche, 16 no. apartments and car parking spaces. All associated site and development works including but not limited to the provision of a vehicular access from roundabout on the R148 Dublin Road; an ESB Substation and provision is made for future development on the remainder of the site (subject to future planning permission). \*Significant Further Information Submitted\*.

#### Location

Drummond House, Enfield, Co. Meath.

#### Planning Authority

Meath County Council.

#### Planning Authority Reg. Ref.

201295.

#### Applicants

Ann Holmes, Carmel Kelly and Brendan Little.

#### Type of Application

Planning Permission.

<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. George &amp; Robert McGrath.</li><li>2. Tony McLoughlin.</li><li>3. Urban Synergy Investments Ltd.</li></ol>
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> day of October, 2021.
<b>Inspector</b>	Patricia-Marie Young

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## 1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a given site area of 6.46ha and it is located c1km to the west of Main Street, the historic heart of the settlement of Enfield, in County Meath. The site itself lies on the western peripheral edge of this settlement and is mainly comprised of a green field land. In addition to this it includes a 2-storey period detached dwelling house located on mature gardens with outbuildings on its north easternmost corner. This dwelling and its curtilage are separated from the remainder of the site by mainly mature natural boundaries.
- 1.2. The appeal site on its eastern boundary has road frontage onto the R159 and on its southern boundary R148. In addition, it also benefits from being within easy reach of a crossing over the Royal Canal (Note: this is situated within 43m from the south easternmost corner of the site at its nearest point); a Train Station that serves the settlement of Enfield is located c200m from the south easternmost corner of the site at its nearest point. The western most end of the southern boundary of the site follows the curving alignment of a roundabout that from this point the site is c1km by road from the M4 Motorways Junction 9 which lies to the south as the bird would fly. This roundabout also provides the main route into the settlement of Enfield on its western periphery.
- 1.3. The site at the time of inspection consisted mainly of pasture land with the eastern and southern roadside boundary mainly defined mainly by post and rail fencing. There are some mature hedgerows and trees along parts of the eastern roadside boundary as well as midway along it some ornamental mixed shrub planting. The western boundary of the site consists of mature hedgerow and the northern boundary consist of a boundary which follows the alignment of a cul-de-sac driveway that serves a farmstead. There are a number of mature trees located along parts of the site boundary. With the majority of these trees concentrated towards the northern portion of the site and its boundaries. The ground levels of the site rise from the roadside boundary of the R148 and R159, i.e., the south easternmost corner of the site, where they are given in the accompanying documentation as 80mOD at their lowest point. The ground levels rise from this location towards the northern portion of the site where the ground levels are given in the accompanying documentation as 100mOD.

- 1.4. Access onto the public road is via an entrance that is located on the northern most end of the eastern boundary. This access point opens onto the R159 at a point where the posted speed limit is 80kmph. This entrance serves Drummond House, the aforementioned 2-storey detached dwelling and a long avenue that runs alongside the northern boundary of the site where it terminates at the aforementioned group of farm related buildings. This cul-de-sac also provides access to the parcel of land at this locality that is in applicant's ownership and is in agricultural use.
- 1.5. Opposite the eastern boundary of the site there is a mixture of residential and commercial buildings. The residential component consists of detached one-off dwellings and semi-detached dwelling pairs. In terms of built form dormer and two-storey built forms predominate. The semi-detached dwelling units form part of a modest in size residential scheme that is called 'Baynefield'. This housing scheme benefits from an independent access onto the R159 and is situated immediately to the south a group of mainly warehouse in buildings that are collectively known as 'Enfield Business Park'.
- 1.6. Both the aforementioned Business Park and housing scheme benefit from independent entrances onto the R159. This is similarly the case with the detached dwelling units that align with the R159 that are situated to the immediate south of the entrance to Baynefield housing estate and aligning with the eastern side of the R159.
- 1.7. In addition, pedestrian footpaths run along the western side of the R159 and terminate alongside the Enfield Business Park. In close proximity to the entrance serving the Enfield Business Park the posted speed limit changes to 50kph for traffic journeying in a southerly direction towards the junction with the R148. For traffic journeying northwards at this point the posted speed limit is 80kph with this including the main entrance serving the site.
- 1.8. In terms of the roadside boundary with the R148, like the R159 regional road, it is subject to two posted speed limits with 60kph posted speed limit running alongside the eastern most southern boundary to circa midway to where the posted speed limit changes to 50kph. The southern boundary of the site is separated from the road carriage by a grass verge and a pedestrian footpath for its 50kph stretch.
- 1.9. Both stretches of the R148 and R159 subject to 50kph benefit from street lighting with the street lighting extending to the 60kph stretch of the R148 to the roundabout.

1.10. The surrounding landscape to the north, south and west is characterised by agricultural farmland interspersed with one-off detached dwellings and farmsteads.

## 2.0 Proposed Development

2.1. On the 18<sup>th</sup> day of September, 2020, the Planning Authority received an application seeking planning permission for:

- Construction of 88 dwelling units which can be summarised into 36 no. 2-storey dwelling houses (comprised of 28 no. 3 bed semi-detached houses and 8 no. 4-bedroom detached houses served by 72 no. car parking spaces and private gardens); 36 no. duplex apartments over ground floor apartments (comprised of 3 no. 3-storey blocks of 12 units each and arranged as two storey duplex apartments over ground floor apartments served by 59 car parking spaces, private balconies/terraces and communal amenity spaces) and 16 no. apartments which form part of a separate 3-storey mixed use building that is also proposed. The latter comprise of 6 no. 1 bedroom and 10 no. 2-bedroom apartment units served by 20 no. surface car parking spaces.
- Construction a 3-storey mixed use building with a total gross floor area of 2,028m<sup>2</sup>. This building alongside containing the 16 no. apartment units already noted comprises of a café and shared work space (Note: 163m<sup>2</sup>); medical centre (Note: 131m<sup>2</sup>); and creche (Note: 242m<sup>2</sup>) served by 25 surface car parking spaces.
- All associated site and development works including vehicular access from roundabout on the R148 Dublin Road, all internal roads, footpaths and cycle facilities, a foul water new pumping station, ESB Substation (Note: 25.5m<sup>2</sup>), public open area with play facilities, landscaping, and boundary treatments. In addition, provision is made for future development on the remainder of the site (subject to future planning permission).

2.2. The accompanying planning application form indicates that the gross floor space of proposed works is 10,105m<sup>2</sup>. Of which 9,429m<sup>2</sup> would be residential and 676m<sup>2</sup> would be commercial in its land use function.

2.3. The accompanying Covering letter provided by the applicant's agent BMA Planning – Planning & Development Consultants, provides the following breakdown for the dwelling units:

- 28 No. 3-Bedroom Semi-Detached Dwelling Units.
- 8 No. 4-Bedroom Detached Dwelling Units.
- 6 No. 1-Bedroom Apartment Units.
- 28 Unit 2-Bedroom Apartment Units.
- 18 No. 3-Bedroom Apartment Units.

It indicates that the proposed development “is the first phase (or “Phase 1A”) of an overall Masterplan for the applicants’ lands with this Masterplan being prepared in accordance with the LU-OBJ2 Masterplan Objectives indicated in the Meath County Development Plan 2013-2019. It further indicates that the applicant proposes to allocate 10% of the proposed units on site for social housing in compliance with Part V, Section 96(3)(b)(i) of the Planning & Development Act, 2000, as amended.

2.4. The proposed development would be served by 176 no. car parking spaces as well as served by a new connection to public mains water and public mains. In addition, on-site surface water drainage measures are proposed.

2.5. On the 10<sup>th</sup> day of May, 2021, the applicant submitted their response to the Planning Authority’s further information response. This response resulted in significant revisions to the proposed development originally sought. They included an increase in dwelling unit number to 91. These can be summarised as comprising of:

- 39 no. 2-storey houses (detached and semi-detached).
- 36 no. duplex apartment units (contained in three separate blocks of 12 units and with each block comprising of 6 ground floor level 2 Bed (3 Person) Units with a given floor area of 83.1m<sup>2</sup> and 6 No. 3 Bed (6 Person) Units and a given 11.458m in height with principal facades set back from and addressing the R148. In comparison to the original scheme the significant amendment to these blocks consists of a greater setback from the R148.
- 16 no. apartment units (contained at first and second floor level of ‘Block Type A1) consisting of:

- 6 No. 1 Bed Units with a given internal floor area of 49m<sup>2</sup>.
- 2 No. 2 Bed (3 Person) Units with a given internal floor area of 69.1m<sup>2</sup>.
- 8 No. 2 Bed (4 Person) Units with a given internal floor area of 81.1m<sup>2</sup>.

In addition, revisions to the mix-use 3-storey building (Block A1) as shown in the submitted drawings (Note: these differ from the covering letter) resulted in the following revised floor areas: café and shared working area: 176m<sup>2</sup>; medical centre containing 2 consultant rooms: 148m<sup>2</sup>; and, a creche with 30 childcare spaces: 264m<sup>2</sup>. This building has a variable staggered height of 11.25m; 12.15m and 13.45m. It is located in the south eastern corner of the site with dual frontage onto the R148 and R149. It is served by a 38 bicycle spaces for the residential component; 2 for the creche component; and, a shared waste storage facility. The drawings submitted indicate a total floor area of 2,220m<sup>2</sup> and a gross floor area per typical floor as 740m<sup>2</sup>.

In addition, the ESB service building had a modest reduction in floor area to 25.2m<sup>2</sup>.

2.6. The further information response was accompanied by the following:

- A Covering Letter.
- A report responding to further information Items 1, 2 and 10.
- An updated Masterplan Report.
- A Landscape Design Report.
- Ecological Impact Assessment.
- A report responding to further information Items 4, 5 and 6.
- Traffic and Transport Assessment Report.
- Road Safety Audit – Stage 1 and 2.
- Outdoor Lighting Report.
- GPR Survey.
- Utility Broadband Report.
- Letter from Legendstar Ltd.
- Revised Drawings.

2.7. On the 18<sup>th</sup> day of May, 2021, the Planning Authority having deemed the applicant's further information response to be significant in its nature requested the applicant to provide new public notices. Revised public notices were submitted to the Planning Authority on the 25<sup>th</sup> day of May, 2021, and these were deemed to be acceptable by the Planning Authority on the 28<sup>th</sup> day of May, 2021.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On the 21<sup>st</sup> day of June, 2021, the Planning Authority decided to grant planning permission for the proposed development subject to 33 no. conditions. Including but not limited to:

Condition No. 2: Requires the development to be constructed as per the revised layout plan submitted on the 10<sup>th</sup> day of May, 2021.

Condition No. 3: Clarifies that the total number of dwelling units permitted as 91.

Condition No. 4: Relates to Section 47 of the Planning & Development Act, 2000, as amended, which restricts Institutional Investors ownership.

Condition No. 5: Sets out compliance and detailed agreement of the Road Safety Audit. In particular, it seeks design and layout amendments to improve vehicular and vulnerable user permeability and connectivity to the adjoining public domain.

Condition No. 6: Requires a revised site layout plan to deal with the issues raised by the width of the carriageways. It also sets out a number of infrastructural improvements and provisions along the entire length of the R148 and R159 roadside boundaries of the site.

Condition No. 7: Requires the internal road layout to be amended at the first T-junction within the development from the R148.

- Condition No. 8: Requires a Noise Impact Assessment in respect of Type D1 Blocks.
- Condition No. 9: Requires all lighting works to be constructed as per 'Meath County Councils: Public Lighting Technical Specification & Requirements', document.
- Condition No. 10: Requires a Telecommunications Plan.
- Condition No. 11: Part V.
- Condition No. 12: External finishes and design detailing.
- Condition No. 13: Works requirement prior to occupation of any residential unit.
- Condition No. 14: Landscaping of Open Space Area.
- Condition No. 15: Restriction on Open Space use and Taking in Charge.
- Condition No. 16: Management Company.
- Condition No. 17: Requires a revised site layout, ground floor plans and elevations for each of the Type D1 Blocks to show private amenity space provision as per the standards set out in the Design Standards for New Apartments/Boundary treatments.
- Condition No. 20: Surface treatment of footpaths.
- Condition No. 21: Requires provision and maintenance of all communal areas as well as infrastructural works to the Planning Authority's satisfaction until taken in charge.
- Condition No. 23: Boundary treatments for each of the dwelling units to be as per the details submitted on the 10<sup>th</sup> day of May, 2021.
- Condition No. 25: Development to be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy.
- Condition No. 26(i): Requires the preparation of a Construction Environmental Monitoring Plan (CEMP) to deal with specified matters.

- Condition No. 26(ii): Requires the preparation of a Waste Management Plan. With this plan to cover specified matters.
- Condition No. 26(iii): Dust mitigation measures.
- Condition No. 26(iv): Refuelling restrictions.
- Condition No. 26(v) & (vi): Hydrocarbon mitigation measures.
- Condition No. 26(vii): Restricts burning of waste.
- Condition No. 26(viii): Deals with waste.
- Condition No. 26(ix) & (x): Construction Works/Noise mitigation measures.
- Condition No. 26(xi): Seeks the use of low energy and low emissions vehicles and plant where possible.
- Condition No. 26(xii): Complaints Register to record complaints relating to noise, odour, dust, traffic, or any other environmental nuisance.
- Condition No. 26(xiii): Deals with Bin Storage.
- Condition No. 26(xiv): Deals with importation of soil, stone, or topsoil/Deals with excavated materials on site and watercourses.
- Condition No.26(xv): Deals with Invasive Species.
- Condition No. 27: Deals with Surface Water Requirements.
- Condition No. 28: Deals with Archaeology.
- Condition No. 29: Requires payment of a contribution towards the cost incurred by the Planning Authority during the monitoring of the construction phase.
- Condition No. 30: Sets out the cash deposit for the satisfactory completion and maintenance prior to taking in charge.
- Condition No. 31, 32 & 33: Sets out the Section 48 contribution payment.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The final Planning Officer's report, dated the 18<sup>th</sup> day of June, 2021, includes the following comments:

- The principal of the revised development and Master Plan are deemed to be acceptable.
- The revised proposal satisfied the applicable Development Management Standards of the Development Plan.
- The applicant has satisfactorily dealt with the concerns raised in relation to creche.
- The EclA has satisfactorily appraised and addressed the issues of Ecological Impact.
- The applicant can suitably liaise with Irish Water to address the water and waste water servicing of the site. This is deemed to be acceptable with Irish Water.
- Surface water matters can be satisfactorily dealt with by way of condition.
- The matters raised by their Transportation Department can be dealt with by way of condition.
- The applicant has satisfactorily dealt with the public lighting and broadband concerns.
- The archaeological concerns can be addressed by way of condition.
- The applicant has provided a comprehensive response to the submissions received.
- A sub-threshold EIAR is not required.
- Following a screening assessment, the Planning Authority concludes that 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 would not be likely to have a significant effect on Natura Site(s), and a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.
- Development Contributions are applicable.
- This report concludes that subject to compliance with conditions recommended in this report that the proposed development would not seriously injure the amenities of

the area, nor would it lead to a devaluation of adjacent properties or give rise to a traffic hazard or traffic inconvenience and therefore, would be, in accordance with the proper planning and sustainable development of the area.

The Initial Planning Officer's report, dated the 11<sup>th</sup> day of November, 2020, includes the following comments:

- The proposed development is deemed to be acceptable subject to adherence with zoning objective LU OBJ 2.
- The applicant will be required to agree the Master plan formally with the Planning Authority in the advance of a positive decision by the Planning Authority. In addition, there are a number of issues with this plan that require resolution.
- The proposed creche does not include a dedicated external play area.
- All dwellings exceed the private open space amenity provision.
- The required 22m separation distance between opposing first floor windows is achieved throughout the scheme.
- Boundary treatments require clarification.
- The open space provision is acceptable.
- All dwelling and apartment units meet required internal standard, though it is considered that the design of the apartments could be improved to accord and comply with objective LU-OBJ 2.
- The density is considered acceptable.
- The proposed development would negatively impact on the nearest Protected Structure which is the bridge over the Royal Canal. However, further information is recommended to deal with the issues raised by the DAU.
- Having regard to the proximity of the subject site to the Royal Canal pNHA together with the scale of the proposed development, the applicant should submit an Ecological Impact Assessment.
- The Planning Authority is satisfied that a subthreshold EIAR is not required.

- The Planning Authority concludes that the proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on Natura Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment is not required.
- Development Contributions are applicable.
- This report concludes with a request for further information to deal with the following matters:
  - Item 1: Masterplan & Scheme Design.
  - Item 2: External play area for the creche.
  - Item 3: EIA.
  - Item 4: Irish Water's further information recommendations.
  - Item 5: Water Services Department's further information recommendations.
  - Item 6: Transportation Department's further information recommendations.
  - Item 7: Transportation Department Lighting Section's further information recommendations.
  - Item 8: Response sought to An Taisce's concerns.
  - Item 9: Response sought to DAU's concerns.
  - Item 10: Broadband Officer's further information recommendations.
  - Item 11: Response sought to 3<sup>rd</sup> Party submissions.
  - Item 12: Deals with the matter of further information.

### 3.2.2. Other Technical Reports

#### **Transportation:**

In a final report which appears to be incorrectly dated to the 17<sup>th</sup> day of June, 2020, as opposed to the 17<sup>th</sup> day of June, 2021, it concludes with a further information request to deal with the concerns raised by the applicant's further information response. It is requested that the applicant provide the following information:

- 1) The applicant is requested to amend the road layout as necessary to address the recommendations set out in the Road Safety Audit. In particular the following:
  - Provision of additional vehicular permeability with the Trim Road by extending the proposed cul-de-sacs at the Medical Centre and to the north of the public open space. With these to be DMURS compliant.
  - A pedestrian crossing to be provided on the R148 roundabout site access junction.
  - Pedestrian and Cycle Crossing at the R148 Main Street/R159 Trim Road junction. It is noted that this may require the road widths to be reduced to comply with DMURS.
  - A pedestrian and cycle crossing to be provided on the R148 roundabout to facilitate access to Enfield by-pass from the development.
- 2) Raises concerns that the existing public road widths appear to be in excess of DMURS recommendations. An amended layout is request for the full length of the R148 and R159 including amended roadside boundaries, provision of appropriate width carriageways, verges, footpaths, kerb lines, cycleways, bus stop, public lighting, and drainage. With these details requiring prior agreement.
- 3) Requests that the internal road layout be amended at the first T-junction encountered with the development to give priority to traffic entering the site from the R148 roundabout.
- 4) The County Meath Noise Action Plan identifies the R148 in Enfield as a priority area that is eligible for noise mapping. There is a concern that the residents in the duplex units which are close to the roundabout could be subject to high levels of traffic noise. The applicant should be requested to complete a Noise Impact Assessment and the dwellings modified accordingly to address the recommendations and/or mitigation measures identified in the assessment.

In a report dated the 9<sup>th</sup> day of November, 2020, concludes that the applicant be requested for the following information:

- A Traffic and Transport Assessment.
- Drawing showing the street hierarchy within the proposed Masterplan area with this being DMURS compliant.
- Swept analysis of the main priority junction to comply with DMURS.
- Raised tables to be provided at internal road junctions.
- Improved permeability on the Trim Road boundary of the site.
- Improved activity of Trim Road frontage.
- Amended design and layout to improve pedestrian and cycle access within and along the roadside boundaries of the site.
- Provision of dropped kerbs and tactile paving at pedestrian desire lines.
- Provision of cycle parking in accordance with the 'Design Standards for New Apartments'.
- Provision of a DMURS Street Design Audit.
- The applicant shall ensure that all materials specified are in accordance with the Councils Taking in Charge Policy document.

**Public Lighting:** In a final report dated the 24<sup>th</sup> day of May, 2021, the public lighting design submitted as part of the applicant's further information response was deemed to be satisfactory subject to any grant of permission including a condition requiring compliance with '*Meath County Councils: Public Lighting Specification & Requirements*'.

**Water Services:** In a report dated the 31<sup>st</sup> day of May, 2021, it is concluded that the applicant's further information response meets with their requirements in respect to the orderly collection, treatment and disposal of surface water and should planning permission be granted it is requested that a condition be imposed the details of which to be agreed with them prior to the commencement of construction on site.

**Assistant Scientist:** In a report dated the 3<sup>rd</sup> day of November, 2020, the following comments are made:

- The applicant has obligations under the Waste Management Act, 1996, as amended.

- No objection is raised to the proposed development subject to a number of recommended conditions.

**Conservation:** On the 8<sup>th</sup> day of September, no objection is raised to the proposed development based on it not being listed on the Record of Protected Structures and that it contains no National Monuments or Protected Structures nearby.

**Broadband Officer:** In a report dated the 28<sup>th</sup> day of May, 2021, it is concluded that the broadband provisions as provided for by the applicants in their further information would meet the broadband requirements for the proposed development. It concludes that prior to the commencement of works a copy of these plans in pdf be provided and to ensure that the developer provides telecommunications networks concurrent with all other services.

### 3.3. Prescribed Bodies

3.3.1. **An Taisce:** In a submission dated the 19<sup>th</sup> day of October, 2020, it is indicated that in relation to the proposed development enhanced safe pedestrian and cycle permeability is needed along the eastern edge of the subject site along the R159, in order to provide car free access to the Enfield Train Station, bus stops and into Enfield.

3.3.2. **Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media:** A final submission dated the 31<sup>st</sup> day of May, 2021, was submitted by the DAU to the Planning Authority. This made comment on the applicant's further information response. In relation to the applicant's response concern is reiterated that the applicant has not addressed Item No. 9 of the Planning Authority's further information request and therefore their concerns still stand. This submission essentially concludes that they are unable to comment on the archaeological implications of the proposed development in the absence of this requested information.

The DAU submission dated the 22<sup>nd</sup> day of October, 2021, includes the following comments:

- The proposed development is large-scale in its extent and close to an enclosure of archaeological interest, i.e., Recorded Monument ME048-019, which is subject to statutory protection in the Record of Monuments and Places, established under

Section 12 of the National Monuments (Amendment) Act, 1994. It is therefore recommended that an Archaeological Impact Assessment following a recommended methodology be carried out and that this should be submitted as further information so that the Planning Authority and the National Monuments Service can formulate an informed archaeological recommendation before any decision is made.

**Irish Water:** In a submission dated the 4<sup>th</sup> day of June, 2021, no objection is raised subject to any grant of permission including their recommended condition which includes the following requirements:

- 1) Signing of a connection agreement with them prior to commencement of the development and adherence must be had to the standards set out in this agreement.
- 2) Development to be carried out in compliance with their Standards and Codes of Practice.
- 3) Any proposal to divert or build over existing water and/or wastewater services shall be subject to their prior agreement prior to works commencing.
- 4) Separation distances between Irish Water's existing assets, proposed structures, other services, trees, and the like to be in accordance with their Code of Practice and Standard Details.
- 5) As per Irish Waters COF letter dated the 8<sup>th</sup> day of February, 2021, a water connection will not be feasible until the proposed additional water capacity is provided by a 3<sup>rd</sup> Party developer and only when this is available and vested to them.
- 6) Prior to a waste water connecting being made available details shall be agreed for the design for the diversion of the existing waste water network to the proposed Irish Water Pumping Station and a timescale for the decommissioning of the existing pumping station to be agreed with them.

The stated reason for these to be agreed by way of condition is given as being in the interest of ensuring adequate provision of water and waste water facilities.

In a submission dated the 1<sup>st</sup> day of June, 2021, further information is recommended, and the following observations are made:

- A connection agreement must be signed with Irish Water prior to the commencement of the development and adherence must be had to the standards set out in this agreement.
- It is noted that proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.
- All development shall be carried out in compliance with Irish Water Standards and Codes of Practice.
- A connection to the water supply will only be available once the new water source is vested to Irish Water.
- Prior to a waste water connection being made available a timescale for the decommissioning of the existing pump station shall be agreed with them.

In a submission dated the 18<sup>th</sup> day of September, 2020, it is indicated that further information is required. This further information request relates to what Irish Water contends is the current significant water and waste water constraints of Enfield. Alongside allowing the feasibility of connection to public infrastructure to be considered based on a 'Confirmation of Feasibility' Pre-Connection Enquiry.

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

- 3.4.1. The Planning Authority received submissions from each of the appellants during the course of its determination. These submissions raised the same substantive issues as are set out in their appeal submissions to the Board. No other 3<sup>rd</sup> Party submissions were received.

## **4.0 Planning History**

### **4.1. Site**

#### **P.A. Ref. No. TA201263: Invalid Application**

Planning permission was sought for 36 no. 2-storey dwellings consisting of 28 no. 3-bed semi-detached houses and 8 no. 4-bed detached houses with associated car parking spaces and private gardens; 36 no. duplex apartment units in 3 no. 3-storey

blocks each containing 12 units with associated car parking; 3-storey mixed use building (2,028m<sup>2</sup>) comprising of a café with shared work area (163m<sup>2</sup>), medical centre (131m<sup>2</sup>); creche (242m<sup>2</sup>) and 16 no. apartments served by surface car parking; all associated site and development works including access from the northern arm of the existing roundabout on the R148 Dublin Road, internal roads, footpaths and cycle facilities, a foul pumping station, ESB substation, public open area with play facilities, landscaping and provision for future development on the remainder of the site subject to future planning permission. This and the proposed development are presented in the context of a master plan for the overall LU-OBJ 12 lands.

#### 4.2. **Immediate Vicinity**

##### 4.2.1. **ABP-302567-18 (P.A. Ref. No. TA171345)**

**Location: Land on the opposite side of the R148.**

On appeal to the Board planning permission was **refused** for a development consisting of a mixed-use development. This proposed development consisted of the demolition of existing derelict structures, 44sqm footprint, and removal of Agri sheds in the north east of the site. Development ranging in heights from one storey over ground level to seven storeys over ground-floor level, comprises 36 no. townhouses (34 no. 3 bed, and 2 no. 5 bed ). 99 no. apartments (44 no 1 bed, and 38 no 2 bed, and 16 no 3 bed, 1 no 4 bed) with podium communal space, 5 no. live- work units, all 3 beds. 65 no. bed nursing home with 3 no. palliative care and overnight family suites and 12 no. assisted- living apartments (8 no. 2- bed and 4 no. 3-bed). Petrol filling station (898.09m<sup>2</sup>) with retail, hot-food sales, and seating space, 71 no. bedroom hotel with 13 no. long stay units. 1 no. licenced bar/bistro unit 1073.93m<sup>2</sup>. 1 no. convenience retail unit (trading floor area of 1558.17m<sup>2</sup>) with managers office (49.68 m<sup>2</sup>) and associated ancillary areas. 2 no retail units (118.38m<sup>2</sup> & 89m<sup>2</sup>). 26 no. offices (1396.56m<sup>2</sup>). 1 no fitness and wellbeing centre (526.27m<sup>2</sup>) 1 no creche unit (345.33m<sup>2</sup>). 1 no. split- level 4 storey car park (217 no. spaces) and 263 no. surface parking spaces allocated to the various elements of the proposed development. New vehicular and pedestrian entrances serving the proposed development, including all necessary junction works, substation, all soft and hard landscaping including playground and shared surface areas; all ancillary site development and servicing works including lighting.

The Boards stated reasons and consideration for refusal reads as follows:

*“1. Having regard to the layout, scale and design of this mixed-use development, it is considered that the proposed development would produce a cramped and substandard form of development which would result in overdevelopment of the site and would result in:*

- a street layout, with a significant level of parking, which would not be conducive to pedestrian safety and would detract from the public realm and militate against an attractive pedestrian environment,*
- the poor disposition and quality of public open space,*
- the poor integration of the existing woodland and amenity characteristics of the site and adjacent lands into the layout, contrary to relevant policies in the Meath County Development Plan, namely, policy CSA SP 2, NH POL 2, and poor integration with the adjoining Royal Canal green infrastructure amenity network, contrary to policies CER POL 5 and HER POL 4, and*
- the potential negative impact on the archaeological heritage of the site due to an insufficient archaeological analysis of the site.*

*The proposed development would constitute a substandard form of development, which would generally fail to comply with the overall design approach and requirements, as set out in the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, and the ‘Design Manual for Urban Roads and Streets’ (DMURS) issued by the Department of Transport, Tourism and Sport in 2013. The proposed development would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the zoning objectives of the site as set out in the current Meath County Development Plan, it is considered that the proposed development would not be in accordance with those objectives for the land, with the overall mix proposed supporting town centre (Objective B1), expansion to the detriment of the public open space (Objective F1), tourism (Objective D1) and enterprise/employment generating (Objective E2) zonings on the site, as defined in the county development plan. The*

*proposed development would, therefore, materially contravene the zoning objectives of the site and would be contrary to the proper planning and sustainable development of the area.”*

#### 4.3. **Concurrent Residential Appeals with the Board for determination**

##### 4.3.1. **ABP-310003-21 (P.A. Ref. No. TA200317)**

**Location: Johnstownbridge, Johnstown, Enfield, Co. Meath (Note: In relation to the appeal site, it is located c500m to the south east at the nearest point, as the bird would fly, and the site can be described as being located on the southern periphery of the settlement).**

Currently on appeal with the Board is a 3<sup>rd</sup> Party Appeal which seeks the Planning Authority’s decision to grant permission for the demolition of an existing detached single storey dwelling and detached domestic garage/shed and (2) the construction of 12 no. dwellings arranged in 2 no. two storey terraces (blocks) on a 1.45 Ha site together with all associated site works and services to be overturned. The decision to grant planning permission subject to conditions was made on the 6<sup>th</sup> day of April, 2021. At the time this report was prepared no decision had been made by the Board.

#### 4.4. **Other Recent Board Decisions in Enfield**

##### 4.4.1. **ABP-309428-21 (P.A. Ref. No. TA201722)**

**Location: Dublin Road, Enfield. (c1.2km to the east of the appeal site at its nearest point, as the bird would fly).**

On the 19<sup>th</sup> day of May, 2021, the Board **refused** planning permission for a development consisting of: (A) Demolish existing agricultural buildings; (B) Construct a Retirement Village of 2 & 3 storey design comprising of 98 units in total incorporating 67 No. two bedroom units and 31 No. one bedroom units; (C) All site works to include car parking, communal waste & recycling area, communal recreational areas, open spaces, hard & soft landscaping, signage, boundary treatment, all infrastructural works including foul and surface water drainage, attenuation systems, temporary wastewater treatment plant, construction of new vehicular and pedestrian connections to public road, all internal roads, paths, lighting and all associated works. The reasons and considerations for refusal firstly related to the proposed development being contrary to the ‘G1’ zoning objective of the site and the Development Plan’s Core Strategy; and,

the secondly, the proposed development was not considered to be a qualitative form of development.

4.4.2. **ABP-308357-17 (P.A. Ref. No. TA20058)**

**Location: Dublin Road, Enfield (c1.1km to the east of the appeal site at its nearest point, as the bird would fly).**

On the 5<sup>th</sup> day of February, 2021, the Board **granted** planning permission subject to conditions for a development consisting of 71 no. dwellings, a multi-modal entrance onto Dublin Road (south) and pedestrian and cycle entrances onto New Road (west) and into an adjacent site permitted for development as a nursing home (east); together with all associated site works and services. Significant further information/revised plans submitted on this application.

4.4.3. **ABP-308155-20 (Note: a S4(1) of the Planning & Development (Housing) & Residential Tenancies Act, 2016, Strategic Housing Development Application).**

**Location: Lands to the North of the Enfield Relief Road (R148) and to the West of New Road, Johnstown, Enfield, County Meath (c0.8km to the south east of the appeal site, as the bird would fly).**

On the 16<sup>th</sup> day of December, 2020, permission was **refused** for 513 no. residential units (304 no. houses, 209 no. apartments), a childcare facility, all associated site works and services. The reasons and considerations for refusal set out that the Board considered the site to be located on lands not zoned for release for development during the lifetime of the Meath County Council Development Plan 2012-2019, and as such to grant planning permission for this development would be contrary to the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, in that the Board shall not grant permission where the proposed development contravenes materially the Development Plan in relation to the zoning of land.

4.4.4. **ABP-304296-18 (Note: a S4(1) of the Planning & Development (Housing) & Residential Tenancies Act, 2016, Strategic Housing Development Application).**

**Location: Lands adjacent to Enfield Inner Relief Road, Enfield, County Meath (c1.2km to the south east of the appeal site).**

## 5.0 Policy & Context

### 5.1. National Policy

- **The National Planning Framework – Project Ireland 2040, (2018).**

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040. Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35.

Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which, Objective 27 seeks to: *"ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages"*; Objective 33 seeks to: *"prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location"*; Objective 35 seeks to: *"increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights"*.

- **Climate Action Plan, 2019.**
- **National Development Plan, 2021 to 2030.**
- **Housing for All – A New Housing Plan for Ireland to 2030, 2021.** Like other national policy provisions this targets settlement centre growth first and seeks regeneration of cities, towns, and villages.

### 5.2. National - Section 28 Ministerial Guidelines

- 5.2.1. Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on

file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- **Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009).**

Of note Chapter 6 of the said Guidelines sets out key planning principles to guide the preparation and assessment of planning applications for residential development in small town locations. With Section 6.8 setting out that the primary consideration for the design and layout of residential developments in settlements is that new development should relate successfully to the structure of the town or village.

- **Design Manual for Urban Roads and Streets (DMURS), 2013.**
- **Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.**
- **Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.**
- **The Planning System and Flood Risk Management (including associated Technical Appendices).**
- **Childcare Facilities Guidelines, 2001.**
- **Urban Development and Building Height Guidelines, 2018.**
- **Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.**
- **Architectural Heritage Protection – Guidelines for Planning Authorities, 2011.**

### 5.3. Regional

- 5.3.1. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect on June 28th, 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City and

suburbs, Regional Growth Centres (Drogheda, Athlone, and Dundalk) at the top of the settlement hierarchy and identifies Key Town's in each area with the highest potential to accommodate growth. Other centres lower in the settlement hierarchy including Self-Sustaining Growth Towns, Self-Sustaining Towns, Towns & Villages, and Rural Areas are not specifically identified, and remain to be defined by the development plan.

This strategic plan seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans. These include:

- RSO 2 Compact Growth and Urban Regeneration - Which seeks to promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.
- RSO 4 Integrated Transport and Land Use – Which seeks to promote best use of Transport Infrastructure, both existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning.

#### **5.4. Local**

##### **5.4.1. Development Plan**

The application was assessed by the Planning Authority in accordance with the policies and objectives of the Meath County Development Plan 2013-2019. The Meath County Development Plan, 2021-2027, was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021. I have assessed the proposal under the provisions of the operative Development Plan, namely the Meath County Development Plan, 2021-2027.

Chapter 2 of the Development Plan sets out the Core Strategy and Section 2.2 sets out the following core strategy vision for the plan area:

*“To continue to support the creation of socio-economically progressive vibrant, dynamic, and healthy communities throughout the County and ensure that future growth is based on the principles of sustainable development that delivers a high-quality living and working environment that meets the needs of all residents, in accordance with National and Regional Guidance”.*

Under Section 2.4.3 the settlement of Enfield is designated as a ‘Self-Sustaining Town’. It defines such towns as having a high level of population growth and a weak employment base which are reliant with other areas for employment and/or services and which require targeted ‘catch-up’ investment to become more self-sustaining.

Under Section 2.8.1 it indicates that: *“an evaluation of all undeveloped residential lands in each settlement has been carried out”*; and, that *“prioritisation/phasing of residential lands will only be utilised in the larger settlements where population growth is to be concentrated”*. It sets out that this includes ‘Self Sustaining Growth Towns’. Accompanying Table 2.5 sets out a list of settlements where a reserve of residential lands is to be retained. With this table including Enfield and stating in relation to this settlement *“to provide clarity in regard to the long-term growth of this mulit-modal settlement”*.

Section 2.10.2 sets out that the focus of growth in Self Sustaining Towns will be on attracting employment and investment in services alongside a limited population growth as well as a more balanced delivey of housing. It states: *“as a core economic policy responswhich will allow “economic catch-up” as envisaged in the RSES”*.

**Table 1: Extract from Figure 2.6 which sets out the distribution of population in the County to 2027.**

<b>Population 2016</b>	<b>Population increase to 2027</b>	<b>Projected Population 2027</b>	<b>Approx. households completed 2016-2019</b>	<b>Extant Units not yet built</b>
3,239	1,000	4,239	45	135

Section 2.11 sets out that: *“having regard to the need to generate employment oportubities in centres which have experienced high levels of population growth without commensurate employment development and high levels of outbound*

*commuting*” it identifies seven ‘*strategic employment sites*’. Enfield is included as one of the seven.

Objective CS OBJ 9 states that the Planning Authority shall prepare new local area for Enfield during the lifetime of the Plan.

Chapter 3 of the Development Plan deals with the matter of ‘Settlement’ and ‘Housing Strategy’. In relation to this it sets out the following vision:

*“To facilitate the sustainable growth of the towns and villages through the County by promoting consolidation and compact development in an attractive setting that provides a suitable mix of housing and supports amenities and ensuring co-ordinated investment in infrastructure that will support economic competitiveness and create a high quality living and working environment”.*

Section 3.3.1 sets out that the influence of Dublin on settlement growth remains apparent with commuter-based settlements with this including Enfield as one of those settlements experiencing the highest levels of population growth.

**Extract from Table 3.1 which sets out the settlements in Meath that recorded highest levels of growth in 2011-2016.**

<b>Settlement</b>	<b>Population 2011</b>	<b>Population 2016</b>	<b>Actual change</b>	<b>% change</b>
Enfield	2,929	3,239	310	10.6%

Section 3.3.3 sets out that: *“one of the underlying objectives of this Plan is to broaden the economic base of the County and increase employment in order to reduce the volume of outbound commuting and create more sustainable settlements”.* It recognises that whilst it is not uncommon for people to work in a different location to where they live, it is also recognised that the distance travelled, the journey time and the mode of transport can have a considerable impact on quality of life as well as sustainability of the receiving environment at a macro and micro level. It further sets out that c50% of the county's workforce outbound commute outside of the county for work. In relation to Enfield it sets out that in 2016 out of the 1,423 resident workers that there was 469 jobs within the settlement.

Under Section 3.6 of the Plan it deals with the matter of land use zoning in each settlement and it sets out that: *“the quantum of lands zoned for residential uses is reflective of the population projection and household allocation for each settlement as set out in the Core Strategy”*. It sets out for settlements, including Enfield, that where a surplus of residential lands remain, lands have been prioritised based on their location, the availability of services and the likelihood of the lands being developed within the lifetime of the Plan. It further sets out that a reserve of residential lands not available for development until after 2027 has been provided in settlements where there are fundamental reasons, supported by national and regional policy that would support the requirement to phase such lands.

In terms of development this section of the Plan also indicates that the Council advocates a sequential approach to development and recognises that land located to town centres and public transport as being strategically located. It also sets out that the Council will continue to support the development of these lands through its active land management strategy.

The settlement strategy objectives set out in Chapter 3 includes:

SH OBJ 5                To prepare new local area plans for a number of identified settlements including Enfield during the lifetime of the Plan and it states that: *“as part of the preparation of these Plans, a detailed infrastructure assessment, consistent with the methodology for a Tiered Approach to Zoning under Appendix 3 of the NPF will be undertaken for each settlement.”*

The housing policies set out in Chapter 3 includes:

SH POL 4:                *“To promote social integration and the provision of a range of dwelling types in residential developments that would encourage a mix of tenure ...”*

SH POL 5:                *“To secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households”.*

SH POL 6:                To support the provision of accommodation for older people and for people with disabilities at appropriate accessible locations.

The housing objectives set out in Chapter 3 includes:

SH OBJ 13: *“To secure the implementation of the Meath Housing Strategy 2020-2026”.*

Section 3.8.5 sets out that the lands zoned for residential purposes include ‘A1’ (Existing Residential); ‘A2’ (New Residential); ‘B1’ (Commerical/Town or Village Centre) and ‘C1’ (Mixed Use).

Section 3.8.9 sets out the design criteria for residential development and states that a: “well designed residential developments can make a significant contribution to the creation of an attractive urban environment where people want to live, work, and socialise. It further states that “applications for new residential developments should strive to create a sense of place by responding positively to local surroundings” and that newbuildings should be designed to take account of the potential implications of climate change as well as improving the energy efficiency of buildings that would reduce the consumption and therefore greenhouse gas emissions.

Chapter 3 sets out the following housing development housing polices:

SH POL 7: *“To encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities and services that meet the needs of the entire community and accord with the principles of universal design in so far as practicable”.*

SH POL 8: *“To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the associated Urban Design Manual...”.*

SH POL 9: Promotes higher densities at appropriate locations in a manner consistent with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

SH POL 10: Requires applications for residential development to take an integrated and balances approach to movement, place making

and streetscape design. In a manner consistent with the Design Manual for Urban Roads and Streets.

SH POL 11: Encourages improvements in the environmental performance of buildings.

SH POL 12: Promotes innovation in architectural design.

SH POL 13: Requires all new residential developments to accord with the Development Management Standards and Land Use Zoning Objectives set out in Chapter 11.

Chapter 3 includes the following housing development objectives:

SH OBJ 22: Requires all new residential development to accord with SPPR 1 to SPP4 4 of the Urban Development and Building Heights Guidelines. As well as SPPR 1 to SPPR 9 of the Sustainable Housing Design Standards for New Apartment Guidelines for Planning Authorities.

SH OBJ 23: Requires all new residential developments in excess of 20 residential units to provide for a minimum of 5% universally designed units in accordance with the requirements of the 'Building for Everyone: A Universal Design'.

SH OBJ 24: Requires all new residential development applications of 50 units or more to be accompanied by a Social Infrastructure Assessment to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents in accordance with the requirements of Policy SOC POL 6.

Section 4.7.4.3 indicates that Enfield functions largely as a commuter town with the settlements growth influenced by its proximity and accessibility to Dublin City and the metropolitan city economy. It recognises its strategic road and rail commuter connections to the Capital and northerst as part of the national Dublin-Sligo rail line with the settlement within 55 minutes average journey time to Dublin. Given the strategic location of Enfield proximate to the M4 knowledge corridor it indicates that: *"there is a significant opportunity for economic and commerical development growth in the town"*.

Chapter 11 sets out the Development Management Standards and Land Use Zoning Objectives. In the accompanying Development Plan maps the site in its entirety is zoned 'G1' – Community Infrastructure. The stated land use objective for such zoned lands reads: *“to provide for necessary community, social and educational facilities”*.

## 5.5. Natural Heritage Designations

5.6. This appeal site is not located within or adjacent to any designated Natura Sites. The nearest such sites are the River Boyne & River Blackwater Special Area of Conservation (Site Code: 002299) which is located c8.7km to the north at its nearest point and the River Boyne & River Blackwater Special Protection Area (Site Code: 004232) which is located c8.8km to the north west at its nearest point.

## 5.7. Proposed Natural Heritage Areas

5.7.1. This appeal site is located to the west of the Royal Canal. The Royal Canal is a proposed Natural Heritage Area (Site Code: 002103) and at its nearest point there is lateral separation distance of c35m between it and the site.

## 5.8. Built Heritage

5.8.1. The site does not contain any structure listed on the Record of Protected Structure or any other identified man-made feature of interest or merit that is afforded specific protection. Within the vicinity of the site there are the following Recorded Monuments that are afforded protection under Section 12 of the National Monuments (Amendment) Act, 1994:

- ME01955 (Classification 'LAEN'), which is located c217m to the south of the site at its nearest point and is located on the opposite side of the Royal Canal.
- ME03092 (Classification 'ENCL') which is located c1.02km to the north east of the site at its nearest point.

Within the wider area there is a significant number of Recorded Monuments.

5.8.2. There are a number of Protected Structures within the vicinity of the appeal site. The nearest being MH048-200, which is a historic bridge over the Royal Canal. With the site being located c48m to the north west of it at its closest point.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### 6.1.1. Introduction

The Board received the following 3 No. 3<sup>rd</sup> Party Appeals:

- On the 14<sup>th</sup> day of July, 2021, the Board received a 3<sup>rd</sup> Party Appeal from a Mr. George McGrath and a Mr. Robert McGrath.
- On the 15<sup>th</sup> day of July, 2021, the Board received a 3<sup>rd</sup> Party Appeal which was prepared and submitted by AKM Design on behalf of Mr. Tony McLoughlin.
- On the 19<sup>th</sup> day of July, 2021, the Board received a 3<sup>rd</sup> Party Appeal which was prepared and submitted by KPMG Future Analytics on behalf of Urban Synergy Investments (Enfield) Ltd. (USC).

Due to the different issues raised in each of these separate appeal submissions received by the Board I consider it appropriate that they are individually summarised as follows below.

6.1.2. The 3<sup>rd</sup> Party Appeal made by Mr. George McGrath and Mr. Robert McGrath can be summarised as follows:-

- Concern is raised that the Planning Authority in their determination of this application failed to address the concerns that they raised in their submission to them. On this point, it is contended that there are serious procedural concerns that renders the decision to grant permission *ultra vires* and had the Planning Authority dutifully addressed the concerns that they raised on the public record the integrity of the decision would not be of serious concern. The Board is therefore sought to overturn the decision of the Planning Authority.

- The Site Notice was not erected in accordance with the instructions issued by the Council in their letter to the applicants dated the 17<sup>th</sup> day of September, 2020. In addition, the Site Notices did not comply with the legislative requirements for the same.
- The use of the then expired 2013 to 2019 Development Plan in the application assessment by the Planning Authority is flawed. This application juxtaposed the 2020 to 2026 Development Plan and renders this application entirely unsustainable and inappropriate use of rural zoned lands. The Board on this point is requested to make its determination based on the 2020-2026 Development Plan.
- Enfield is a particularly sensitive area in regard to archaeological deposits. It is clear from the Development Applications Unit at the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media that the applicants have not addressed this matter. In the absence of any conclusive and authoritative archaeological assessment the Planning Authority should have sought clarity on this matter prior to a decision being made.
- Reference is made to a decision of the Board under appeal case ABP-302567-18 to refuse planning permission based on the potential negative impacts on the archaeological heritage of the site.
- The Board is requested to overturn the grant of permission.

6.1.3. The 3<sup>rd</sup> Party Appeal made by Mr. Tony McLoughlin can be summarised as follows:

- Concerns are raised that the Planning Authority did not advise the appellant that further information had been submitted. The effect of this public notice procedural flaw is a clear breach of the rights of the third parties to participate in the planning process.
- The Board is requested to examine the discrepancies between the site and the proposal as presented by the applicant to the Planning Authority under this application. On this matter it is noted that the site area is given as 6.46ha but forms part of a larger landholding of 30ha which is outlined in blue. The total site area should have been correctly stated in the planning application form.
- A number of different site layouts are presented by the applicant for the blue line area in the masterplan which are confusing and mis-leading. In addition, the red line area is not clearly defined.

- The site area is also referred to as 3.17ha in the layout drawings which adds to confusion of the actual site area.
- The proposed development is based on the 2013 to 2019 Development Plan and represents a material contravention of this plan based on a number of factors including a lack of compliance with Enfield Written Statement.
- The 2020 to 2026 Development Plan unzoned these lands to 'RA' i.e., rural lands and therefore the proposed development represents a material contravention of the Development Plan.
- The applicants have made a submission to the Council for a Material Amendment to the Draft County Development Plan which is under consideration at this time under which they seek that the applicant rezone the land from rural lands to 'G1 – Community Infrastructure'. This is subject to Proposed Enfield Amendment No. 4 under the Draft Development Plan.
- There is no examination of the proposed development against the Draft Development Plan and its Core Strategy.
- The proposed development conflicts with the Core Strategy in terms of housing allocation for Enfield.
- Having regard to the subject site not being zoned and when carrying out a review of the housing assessment of zoned lands in Enfield under the Draft Development Plan it is contended that 16 ha are zoned 'A2' lands (of which 12ha are indicated as post 2027) and 9ha are zoned 'B1'. Assuming a maximum density of 35 dwelling units per ha and having regard to the existing lands zoned this could yield >1,300 dwellings. This therefore supports that the development of this site for housing would conflict with the Core Strategy of the Draft Development Plan.
- The applicant's landholding which exceeds 30ha which is proposed for residential and extensive commercial development would fall within the class of Environmental Infrastructure Development that is included in the 7<sup>th</sup> Schedule of the Planning and Development Act, 2000, as amended.
- The validity of the Masterplan as a 'Non-Statutory Framework Plan' is questioned. It is further considered that this plan is prepared for purely planning gain and it was not subject to any public consultation or Strategic Environmental Assessment. The

Masterplan has no planning status and that a Strategic Environmental Assessment is required for any such plan.

- LU OBJ 2 of the Development Plan is now obsolete due to the de-zoning of this land in the upcoming revised Development Plan .
- The layout and arrangement of the Master Plan is poor with housing backing onto public open space and requires a more thorough site analysis and application of urban design principles.
- The Master Plan does not represent co-ordinated development, its layout of public open space is dysfunctional and piecemeal.
- There is no Environmental Assessment, Appropriate Assessment or screening for Natura Impact Statement for the Masterplan provided.
- There is a possibility of a significant effect on Natura Sites, i.e., the River Boyne and River Blackwater SAC and SPA via foul water discharge, that generate the need for a screening and NIS should be carried out for this proposal.
- The Ecological Impact Assessment Report given fails to identify the actual proposal being assessed by the report.
- The size of the applicants site alone at 30ha triggers the requirement for EIAR as does the nature, scale, and extent of the development for this land.
- The applicant has not properly considered the importance of trees and hedgerows. The applicant should have completed a full tree survey of the land given the presence of mature trees and hedgerows present.
- The removal of existing trees and hedgerows on the eastern boundary is a cause of concern.
- A tree and bat survey should have been conducted for the entire site.
- The accuracy of the Transportation Assessment is questioned. This assessment fails to give the site area, it incorrectly assesses the proposal as 88 dwellings, traffic survey dates are out of date, the car parking requirements have been understated, provides misleading and excludes visitor car parking spaces, through to it under estimates the total number of dwellings on the masterplan lands.

- The proposed development has the potential to give rise to huge increase in the volume of traffic in the local area and this would have a negative impact on the local road network.
- There are numerous archaeological features in proximity to the site and the entire Master Plan area should have been subject to a detailed archaeological assessment.
- There are fundamental infrastructural constraints and capacity issues in the water supply for Enfield. Currently there is no capacity to serve these lands and the proposed development is premature pending infrastructural improvements to the water supply serving this settlement.
- There is no surface water drainage on the subject site and the applicant has carried out very limited testing. The applicant was also unable to ascertain the water table on the site.
- The applicant has not carried out a flood risk assessment of the proposal to include the Master Plan lands.
- The proposed development provides inadequate sustainable drainage measures.
- The proposed development is premature pending the upgrading of the Enfield WWTP.
- The applicant has sufficient legal interest in lands to provide major drainage diversion works.
- The pumping station has been shoehorned into the site and is located too close to existing and proposed dwellings.
- Reference is made to the Irish Water Standards which require pumping stations to have 2.4m high security fencing surrounding them. This has not been provided. The design of the pumping station also fails to meet other Irish Water Standards including layout and road width.
- Condition No. 5 require 2 no. road/junction access. These will conflict with the proposed location of the pumping station.
- Temporary waste water arrangements have not been detailed in the public notices and concern is raised that it is located where the creche is proposed to be located.

- Concentration of Part 5 housing in one part of the site is not good planning practice.
- The proposed development would adversely impact on existing dwellings by way of traffic, privacy, biodiversity, and impact on infrastructure. It is also considered that the pumping station is in appropriately located near existing dwellings.
- The applicant should have completed a childcare assessment for the proposed creche to ensure that sufficient child places are provided. It is further considered that a creche would be very problematic for parking given the change to the road layout and junctions required by way of condition by the Planning Authority.
- The Board is sought to overturn the Planning Authority's decision.

6.1.4. The 3<sup>rd</sup> Party Appeal made by Urban Synergy Investments (Enfield) Ltd. (USI) can be summarised as follows:

- The Planning Authority in determining this application failed to consider the concerns raised by them in their submission.
- The Planning Authority failed to determine whether the applicant had fully addressed the further information requested.
- The proposed development contravenes the Draft Meath Development Plan in terms of it failing to align with the changed permitted land uses on this site.
- A site description and an overview of the proposed development as originally applied for is given.
- The proposed development is predominantly residential. A more appropriate mixture of land uses should have been considered in order to ensure the sustainable development of Enfield. As well as to align with the town's other land use zones.
- Under the Draft Development Plan, the site is zoned 'RA' and under this new zoning the proposed development would represent non-conforming land uses as the land uses proposed are not permitted or deemed open for consideration.
- There is limited community/town centre/commercial use provision proposed in this application.
- The proposed development, if permitted, would negatively impact upon the prospect of orderly and balanced development occurring in this locality of Enfield.

- The Draft Development sets out a series of proposed material alterations for the settlement of Enfield. Should Amendment No. 4 be included this would change the proposed 'RA' zoning to 'G1' – Community Infrastructure. On 'G1' zoned lands it is sought that opportunities for high technology and major campus style office-based employment within high quality accessible locations are facilitated. This application seeks a primarily residential in nature development and provides no opportunities for high technology and major campus style office-based employment.
- Over 93% of the gross floor area of this proposed development is residential and the remainder which consists of a limited 676m<sup>2</sup> is for commercial use. It is therefore contended that the level of residential development sought under this application is not conducive to realising the 'B1' land use zoning objective. If permitted, it would deny an opportunity for the town centre site to provide a mix of services, facilities and amenities that would support a stronger town centre.
- The proposed development layout is influenced by the outdated land use objective, i.e., LU OBJ 2.
- The proposed development is premature as it has not been adopted and facilitated by land use zoning changes in the currently being revised local planning provisions.
- It is unlikely that the Phase 2 Master Plan will come forward as it would be inconsistent with the 'RA' land use or the 'G1' land use if the amendment to the draft Development Plan is adopted.
- The overall design and layout are poor as it is disconnected with nearby existing residential areas.
- The Board is requested to overturn the Planning Authority's decision.

## 6.2. Applicant Response

6.2.1. On the 12<sup>th</sup> day of August, 2021, the applicant submitted a response to the three separate 3<sup>rd</sup> Party appeals before the Board in relation to the Planning Authority's grant of planning permission for the development sought under P.A. Ref. No. 201295. This response can be summarised as follows:

- It is requested that the Board uphold the Planning Authority's decision.

- It is assumed that the whilst the Board has the power to determine this application 'de novo' that the Board will make its decision based on revisions made by the application in their further information response (Note: 10<sup>th</sup> day of May, 2021).
- An overview of the issues raised by the three separate 3<sup>rd</sup> Party appellants is given. It also notes that the appeal made by Urban Synergy assumes that planning permission was granted on the original proposed scheme which included a total of 88 no. dwelling units. Whereas the grant of permission related to a revised development with 91 dwelling units.
- The proposed development is consistent with the Development Plan in terms of the permitted land uses under at this location.
- It is not accepted that the proposed development represents a material contravention or is inconsistent with the Development Plan in terms of the land uses permitted for land zoned 'A1', 'A2', 'B1' and 'F1'. In addition, the provision of a medical centre is supported under CF POL 3 of the Development Plan.
- It is not accepted that the site is unsuitable for the proposed development as is contended by one of the appellants and the mix of land uses are appropriate for this site as is the pattern of development which has been informed by the immediate area.
- The location of the site which is adjacent to the railway station, canal, and amenity park. Together with its proximity to the town centre it makes this site an appropriate one for residential development. The site represents an opportunity to develop a mixture of commercial and residential land uses at this location.
- It is not accepted that the applicant is attempting to leapfrog other residential lands in terms of the phasing sequence for residential development in this settlement.
- Reference is made to the phasing of land provided for the settlement of Enfield under the 'Enfield Written Statement'.
- During 2013 to 2019 under the local planning provisions 319 dwelling units were permitted for the settlement of Enfield. The dwelling units completed in this period did not meet this number.

- Under the forthcoming 2020 to 2026 Plan a higher allocation of 474 housing units is provided for the settlement of Enfield. This application would equate to 19% of this permitted number.
- A Master Plan accompanies this application as is required under LU OBJ 2. These types of plans are non-statutory and do not require public consultation or public approval.
- This application has had regard to the integration of the development with its setting and seeks to future proof the development proposed.
- This application is accompanied by an Ecological Impact Assessment and a Stage 1 Screening for Appropriate Assessment and the Planning Authority following examination as the competent authority have concluded that there is no impact on Natura 2000 sites likely to arise from this development.
- There is no evidence to suggest that the layout put forward is poor, that it is piecemeal or that its design is substandard. It is contended that the proposed layout can facilitate a high-quality expansion of the urban area based on the current zoning configuration. As well as is robust to respond to any future configuration of zoning objectives and responds to the site characteristics.
- The public open space is in excess of the 10% requirement and its position on site responds to the different land use zoning contained within the site.
- The phasing of the development as provided for under the Master Plan is not relevant to the assessment of the current application.
- The LU OBJ 2 is superseded by the new Development Plan and the proposed development is not premature as planning applications are determined based on the zoning and standards that apply at the time an application is being assessed.
- The Council are satisfied that the proposed development of this land at this time is appropriate.
- The Draft Development Plan proposes the zoning objective 'G1 – Community Infrastructure' for the entirety of the subject site. There are a range of land uses permitted under the zoning matrix for such zoned lands. Including Childcare facility, Health Centre, Residential through to Café. The Draft Development Plan

is not adopted. However, it is not clear if this application will be determined on this new plan at the time it is determined by the Board. Irrespective it is considered that the proposed development is consistent with local planning provisions set out in either plan.

- 'G1' is not a zoning that seeks to facilitate opportunities for high technology and major campus style office developments within highly accessible locations as is contended by one of the appellants.
- The applicant has had regard to the two SHD applications determined by the Board on Phase 2 lands in Enfield.
- This application is made in the context of a Master Plan for the adjoining lands as is required under LU OBJ 2 of the Development Plan.
- The decision of the Planning Authority is clear in that it permits the current application which is for the 6.4ha which is lands also referred to as Phase 1A lands on the south eastern part of the site.
- This grant of permission does not confer planning permission for the remaining LU OBJ 2 lands but shows that the proposed development would sit appropriately with any future development of the blue line area and the town in general.
- There is no red line area around the Phase 1A site. The Phase 1A land has a given area of 3.17ha and it was with this figure that a 'net residential area' was calculated.
- Public lighting will be updated as per Condition No. 9 of the Planning Authority's grant of permission, or any similar condition placed by the Board.
- As detailed in the Waterman Moylan Response the upgrade to the public system is now approved and is likely to be in place in the short term to facilitate the proposed development.
- Irish Water sets out that the temporary option is not likely to arise as they have indicated that a wastewater connection licence is dependent on the upgrade of the Enfield WWTP.
- A water connection to serve the proposed development can be achieved through normal protocols. In addition, the further information outlines that the applicants

have engaged with Legendstar Ltd. in relation to the provision of water supply upgrades which will facilitate this development. Legendstar Ltd. are currently in the process of construction of wells as part of the permission granted by the Board under ABP-304296-19.

- The proposed development puts forward housing typologies that are innovative in Enfield and they achieve a net residential density of 36 units or more per hectare which meets the Development Plan standard of 35.
- This application is for 91 dwellings and as such is not subject to an SHD application.
- The submission of the further information was followed by new public notices. This included a Site Notice erected opposite the appellant who contends that the public notice procedures were flawed due to them not being notified of the submission of further information. There is no evidence to support that this particular appellant was disadvantaged in any way.
- In relation to the assessment of the proposals for temporary treatment of wastewater on the site as suggested in the further information, the permanent upgrade of the Enfield WWTP is not permitted and, on this basis, the temporary on-site treatment is not favoured. The applicant is satisfied to accept the terms placed by Irish Water.
- In relation to EIA, the relevant threshold is 500 units, and the site area falls below the 10 or the 20-hectare threshold measures that apply to 'other parts of built-up areas' and 'elsewhere'. In addition, the masterplan lands do not form part of the application and are therefore not relevant for the purposes of defining a project for EIA purposes.
- The only natural landscape features are to be found on the boundary with the Trim Road, which are opposite the R159's existing dwellings. These are to be retained. The trees and hedgerows outside of the red line area are not subject to this application. In addition, a landscaping scheme accompanies this application.
- As part of the EclA surveys of bats, birds and invasive species were carried out. These concludes that there was no evidence of bats observed on site. The survey recommended that a pre-commencement bat survey be carried out and if required

a Bat Mitigation strategy be included as part of the Construction and Environmental Management Plan (CEMP).

- There is no known archaeology or built heritage of note on this site.
- In terms of traffic impact there is no evidence provided by the appellants to counter the technical submissions made by Waterman Moylan during the course of the application. It is further noted that Waterman Moylan consulted with the Councils Road Department on traffic matters. The only traffic matter that arose was the level of vehicular permeability to the Trim Road and Condition No. 5 of the grant of permission requires that the cul-de-sacs provided connect to the Trim Road which the applicants are happy to agree the details of prior to commencement.
- The level of car parking has been justified in the documents provided with this application and it's considered that the total number of car parking spaces for non-residential land uses will be adequate.
- Part V compliance requires 9 units, and the precise details of the Part V compliance will be agreed on foot of a planning condition in the normal manner.
- The creche has ample capacity to cater for the childcare needs of the proposed development.
- None of the matters raised by the appellants in their submissions affect the assessment or decision of the Planning Authority.
- This response is accompanied by a document titled: 'Responses to Planning Appeal – Residential Development at Enfield, County Meath', dated August, 2021, and prepared by Waterman Moylan Consulting Engineers Limited. It includes the following comments:
  - Due to Covid restrictions traffic counts would not provide a realistic reflection of the typical existing traffic flows and therefore traffic counts from 2017 were used factoring in background future growth so that a robust assessment could be carried out. It is considered that this approach was appropriate given Covid difficulties.
  - Car parking is provided in accordance with the Development Plan requirements.

- The café is considered to serve the proposed development and the immediate area around it including the train station. It is therefore considered that it would generate limited car parking. Similarly, the creche is anticipated to serve the proposed development as well as someone dropping off/collecting.
- It is not accepted that car parking provisions have been under stated and under provided for.
- The traffic modelling shows that the junctions surrounding the proposed development will operate satisfactorily during the opening and future years.
- Improvements to the water supply are currently under construction.
- A detailed flood risk assessment was carried out and submitted with this application. This assessment was deemed to be satisfactory by the Council.
- Full planning permission has been given for the upgrade of the wastewater treatment plant by the Council.
- The applicant is happy to comply with any requirements of the Council, Irish Water, and the Board in relation to water, waste water and related matters.
- The completion/occupation of the proposed residential units has been scheduled to coincide with the completion of the WWTP. This time line is deemed acceptable to the Council.
- The proposed pumping station is located 20m from the appellants dwelling house and it replaces a problematic pumping station immediately to the rear of the appellants dwelling.
- The proposed drainage works are on public roads and public open space. In addition, the proposed pumping station is located underground with a small control cabinet at ground level adjacent the public footpath/cycle path.
- In relation to the additional road junctions required under Condition No. 5 of the grant of permission these will be subject to agreement with the Council and are not envisaged to conflict with other infrastructure including the pumping station.
- There is no longer any uncertainty in the delivery of the WWTP and its completion. Therefore, no temporary treatment plant is required.

### 6.3. **Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows:

- The issues raised in the appeal submissions received by the Board have already been examined by the Planning Authority during the course of its determination.
- The proposed development is considered to be consistent with the proper planning and sustainable development of the area. As such the proposed development sought under this application should be granted.
- It is requested that the Board uphold its decision.

### 6.4. **Observations**

6.4.1. None.

### 6.5. **Further Responses**

6.5.1. None.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. I have carried out an inspection of the appeal site and its surrounding environment, considered the contents of this appeal file and having had regard to relevant local/regional/national planning policy provisions and guidelines on foot of which I consider that the substantive issues in determining this current appeal case before the Board are:

- Principle of Development, Land Use Zoning & Planning Context
- Design and Layout
- Roads
- Archaeology
- Infrastructure: Water & Drainage
- Visual Amenity Impact

- Residential Amenity Impact
- Other Matters Arising

The matter of 'Appropriate Assessment' also requires examination. This I propose to deal with under a separate heading at the end of my assessment (Note: Section 8).

- 7.1.2. For clarity, my assessment below is based on the revisions made by the applicant in their response to the Planning Authority's request for further information. This response was received by the Planning Authority on the 10<sup>th</sup> day of May, 2021. My basis for doing so is that it is my considered view that this response provides broad qualitative improvements to the original scheme proposed which in turn provides for a better outcome should it be approved.
- 7.1.3. On this point I consider that the revised scheme responds in a more respectful manner to its site context and its surroundings on the western edge of the settlement of Enfield in a manner that is more consistent with relevant planning policy provisions and guidance.
- 7.1.4. In this regard, it provides design improvements to how the proposed development would interact visually as well as functionally with the adjoining public domain and streetscape scenes of the R148 and R159 by way of providing improved activation of street frontage. It also provides qualitative improvements in the external expression of the proposed built forms and an improved landscaped setting in which the proposed buildings within this scheme would sit. In addition, needed qualitative improvements in terms of permeability and connectivity internally as well as externally for vehicles, pedestrians and cyclists have also been made. With the environment and paths for vulnerable users more considered in their connectivity and way finding. The revised design also includes qualitative improvements to a number of infrastructural design measures and enhanced information provided on such matters. In particular, the not only has the design been improved in terms of meeting the public water supply, surface water and foul drainage needs of the development proposed. But crucially it provides sufficient assurance that in the context of this settlements current situation whereby there is no spare capacity in the public infrastructure to serve the quantum of development proposed that prior to occupation that this will not be the case.
- 7.1.5. The overall development as revised can be summarised as now consisting of an increased number of residential units. With the number having increased from 88 to

91 residential units (with the 91 residential units comprised of 39 no. houses; 36 no. duplex apartment units and 16 no. apartment units). The proposed development maintains the 3-storey mixed use building (Block A1) with it being subject to minor alterations and revisions.

- 7.1.6. I note that its position within the site has been altered by way of moving it 2m closer to the R148 and 10m closer to the R159. This amended placement relative to the public domain and in particular in terms of addressing the streetscape corner where these two regional roads meet provides a needed built focal point. With this focal point also enhanced by the improvements to the landscaping particularly along the roadside edge of the R159.
- 7.1.7. According to the information provided with the further information response this building has a stated total floor area of 2,200m<sup>2</sup> (Note: gross typical floor area per floor given as 740m<sup>2</sup> on average).
- 7.1.8. It maintains the original proposed number of apartment units, i.e., 16. It also maintains the other land uses originally proposed but with amended floor areas, i.e.: a café with a shared working area (176m<sup>2</sup>); a medical centre with two consultant rooms (148m<sup>2</sup>); and a creche facility with a 30-childcare space capacity (264m<sup>2</sup>). The childcare facility now includes a separate outdoor play area at ground floor level where previously the original proposal included none. In addition, a ESB Sub Station Service building with a given floor area to 25.2m<sup>2</sup> is proposed as are all other associated services and works.
- 7.1.9. I note that is also includes the provision of a new entrance onto R148 roundabout.
- 7.1.10. Prior to the commencement of my assessment, I also note that concern was raised by the appellants that the Planning Authority did not inform the 3<sup>rd</sup> Party observers of the fact that the applicant's further information response had been received.
- 7.1.11. On this concern I note that the further information response was accompanied by new public notices. Having examined the file I also noted that all 3<sup>rd</sup> Parties who had made submissions to the original application made further submissions after the further information response was accepted by the Planning Authority. Further, no other 3<sup>rd</sup> Party submissions were received by the Planning Authority during the course of their determination of the application as revised by way of the applicant's further information response during the statutory timeframe.

- 7.1.12. On inspection of the site, I observed that the site notices accompanying the further information were displayed at prominent locations and they were highly visible as well as legible from the public domain despite the passing of time.
- 7.1.13. These site notices clearly indicated that signification information had been received by the Planning Authority and the other legislative required information on the making of a submission alongside the timeframe to do so.
- 7.1.14. It is my considered opinion that there is no evidence that would support that the Planning Authority did not follow or apply the required legislation in relation to submissions during their determination of this application. Nor is there any evidence that substantiates that any 3<sup>rd</sup> Party were disenfranchised by the manner in which the Planning Authority determined this application.
- 7.1.15. In this appeal case the proposed development is with the Board for its '*de novo*' determination and there is insufficient evidence to support that this application is anything other than a valid planning application that was determined by the Planning Authority. As such the Board will ultimately make a final decision on the appropriateness of this development at this location having fullest regard to proper planning and sustainable development.
- 7.1.16. In addition, the Board does not have an ombudsman role to make any determination on procedural issues and concerns that observers may have with a Planning Authority determination of a planning application.
- 7.1.17. Having regard to the concerns raised by one of the 3<sup>rd</sup> Party Appellants in relation to the adequacy and robustness of the documentation provided with this application. Including that received by the Planning Authority as part of the applicant's further information response.
- 7.1.18. On this concern, whilst I concur with the appellants that there is some level of conflicting information within the documentation provided with this application. With this mainly appearing to stem from a number of the separate specialist firms involved in the preparation of this application making. With there being a lack of adaption of the scheme in terms of the final revised documents that coherently pull this information into one easily legible scheme with no conflicting information.

- 7.1.19. In my view these conflicts are of a minor nature and with the main components of the scheme are accurately presented. Where there are conflicts it appears that these may have arisen from different expertise who inputted into the revised scheme and as such, they are largely topic based in their nature, extent, and scope.
- 7.1.20. Overall, there is sufficient information for the Board to decide on the now proposed development as is represented in the final suite of documentation and any outstanding issues can be dealt with by way of condition should the Board be minded to grant permission.

## **7.2. Principle of Development - Land Use Zoning & Planning Context**

- 7.2.1. Having regard to national planning provisions, I consider that Project Ireland 2040: National Planning Framework (NPF) is of particular relevance to the proposed development. Given that the proposed development seeks a mixed-use development which as revised is comprised of 91 residential units, a medical centre, a café with shared work space and a creche within the settlement boundaries of Enfield. In this regard I note that the NPF advocates compact urban growth and under its objectives 27, 33 and 35 it seeks to prioritise the provision of new homes at locations that can support sustainable development and increased densities.
- 7.2.2. In addition, at a national planning context Section 28 Guidelines, including but not limited to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities; the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities which support increased densities in appropriate locations; and, the Urban Development and Building Height Guidelines which support increased heights and densities within accessible urban areas are also relevant.
- 7.2.3. Of note for example Section 28 Ministerial guidelines: ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ under Section 5.8 sets out that the State has committed very substantial investment in public transport under Transport 21 capital programme and to maximise the return on this investment is important. It advocates that land use planning underpins the efficiency of public transport services by sustainable settlement patterns and recommends increased

densities should be promoted within 500m walking distance of a bus stop and within 1km of a rail station.

- 7.2.4. Despite the modest size of the settlement of Enfield and the site being by and large a greenfield site on the western edge of this settlement, the site is significantly below 500m from a bus stop and the 1km walking distance from a railway station. The proposed development has a given net density of 36 units per hectare which is consistent with achieving densities that are higher at such an accessible location whilst ensuring that the densities do not conflict with the pattern of development. The provision of a mixture of residential typologies including apartments and duplex units helps achieve a higher density whilst the provision of terrace, detached and semi-detached residential units that whilst achieve higher densities to that surrounding it also harmonises with the established character and pattern of residential development that current demarcated the built edge of this settlement
- 7.2.5. I note that the appropriateness of locating apartment units within reasonable walking distance of public transport is similarly advocated in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (Section 3.27). In general, these guidelines as a central theme seek to enable citizens to get around urban areas more easily as a fundamental planning concern as is maximising accessibility of apartment residents to public transport as well as other sustainable modes of transport.
- 7.2.6. It is also generally accepted that apartments at accessible locations to public transports help achieve higher densities and more efficient use of serviced land. They also help foster walking and cycling over the use of private vehicles. With this being more achievable given the sites proximity to bus and a rail stop as well as being a site that is within walking distance of education, services through to the various amenities that are on offer within this modestly sized settlement. With the Sustainable Urban Housing: Design Standards for New Apartments recognising the importance of cycling as a flexible, efficient, and attractive transport option for urban living. It therefore seeks that regard to cycling provisions for residents is fully integrated into the design and operation of all apartment schemes (Section 4.16).
- 7.2.7. As previously considered in this assessment the revised scheme includes enhancement to cycling path provision and there is provision within the scheme for bicycle parking. In tandem improvements have also been made for pedestrian

movements within the scheme and with its surrounding context in a manner that accords with the Design Manual for Urban Roads and Streets (DMURS), 2013. These improvements result in an ease of connectivity and permeability with the public realm around and within the vicinity of the site. Including allowing for safe access to the high-quality passive and recreational amenity provisions of the nearby Royal Canal.

7.2.8. These factors together with the site's proximity to the M4 knowledge corridor there are arguably other sustainable opportunities present for future residents at this location were the scheme be permitted. For example, car share due to the site's close proximity to Junction 9 of the M4.

7.2.9. Overall, I consider that the proposed development is consistent with RSES's RSO 4 which seeks to promote best use of transport infrastructure, both existing and proposed. As well as promotes sustainable active modes of travel to ensure the proper integration of transport and land use planning. It is also consistent with RSES's RSO 2 which seeks to compact growth within the urban footprint.

7.2.10. Having examined the proposed development, in particular the residential element and the inclusion of 3-storey terrace built form duplex built forms along the southern boundary of the site and the 3-storey mixed building at the south easternmost corner of the site which includes apartment units not just help secure higher densities and more efficient use of land in a manner that is consistent with regional through to national planning provisions. The additional graduation in height from two to three storey at a location where buildings in the visual context consist of single, dormer and two storeys provide a graduation and increase in height that also helps to secure higher densities and creates a stronger urban edge to the public domain. It is an approach that is consistent with the Urban Development and Building Heights Guidelines 2018.

7.2.11. Moreover, the addition of employment opportunities in the medical centre, the childcare facility and the café/shared working area is consistent with local and regional planning provisions for a Self-Sustaining Town to address the recognised imbalance in the provision of residential development over employment, services, and other enterprise type developments.

7.2.12. Thus, helping to address the issues of Enfield being characterised as a commuter-based settlement and adding to its employment as well as enterprise opportunities in

a manner that is synergistic with the residential development proposed, its proximity to a Business Park and the predominantly established residential nature of land use adjoining and neighbouring it.

- 7.2.13. I also note that RSES advocates that developments proceed sustainably, at an appropriate scale, level and pace in line with core strategies of the County Development Plan. It also seeks that settlements like Enfield be appropriately managed so as to ensure that they do not expand rapidly putting pressure on services, the environment through to creating unsustainable travel patterns.
- 7.2.14. In this regard I note that at a local context the Core Strategy Vision as set out in the Development Plan seeks to continue to support the creation of socio-economically progressive vibrant, dynamic and health communities throughout the county. As part of this it also seeks to ensure that future growth is based on the principles of sustainable development that delivers a high-quality living and working environment that meets the needs of all residents in a manner that accords with regional and national planning provisions.
- 7.2.15. In keeping with the National Planning Framework, the Development Plan seeks to secure compact sustainable growth as part of the county's growth strategy by concentrating on delivering growth within the existing built-up footprint of settlements primarily by focusing on the reuse of brownfield land. But also, by concentrating growth to appropriate locations like those close to public transport provisions with this site indicated as part of the Phase 1 lands to be developed.
- 7.2.16. Under the previous Plan the formed part of a parcel of land subject to the land use objective LU OBJ 2. With the 6.46ha site located in the south easternmost corner of this Master Plan area and accommodating a mix of commercial, industrial, community and residential development zoned land uses.
- 7.2.17. The stated land use zoning objective for 'G1' zoned land is "*to provide for necessary community, social and educational facilities*". The main component of the development sought is residential and as revised planning permission is sought for 91 residential units. This type of land use is 'open for consideration'. Whereas the café, medical centre and creche are types of land uses that are deemed to be permissible uses.
- 7.2.18. Under Section 11.14.4 of the Development Plan, it provides the following definition for 'open for consideration uses': "*is one which may be permitted where the Council is*

*satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have an undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area”.*

- 7.2.19. Under Section 11.14.3 of the Development Plan, it provides the following definition for ‘permissible uses’: *“is one which is generally acceptable in principle in the relevant zone, but which is subject to normal planning consideration, including policies and objectives outlined in the Plan”.*
- 7.2.20. Having inspected the settlement of Enfield and having had regard to the various documentation available on it I consider that the imbalance between residential developments in recent decades over other types of land use developments is very evident. Particularly upon examination of Enfield’s population and planning history.
- 7.2.21. In relation to its population, Enfield’s population has dramatically increased from 566 persons in 1996 to 3,239 in 2016. It is highly probable that this figure has been added significantly added too in the intervening years given the number of dwelling units completed and commenced for which the Planning Authority has records of. With these residential units being mainly comprised of 3 and 4 bedroom built typologies. The growth of this settlement has informed its housing allocation under new Development Plan.
- 7.2.22. Moreover, it would also appear that this has also resulted in the review of this settlements land use zoning as the town moves from being classified as a ‘Small Town’ to a ‘Self-Sustaining Town’ which is consistent with the evolution in regional and national planning policy provisions and guidance.
- 7.2.23. In relation to the planning history of this settlement, I note that in recent years a number of significant additions to the quantum of residential units within this settlement have been permitted and also refused. Including some proposed developments that were determined by the Board on appeal. Some of these I have outlined under Section 4.4 of my report above.
- 7.2.24. In examination of the settlements recent planning history, I consider appeal case ABP-302567-18 (P.A. Ref. No. TA171345) to be of relevance.

- 7.2.25. This recent appeal case determined by the Board related to a 4.2ha parcel of mainly greenfield land and containing one derelict modest in size two storey dwelling is located directly opposite the southern boundary of this appeal site. With its northern boundary aligning with the R148 and of note containing an eastern boundary running alongside the Royal Canal.
- 7.2.26. The proposed development sought in this recent case in summary consisted of 36 no. townhouses, 99 no. apartments, a 65-bed nursing home together with 12 no assisted living apartments, a petrol filling station of over 800m<sup>2</sup> floor area also containing a retail space, a hot food sales and seating area and a 71-bed hotel.
- 7.2.27. Whilst I note that this site was deemed to be archaeologically highly sensitive to change by the Board. With the Board considering that this had not being adequately addressed in the application received and with this therefore forming the basis of the first reason for refusal. The second reason and consideration given for refusal by the Board in part raised concerns that the overall mix of land uses proposed did not accord with supporting the 'B1' land use zoning objective that covered part of this site and as such the Board considered that the proposed development did not accord with supporting this town centre objective.
- 7.2.28. It is therefore of note that there is a much lesser quantum and floor area of land uses that could be considered to be synergistic to town centre's vibrancy and vitality proposed under this current application when compared to the development sought under the ABP-302567-18 appeal case.
- 7.2.29. In relation to residential developments recently sought on land zoned 'G1' under the previous Development Plan I consider it is of note that the Board recently refused planning permission under ABP-309428-21 (P.A. Reg. Ref. No. TA201722) for a nursing home, 98 residential units and associated works for reasons and considerations including that these land uses were considered to be contrary to the 'G1' land use zoning objective of the Development Plan.
- 7.2.30. It is apparent that the Board under ABP-309428-21 did not consider this residentially based in nature and function development scheme to fulfil the zoning aspirations of 'G1' land. It is also apparent in this case that the Board considered that the proposed scheme would not achieve an appropriate balance of land uses and appropriate placement of land uses within the settlement of Enfield.

- 7.2.31. I note that the Core Strategy of the 2021 to 2027 Development Plan provides for a housing allocation of 474 units for the period between 2019 to 2028.
- 7.2.32. With this including 133 units approved by the Board in August 2019 under an SHD application.
- 7.2.33. Other smaller housing schemes have been permitted since.
- 7.2.34. A total of 91 units are proposed under this application alongside a medical centre, a childcare facility and a café/shared working space that are synergistic with the proposed residential units, the existing land uses in its immediate vicinity and would add to the variety of land uses within this predominantly residential in function settlement that has rapidly expanded in recent years.

7.2.35. *Conclusion*

This appeal site is located on the western periphery of Enfield with its southern boundary adjoining the R148 which extends into the Main Street and historic heart of this modest settlement. It is also located within easy reach of bus and rail public transportation as well as is situated in close proximity to the M4 Knowledge Corridor. This proposal puts forward a higher density than which characterises the established residential to its east. It includes employment and enterprise opportunities with the café also providing shared working space which is growing in popularity as home working and the working at shared hubs closer to where one lives becomes increasing popular. Particularly over the pandemic with these working patterns likely to change the working landscape going forward. The site is also one that has an exceptional high-quality passive and recreational amenity space in very close proximity. That is the Royal Canal which also includes shared spaces for walking, cycling through to sitting. The modest size of this settlement together with the qualitative connectivity to the adjoining public realm means that cycling and walking to educational, services and amenities that are present within this settlement are easy achievable from the location of the site.

While I acknowledge the concerns of the appellants the land use zoning of the site has significantly changed since this application was made and the new Development Plan makes land use provision in its zoning for employment as well as enterprise with it determining that there is adequate land in the vicinity of the Business Park for example for further growth.

Given that the applicant has also demonstrated that improvements to the public infrastructure is at present on going and is highly probable to be in place and operational with sufficient capacity to cater for the quantum of development proposed prior to the completion and occupation of the proposed scheme, it is reasonable to conclude based on the above considerations of local, regional through to national planning policy provisions and guidance that the principle of the proposed development for this site for quantum, mixture and type of land uses proposed is acceptable.

### **7.3. Design and Layout**

- 7.3.1. Concerns are raised by 3<sup>rd</sup> Party Appellants in relation to the design and layout of the proposed development through to its relationship and juxtaposition with the LU OBJ 2 Master Plan zoned lands and its site context on the western periphery of this settlement. It is generally considered that the design and the layout is of a poor standard, quality, lacks connectivity with its setting. Through to it does not realise in a successful manner the potential of the LU OBJ 2 lands. In particular in terms of its relationship with the R148 regional road.
- 7.3.2. As set out the land use zoning of the site has been amended under the new Plan and the land use objective LU OBJ 2 has not been carried through to the new Plan. It is therefore appropriate that the proposed development is assessed on the local planning provisions in place at the time it is determined. As such I therefore consider that the concerns raised in relation to this land use objective is no longer a substantive concern. It is also apparent in the new plan that Enfield during its life time will be subject to the preparation of a local area plan.
- 7.3.3. In the absence of such a plan I do not consider the proposed development to be premature. This conclusion is based on the residential land use, a land use that is deemed to be open for consideration under the Development Plan. Is one that as previously discussed is compatible with the overall policies and objectives for the 'G1' zone and it is a type of land use that is synergistic to the other components of the development proposed, i.e., the medical centre, childcare facility, and café/shared work space. As well as is synergistic with the established pattern and character of land uses in its setting. It would also add to the vitality of this settlement by providing

additional services and amenities that would be beneficial to existing and future residents in this characteristically commuter settlement. Whilst at the same time recognising helping to reverse the pattern of development that has occurred over recent times that has been by and large residential in nature.

7.3.4. In addition, Block A1 and the 3-storey duplex apartment buildings would create a stronger urban edge and a focal point on the westernmost end of the settlement. With the landscaping, particularly along the western side of the R159 contributing positively to the visual amenities and tying the development in within the more naturalistic character of the public realm in the vicinity of the banks of the Royal Canal and on the western side of the Dublin to Sligo railway line.

7.3.5. I am also of the view that the streetscape context can absorb the 3-storey built forms that are proposed with these providing a level of visual graduation with existing buildings in their setting and potentially in future would help to inform similar heights through to further graduation of higher buildings and/or a taller focal building on the opposite side of the R148. The introduction of taller buildings is consistent with achieving compact, consolidated through to making efficient use of zoned land particularly at multi-modal locations like this where the site is within easy walking distance of public transport provisions in the form of bus and rail.

7.3.6. Further subject to the use of a qualitative and site context informed palette of materials it is my view that the proposed development if permitted has the potential to harmonise with its streetscape scene but also to be a legible architectural grouping of buildings and spaces in its own right.

7.3.7. Under Section 3.8.10 it sets out a density of 35 units per hectare for Self-Sustaining Towns like Enfield on all lands and that this would normally be required. The applicant as part of the document provided with this application and in their response to the grounds of appeal have submitted a planning, architectural and design rationale for the overall scheme. This sets out that the revised scheme achieves a net residential density of 36 units or more per hectare depending on how this is calculated.

7.3.8. This density I consider is consistent with local planning provisions and is also consistent with the design criteria set out in the Sustainable Residential Development Guidelines, 2009, and its associated Design Manual which also requires regard to be had with the setting of the proposed development. In that consideration within the

design and layout shall be had with the characteristics of the site and the surrounding. Given the proximity of the site to public transport and having regard to the pattern of development in the site's setting I consider that the density proposed achieves an appropriate density that makes efficient and compact use of this zoned land within the settlements boundary.

7.3.9. Whilst I generally concur with the Planning Authority that the overall design, layout, building height through to how the proposed development interacts visually as well as functionally with its setting is acceptable. Notwithstanding, having inspected the site alongside having regard to the proximity of the duplex units and Block A1 proximity to the R148 I am concerned that this application is not accompanied by a Noise Assessment. During my inspection I observed a heavy volume of traffic and the topography together with the lack of any effective noise screening is such that there is nothing in situ to help to attenuate and minimise this nuisance. I am also not convinced that there is sufficient information provided by the applicant in the entirety of the suite of information provided that the residential units contained within the forementioned buildings would not be adversely effected. I therefore consider it appropriate that the Board should it be minded to grant permission that it includes a similar condition to that of Condition No. 8 requiring the submission and preparation of a Noise Impact Assessment prior to any commencement of development. Should this advice any significant modifications to the proposed scheme it may be necessary to amend the design and layout of the proposed scheme relative to the R148 and the corner of the R159. In such circumstances a separate application would be required as it may not just require improvements to the building envelopes and boundaries to attenuate noise effectively but also may require consultation to be had with the Planning Authority to address in a meaningful manner the posted speed limits of the R148 from the roundabout and on the R148's approach into the western fringes of Enfield.

7.3.10. Conclusion:

The proposed design, layout, and visual impact of the proposed development on the streetscape scenes of the R148 and R159 would not unduly impact on the visual amenities of its streetscape scene, nor would it give rise to a form of development would result in a collection of new building insertions whose overall built forms through to building to space relationship would conflict with the established pattern of

development in its streetscape scene. In addition, given the linear character of the main street that runs through the settlement of Enfield there is a potential for the 3-storey buildings proposed through to the interest provided by graduating the overall building heights from two to three storeys in a manner that also corresponds with the site's topography would add visual interest. With the introduction of medical centre, childcare and café/share work space providing activation as well as vitality to the streetscape scene as one enters into this settlement from the R148. Accordingly, permission should not be refused for reasons relating to the design and visual impact of the proposed development.

#### **7.4. Roads – Transportation and Access**

- 7.4.1. As set out in Section 1 of this report above this appeal site is bound by the R148 on its southern site and the R159 on its eastern side. Currently access to the site is via an existing combined access point onto the R159 that serves Drummond House, a detached two storey dwelling house located on the north easternmost corner of the site and a restricted in width laneway that runs in an east west alignment to where it terminates alongside a group of agricultural buildings.
- 7.4.2. The R148 which adjoins the southern boundary of the site is a generous in width roadway at this point it includes roadside verge, a part pedestrian footpath and street lighting. It is subject to two posted speed limits.
- 7.4.3. From circa midway of the southern boundary of the site extending to the south eastern most corner of the site the posted speed limit is 60kph and from midway of the southern boundary extending in a westerly direction towards and into Enfield's Main Street the posted speed limit reduces to 50kph.
- 7.4.4. This stretch of the R148 facilitates quick access to Junction 9 of the M4 Motorway via a roundabout located alongside the south eastern most corner of the site. In terms of road design and quality this stretch of the R148 in terms of its road infrastructure design is good with its wide carriageway provision in both directions, good signage, ample street lighting, it includes a roadside verge which for parts of its length adjoining the site includes a pedestrian footpath through to legible road markings.

- 7.4.5. On the opposite side of the R148 the pedestrian footpath extends the entire length of the road and includes a seating area. I observed that this footpath has a more qualitative finish than that adjoining the southern roadside boundary.
- 7.4.6. In close proximity to the southern boundary and to the west of the R148's junction with the R158 there is a signalised pedestrian crossing. This is located alongside the Royal Canal which at this point provides entry on either side of the R148 to a high quality shared public realm pathway that extends along the banks of the canal.
- 7.4.7. At the time of my site inspection, I observed that the R148, its roundabout providing connection to Junction 9 of the M4 Motorway and its junction with the R159 was extremely busy despite the fact that the inspection was carried out in late morning.
- 7.4.8. I also observed that vehicular traffic in general were travelling significantly in excess of the posted speed limit and that there were issues at the roundabout in terms of vehicle conflict particularly for vehicles journeying on the old Dublin Road into Enfield in an easterly direction and entering onto the R148 roundabout at its southern entry point. There is excessive speed at this location which adds to the issue of vehicle conflict on this roundabout as well as restricted visibility due to visual obstacles.
- 7.4.9. I did observe that the signalised pedestrian crossing reduced the ambient journeying speed of vehicles with vehicles travelling towards the southern boundary of the site in a westerly direction having either entered from the R148's junction with the R159 or having journeyed from the Old Dublin Road.
- 7.4.10. This slightly alleviates what was otherwise a heavily trafficked and not very safe or attractive in terms of environment public domain to walk or cycle through to entered onto from the various vehicle entrances present along the R159.
- 7.4.11. In terms of the R159 it is also subject to two posted speed limits. With the immediate section bounding the south eastern stretch of the site continuing the 50kph posted speed limit with this changing to 80kph to the immediate north of the entrance serving the Enfield Business Park. There is a limited verge existing on the eastern boundary of the site and no pedestrian footpaths present. There are pedestrian footpaths that extend from the R159's junction with the R148 present on the opposite side of this regional road with these terminating in close proximity to the entrance of Enfield Business Park. There are also a number of street lights present.

- 7.4.12. The current entrance of the site opens onto the R159 at the north eastern corner of the site at a point where there is acute change in alignment of this regional road in an easterly direction. With the alignment of this road meandering particularly to the south of the said entrance and to the north of the entrance serving Enfield Business Park and the entrance serving the Baynefield residential estate.
- 7.4.13. At the time of inspection, I observed a heavy flow of vehicles, particularly in a southerly direction and again observed vehicles travelling at high speeds. In particular within the 50kph stretch of the R159 adjoining the site.
- 7.4.14. The proposed development as revised provides for no vehicle access onto the R159 to serve the proposed development. A new access onto the aforementioned R148 roundabout on the south westernmost corner of the site and opening onto the northernmost tip of the roundabout is proposed.
- 7.4.15. This is the sole vehicle access proposed in the revised scheme to accommodate the proposed development. It is also at a point where the sightlines are restricted in a westerly direction though this could be overcome by the applicant as owner of the land within the redline area of the site which encompasses the immediate area to the west of this entrance by ensuring that the boundaries as well as landscaping features either proposed or existing do not obscure sightlines.
- 7.4.16. This in my view would be necessary to ensure safe access and egress from the proposed R148 entrance as well as for road users alongside reduce potential for conflict to arise with other road users of this stretch of the R148. The Board could achieve needed improvements in terms of this proposed access by way of condition should it be minded to grant permission. This does not overcome the issue of the high-speed vehicle traffic characterising this stretch of regional road.
- 7.4.17. In terms of adequacy of the provision of one access to serve a proposed development that bounds two public roads for significant stretches I share the Planning Authority's view that this is an insufficient provision given the following factors:
- The site location and site context.
  - The nature, scale and extent of development proposed.

- The significant quantum of additional vehicular movements the proposed development would give rise to onto one new entrance onto an already heavily trafficked regional road roundabout.
- The additional internal flow of vehicle traffic that would arise within the scheme proposed. With this flow of vehicle traffic from the R148 to the mixed-use block ('Block A1') located in the south eastern corner of the site, would add to the excessive noise levels that are already an identified issue at this stretch of the R148 and in turn would diminish the residential amenities of dual frontage duplex blocks which address R148, in particular the two to the immediate west of Block A1. It would also give rise to a less qualitative internal environment in general within the site for many of the residential units proposed.
- The road design in terms of a single point of public access for a scheme of this size and given the latent potential of the site due to its extensive public road frontage bounding the R148 and R159 reflects poor permeability and connectivity in the design schemes layout as well as creates a less qualitative answer to dealing with public, semi-private and private realm. Particularly in terms of ensuring a qualitative residential environment for future occupants.
- The revised documentation submitted to the Planning Authority on the 10<sup>th</sup> day of May, 2021, includes a Road Safety Audit, prepared by Bruton Consulting Engineers, with an issue date of the 14<sup>th</sup> day of April, 2021. This report includes several qualitative improvements to the layout of the proposed scheme in terms of facilitating the movement of vehicles, pedestrians, and cyclists internally alongside with ensuring more improved permeability and connectively with the adjoining public domain of the R148 and the R159. Many of these recommendations have not been included in the overall revised design and layout submitted. In particular, the provision of additional vehicular permeability with the R159 and in the vicinity of the Medical Centre.
- The location of the Medical Centre and Creche in the south eastern corner of the site remote is remote in the revised design and layout from the proposed single entrance onto the R148. I consider that both of these land uses have the potential to generate and give rise to vehicle movements and drop-offs/pick-up on the public road in their vicinity. Yet no provision for a pull-in, set down/collection area easily accessible from the R148 and/or R159 public domain is provided for them by way of the applicants

amended response. Arguably in terms of the design and layout the mixed-use building, whilst creating a focal point at the north western corner of the R159 and R148 T-junction, it may have been more appropriate to have located this mixed-use building in proximity to the sole vehicle access point proposed. Alongside providing appropriate drop off and collection points as appropriate in their immediate setting.

7.4.18. While I consider that the revised scheme does put forward improvements to pedestrian and cyclist permeability and connectivity. Particularly alongside the R148 and R149. These improvements do not overcome in my view the provision of one vehicular access to serve a proposed development of this nature, scale, and extent relative to its site context and the site's juxtaposition to two heavily trafficked regional roads. Moreover, the Road Safety Audit clearly puts forward pedestrian and cyclist permeability and connectivity improvements that would have achieved better integration of the proposed development with its site context and the movements it is likely to generate upon occupation.

7.4.19. I therefore consider that the amendments suggested in the accompanying Road Safety Audit, which are set out in part in Condition No. 5 of the Planning Authority's notification to grant permission are appropriate and reasonable. This conclusion is based on they qualitatively improve permeability and connectivity internally within the proposed development as well as along the adjoining stretches of the R148 and R159 for vehicular, pedestrian, cyclist permeability. Similarly, the improve permeability and connectivity for other vulnerable road users. As such I consider the Road Safety Audit recommendations are in the interest of traffic and road safety and they also bridge some of the concerns flagged by the Planning Authority by their Transportation Department in their initial comments on the proposed development for which they sought addressed by way of further information.

7.4.20. In the absence of implementing these changes and when one has regard to the proposal not being accompanied by any change to the posted speed limit through to no measures that address the width of the R148 to slow down traffic, I consider that the traffic generated by the proposed development would, if permitted, have the potential to endanger public safety by reason of traffic hazard.

7.4.21. Further, I do not consider that the site's close proximity to Enfield's Train Station as well as the site being within easy reach of a variety of services and amenity without

the need for use of the car is sufficient reasons to not seek a more qualitative response in the design and layout of this proposed development for vehicle users and vulnerable road users internally and at its juxtaposition with the public domain of the R148 and R159.

- 7.4.22. In relation to car parking provision, the revised design includes a level of car parking that seeks to meet the requirements of the Development Plan for the different types of land uses proposed.
- 7.4.23. In relation to the car parking provision for the café and working area there is a requirement of 1 no. space per 20m<sup>2</sup> under Section 11.9.1 of the Development Plan. According to Table 4 of the document titled 'Traffic and Transport Assessment – Residential Development at Enfield, County Meath', prepared by Waterman Moylan Engineering Consultants, dated May, 2021, and submitted with the applicant's response to the Planning Authority's further information there is a deficit of 5.4 car parking spaces based on a stated 163m<sup>2</sup> area. There is inconsistency between this area and the area set out for this land use in the revised submitted drawings. These indicate a 13m<sup>2</sup> larger area which would give rise to a deficit of 5.8 car parking spaces.
- 7.4.24. Table 4 would appear to suggest that 2 spaces above that required for the Medical Centre would be provided and I note that there is conflict between the no. of childcare spaces to be provided within the creche facility. It further indicates that the creche would have capacity for 40 childcare spaces where as the submitted drawings accompanying the applicant's response to the Planning Authority's further information response indicate 30. This represents a difference of 2 car parking spaces depending on which number is accepted.
- 7.4.25. I note that Section 11.9.1 of the Development Plan sets out that car parking standards required for non-residential land uses are 'maxima standards' and the guidance in the Development Plan allows for some deviation in the application of its parking standards on a case-by-case basis having regard to local circumstances.
- 7.4.26. The site is within easy reach of Enfield Train Station as well as other services and amenities within the settlement of Enfield which is defined as a 'Small Town' in the Development Plan.
- 7.4.27. Despite this given the size of this settlement, the unlikelihood that a development with 91 no. dwelling units would cater for people living and working within this settlement

together with its rural hinterland given the limited employment opportunities at present it is likely that occupants of this development will be reliant on their cars. Given the location of the café within the scheme and its limited provision of 3 car parking spaces I consider that there is merit to the appellants concerns that this car parking provision is insufficient relative to the overall car parking provision within the scheme through to the potential for it to give rise to car parking overspill and/or obstruction of the R148 and R159 public domain.

- 7.4.28. Particularly when considered against the amendments to the design and layout of this proposed scheme to address the permeability as well as connectivity concerns raised in the Road Safety Audit. Alongside the already noted lack of dedicated drop off/collection provision the medical centre or creche facilities proposed.
- 7.4.29. In addition to this arguably there is also a lack of any dedicated loading facility to cater for deliveries and the like from the café and shared work area. The provision of a delivery and loading area within the curtilage of the commercial mixed-use building would not only future proof the café and shared work area but also the commercial elements proposed should their uses change over time as well as would allow improved access at ground level for servicing as well as other needs of the future occupants of the apartment units.
- 7.4.30. In addition, the revised design also gives rise for potential conflict to arise between car parking provisions for the residential units that are not separated from but in the vicinity of the Medical Centre and the Creche facility.
- 7.4.31. Further, the revised design with its absence of a drop off/collection provision for the Medical Centre and Creche Facility land uses could potentially result in traffic movements that could result in residential car parking spaces being blocked in and/or traffic movements to become bottlenecked, through too congested in the vicinity of the mixed-use building.
- 7.4.32. Overall, I consider that the internal road layout for this part of the land results in a car dominant space within its communal core and does not achieve its latent potential to create people friendly internal spaces as a starting point of development within this specific land zone.
- 7.4.33. By addressing the concerns raised above by way of condition. For example, in a manner similar to Condition No. 5 of the Planning Authority's notification to grant

permission, which ultimately seeks improved vehicle connectivity. There is a real potential for the car parking provision within the scheme to fall short of Section 11.9.1 of the Development Plan's requirements for car parking space provision and for the residential quantum of car parking provision not just meeting its own needs and residential visitor parking but also the commercial components of the development proposed.

- 7.4.34. Whilst I acknowledge that there may be some resilience at this location for a lesser quantum of car parking given the site's easy reach of Enfield Train Station, amenities, and services. Including the site's proximity to passive and recreational amenity provisions present along the Royal Canal. Notwithstanding, the settlement of Enfield which is defined as a 'Small Town' in the Development Plan does not contain employment opportunities for this quantum of residential development nor does this settlement have all the various necessities to sustain the various socio, economic, educational, health care through to necessities and demands of modern life to meet its existing let alone future needs of its occupants.
- 7.4.35. The Board could however seek this concern to be addressed by way of further information should they be minded to permit the proposed development subject to the improvements set out in the Road Safety Audit alongside the concerns raised in this report. Notwithstanding, I note that Section 11.9.1 of the Development does indicate that the residential car parking provision can be reduced at the discretion of the Council where the proposed development is located in areas with good access to services and with strong public transport links.
- 7.4.36. In relation to the cycle parking provision to serve the proposed development are consistent with the Development Plan requirements which require a third of the car parking spaces subject to a minimum of one stand. The only concern I would have in this regard is that the cycle parking provision is not diminished by any condition that seeks design and layout changes of the proposed development to improve public realm and permeability as well as connectivity with the adjoining regional roads.
- 7.4.37. In assessing the overall traffic implications of the proposed development, I concur with the appellants in that there is conflicting information provided with this file and that there are discrepancies between documents and drawings including in terms of the

suite of documentation accompanying the applicant's further information response. This I concur is not conducive to carrying out an assessment.

7.4.38. Notwithstanding this I consider that there are a number of fundamental flaws in the proposed development with the first being that to permit the proposed development in the absence of an agreed Master Plan in the manner required under LU OBJ 2 would be contrary to the proper planning and sustainable development of the area.

7.4.39. Secondly there are fundamental issues in terms of the placement of the three duplex apartment blocks in close proximity to the R148 on 'B1' zoned land where this type of residential development would diminish land that is appropriate locationally for the expansion of town centre land uses would be contrary to achieving the land use direction for these lands.

7.4.40. Thirdly, as discussed above the lack of adequate vehicle connectivity and permeability with the adjoining public road network requires resolution and the resolution of the same by way of condition alone would result in shortfall of car parking spaces.

7.4.41. Fourthly, the non-residential land use components of the proposed development are poorly considered in that in terms of the overall context of quantum of customer generation and customer generated movements being highly improbable to arise solely from the 91 residential units through to those living within its immediate environs. I do not consider this to be a realistic that this alone would sustain the medical centre, the childcare facility and the café land uses without the need for vehicles to access them. Therefore, it is a concern that the childcare facility and the creche are not being accompanied by any drop off or collection points within the design of the scheme. Nor has there been any Childcare Assessment carried out in relation to the adequacy or not of this provision within this settlement currently.

#### 7.4.42. **Conclusion**

I am of the opinion that the proposed development as revised in terms of its overall design, layout, movement strategy, connectivity to its surroundings has not been fully resolved. I do not consider that the concerns raised in this regard can be overcome by way of condition and/or conditions alone. Including by way of the various conditions imposed by the Planning Authority to seek improved consistency of the proposed scheme with the Design Manual for Urban Roads and Streets requirements through

to the adoption of the recommendations of the Road Safety Audit and their Transportation Department.

I also consider that the transportation and access concerns compound the issue that the proposed development is premature pending the agreement of a Master Plan and also given the questionable suitability of B1 lands to accommodate residential units of sufficient internal and external residential as well as environmental amenity given its juxtaposition to the heavily trafficked R148.

Moreover, I raise significant concerns in relation to lack of clarity on whether there would be any extension of the 50kph posted speed limit to extend beyond the southern and northernmost perimeters of the site or any other meaningful improvement to address speeds particularly along the 60kph stretch of the R148 and the 80kph of the R159.

Further I am not satisfied that the documentation provided has demonstrated that the proposed development, if permitted, in the form proposed would not give rise to any overspill of parking along the adjoining public road or that sufficient clarity is present on what would be the final tally of car parking serving the proposed development should the needed amendments including the provision of two additional entrance points onto the R159 be provided.

## **7.5. Archaeology**

- 7.5.1. I have noted the comments contained within the two submissions made by the Department of Culture, Heritage and Gaeltacht to the Planning Authority during the course of its determination of this application. Their main concern in their final submission is that the applicant had failed to address Item No. 9 of the Planning Authority's further information request and therefore the concerns raised in their initial submission to the Planning Authority still stood, i.e., they were unable to comment upon the archaeological implications of the proposed development in the absence of this requested information.
- 7.5.2. In this regard I note that in their submission dated the 22<sup>nd</sup> day of October, 2021, they considered the proposed development to be large-scale in its extent and that it was situated in close proximity to an enclosure of archaeological interest, i.e., Recorded Monument ME048-019.

- 7.5.3. In relation to this Recorded Monument, it noted that it was subject to statutory protection in the Record of Monuments and Places, established under Section 12 of the National Monuments (Amendment) Act, 1994.
- 7.5.4. It was therefore recommended that an Archaeological Impact Assessment following a recommended methodology provided by them with their submission be carried out and that this should be submitted as further information so that the Planning Authority and the National Monuments Service can formulate an informed archaeological recommendation before any decision is made.
- 7.5.5. The Planning Authority on the other hand considered that archaeological concerns whilst not addressed by the applicant in their further information request could be addressed by way of condition.
- 7.5.6. In this regard, Condition No. 28 of the Planning Authority's notification to grant permission requires the developer to employ a qualified archaeologist to monitor all ground works associated with the development. Alongside should archaeological material be found during the course of the monitoring that they may have works stopped, pending on a decision as how best to deal with the archaeology. It also highlights that the developer may be required to be advised by the National Monuments Service with regards to any mitigation action and the like.
- 7.5.7. Of concern this area is recognised as one that is highly sensitive in terms of archaeology, and I raise a precaution in the absence of having carried out test trenching to inform a more robust response to Item No. 9 of the Planning Authority's further information request. In addition to ensuring that the layout of the scheme would not prejudice the preservation in situ of any archaeology yet to be discovered below ground in situ could give rise to potential conflict should planning permission be granted.
- 7.5.8. I am not satisfied that in the absence of a more detailed archaeological examination of the site and with such an examination informing the design of the proposed scheme in terms of its layout of buildings, infrastructure through to spaces that the proposed development, if permitted, would ensure the continued appropriate preservation of any features or other objects of archaeological interest during the course of construction works. I consider that this concern could be dealt with by way of an archaeological monitoring condition should the Board be minded to grant permission.

## 7.6. Water Supply and Foul Drainage

- 7.6.1. At present there is no capacity in the potable water supply and the foul drainage serving the settlement of Enfield to serve the proposed development sought under this application.
- 7.6.2. By way of the applicant's further information response and by way of the submissions made by Irish Water that subject to conditions the proposed development, if permitted, I am satisfied that it can be adequately served by way of the water supply improvements that are currently under construction by Legendstar Ltd who are working with Irish Water to deliver additional potable water supply to serve future development in the settlement. With this new supply having the capacity to meet the requirements of the proposed development and with the applicant being willing to satisfy the requirements of Irish Water in terms of making a connection to this improved public water supply serving the settlement of Enfield.
- 7.6.3. In relation to the foul drainage, I am also satisfied that there is full planning permission in place for the upgrade of the waste water treatment plant in Enfield. With this plant having funding in place and with a scheduled completion date for 2023. In this regard I note that the applicant is willing to comply with any requirements of the Council, Irish Water, and the Board in relation to water and wastewater matters. Including that the completion/occupation of the development be scheduled to coincide with the completion of this plant.
- 7.6.4. In relation to the existing pumping station, it is proposed that it will be decommissioned as it has no storage capacity and has operational issues. The decommissioning of this has station has been agreed with Irish Water as has a diversion of flow to the new pumping station which would occur in public lands.
- 7.6.5. The connection details and invert levels would be subject to compliance and agreement with Irish Water.
- 7.6.6. In relation to the ground conditions, at the time of inspection these appeared to be good and there were no deep drainage ditches or prevalence of water loving plants despite heavy rainfall incidents preceding my inspection of the site.
- 7.6.7. In addition, the percolation tests carried out by the application appear to have been carried out after two months of high-level rain fall. It is therefore contended that these

percolation results reflect the conditions had the tests been carried out in December or January. A variety of Sustainable Drainage measures on site are proposed and the applicant is willing to comply with the Planning Authority or the Board in relation to any requirements it deem appropriate on this matter.

- 7.6.8. In conclusion I concur with the Planning Authority that subject to appropriate conditions including those recommended by Irish Water, the Planning Authority's Water Services Department through to the restriction upon occupation of any of the development pending pre-agreements being in place to connect to the newly completed water supply and waste water treatment plant that the proposed development is acceptable and not premature due to imminent infrastructure improvements being carried out within this settlement to accommodate its needs.

#### **7.7. Residential Amenities - Impact on Surrounding Properties**

- 7.7.1. On the opposite side of the R159 there are a significant number of residential dwelling units. These vary from single storey to two storeys in built form. The proposed scheme response to the R159 is mainly comprised of 2-storey detached and terraced dwelling units.
- 7.7.2. These are setback from the roadside edge by public footpaths and varying in setback semi-private front garden areas that in most cases include off-street car parking between their principal building elevation and the public domain.
- 7.7.3. Similarly, the terrace group of dwellings proposed includes setbacks from its principal building elevation and the roadside edge. With the area in between containing a linear landscaped strip that includes pedestrian and cycle paths. These paths extend in a northerly direction running alongside one of the communal open spaces proposed to where it is bound by the termination point of a number of cul-de-sac roads with detached dwellings located on either side of these cul-de-sacs.
- 7.7.4. As such there would be substantial separation distance in excess of 35m between the proposed dwellings addressing the R159 and the existing properties aligning with the opposite side of the R159 from the site. With more generous separation distance between the proposed dwellings to the north of the proposed 2-storey terrace group. I therefore consider that the proposed development along the R159 which would have the closest juxtaposition to existing residential dwellings whilst would give rise to a

change in context would not give rise to any serious diminishment of their residential amenities by way of overshadowing; diminishment of daylight or sunlight; overlooking; and, or other serious diminishment. In particular it would not give rise to any additional diminishment of established privacy in their associated private amenity spaces.

- 7.7.5. In relation to the three-storey mixed used building which includes residential buildings again there is over 35m in separation distance between it and the nearest dwelling on the opposite side of the R159. The provision of a three-storey building on the south eastern corner of the site would result in a modest graduation in building height in terms of the streetscape scene.
- 7.7.6. With the addition of a second floor being consistent with achieving higher densities and more efficient use of zoned land as is supported by Section 28 Ministerial Guidelines, including the provisions set out in the Urban Development and Building Height Guidelines, 2018.
- 7.7.7. Moreover, its corner location lends itself to the placement of a building that visually can present as a focal point within the streetscape scene defining entry points to key roads. Which in this case is the intersection of the R148 and R159 on the western approach of Enfield's Main Street which has a linear character.
- 7.7.8. There is ample separation distance between the proposed mixed-use building and existing buildings, in particular residential buildings which are more sensitive to change, within its streetscape context to ensure that no additional overshadowing and/or diminishment of daylight and sunlight would arise. Further the positioning of this building relative to existing buildings and other natural features means that no significant diminishment in privacy and/or overlooking would arise.
- 7.7.9. While I note that the applicant did not carry out tests on sunlight or daylight impacts (in terms of APSH or VSC analysis), or submit a shadow analysis, setting out the impact of the proposed development as revised on properties within its immediate vicinity. Notwithstanding, I am satisfied that there is sufficient information on file to allow me to carry out the assessment of residential amenity impact. With this assessment being informed by the following factors: the built forms proposed; their layout and orientation; the hierarchy between buildings and spaces both proposed as well as existing; the topography of the site and its setting; natural features to be retained; landscaping and boundary treatments proposed; separation distance

between existing and proposed dwelling units and the like to reach a conclusion on residential amenity impact of the proposed development on properties in its vicinity.

7.7.10. In conclusion, with regard to daylight, sunlight and overshadowing on surrounding properties, it is my opinion, that any impact resulting from the proposed development on properties within its vicinity would be minimal, acceptable, and not out of context with the site's location and the type of development proposed within the urban footprint of Enfield. Moreover, the proposed development arguably would improve the public domain aligning with the western side of the R159 by way of its linear open space, planting, public lighting, pedestrian, and cycle pathways. Similar benefits would arise along the southern perimeters of the site should the opposite side of the R148 be developed in time, including the derelict abandoned dwelling.

#### **7.8. Residential Amenities – Apartment and Duplex Units**

7.8.1. The development includes 16 apartment units and 36 duplex units and as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with.

7.8.2. In terms of amenities for future occupants of the apartment units and duplex units I consider these to be generally of a high standard and that they are generally consistent with the requirements of the Apartment Guidelines. In particular the proposal complies with SPPR5 (ceiling heights) and SPPR6 (units per stair core).

7.8.3. In addition, these residential units generally are consistent with or exceed the requirements set out for such units under Appendix 1 of the said guidelines in relation to minimum aggregate floor areas for living/dining/kitchen rooms, minimum widths for living/dining rooms, minimum bedroom floor areas/widths and minimum aggregate bedroom floor areas.

7.8.4. In relation to SPPR 1 of the Apartment Guidelines this requires sets out the housing developments may include up to 50% one-bedroom or studio type unit with no more than 20 to 25% of the total proposed as studios and there shall be no minimum requirement for apartments with three or more bedrooms. It further sets out that Statutory Development Plans may specify a mix for apartment and other housing

developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city, or metropolitan area basis and incorporated into the relevant development plan(s).

- 7.8.5. As previously discussed in my assessment above the net density of 36 unit plus per hectare is consistent with the specified density of 35 units in designated Self-Sustaining Towns which Enfield is. There are no studio units proposed and the number of one-bedroom apartments equates to 5.46% of the overall residential units proposed. There is no evidence based HNDA that would support that a higher provision of one-bedroom units and/or the provision of any studio apartment within the scheme proposed.
- 7.8.6. Whilst I consider that within the context of the overall 91 residential units proposed under this scheme there is good mix of units, sizes, and typologies. It would also appear that the mixture is driven by market demand in this area with preference for duplex, semi-detached, detached, and terraced type dwellings with own door access and private amenity space provisions.
- 7.8.7. I therefore consider that the proposed development is generally consistent with SPPR 1 and in turn local planning provisions which under Development Plan Objective SH OB 22 and DM POL 14 requires such applications to comply with the requirements set out in the Apartment Guidelines.
- 7.8.8. I do have a concern in relation to the apartment units within Block A1 compliance with SPPR 3 of the said Guidelines.
- 7.8.9. On this point while I note that the 6 proposed one-bedroom units exceed the range of 45m<sup>2</sup> (Note: Given internal floor areas of 49m<sup>2</sup>) and the 8 no. 2-bedroom (4 Person) units exceed the 73m<sup>2</sup> specified for such units (Note: Given internal floor area of 81.1m<sup>2</sup>) the 2 no. 2-bedroom (3 Persons) have given internal floor areas of 69.1m<sup>2</sup>. Therefore, the 2 no. 2-bedroom (3 Persons) units fail to meet the requirements of SPPR 3 of the said Guidelines. In addition, it is of note that DM POL 14 states that: *“while these Guidelines set out minimum design standards, the Council strongly encourages the provision of apartments above these standards, in the interest of creating attractive living environments and sustainable developments”*. The Board could seek by way of condition for this concern to be addressed.

- 7.8.10. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards, while the Building Heights Guidelines require reasonable regard to these standards.
- 7.8.11. The BRE standards state that numerical targets should be applied flexibly (specifically average daylight factor values of 1% to bedrooms, 1.5% to living rooms and 2% to kitchens) and that natural light is only one factor to be considered in layout design. As such, the BRE standards are discretionary and not a mandatory policy.
- 7.8.12. While I acknowledge that the applicant has failed to carry out their own assessment of the numerical targets for daylight and sunlight in the proposed apartments, I am satisfied that considerations of daylight and sunlight have generally informed the proposed layout and design in terms of separation distances, scale, and the aspect of units. The proposed development is at an appropriate scale relative to the dormer and two storey height of nearest man-made features and there are appropriate distances between natural landscaping features such as existing and proposed trees.
- 7.8.13. The two bed apartments within the mixed-use building are dual aspect.
- 7.8.14. Though this is not the case for the one-bedroom apartment units. With this being problematic in terms of light penetration for the 1-bedroom apartment with a northerly aspect for its internal living space and its setback into the building private amenity balcony space. I acknowledge that there are limited built and natural feature obstructions that would significant adversely impact the level of daylighting further to the north facing one-bedroom units.
- 7.8.15. In relation to three duplex apartment blocks and the units therein I note that these are dual aspect with decent size window openings. This together with the orientation, i.e., particularly having a southerly aspect, should ensure maximum daylight as well as natural ventilation penetration.
- 7.8.16. In relation to the detached, semi-detached, and terraced 2-storey dwelling units the BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. The applicant has not submitted any documentation considering this issue, in the form of a shadow analysis or otherwise.

- 7.8.17. Notwithstanding given the layout of the proposed scheme, in particular the hierarchy between buildings and space; the built forms, building volumes, their placement and orientation, the provision of in excess of the communal open space required for the quantum of residential proposed, I consider it is probable that these amenity spaces will exceed the BRE standard.
- 7.8.18. In relation to the proposed communal amenity spaces associated with the apartment and housing units, there is a hierarchy of spaces proposed with the primary and secondary amenity space receiving unobstructed sunlight from either the east, south or west during the day, and it is likely that the above BRE standard will be achieved in these spaces. Whereas the linear strip of communal space would have sunlight obstructed due to both existing and proposed natural features. As well as by the proposed 3-storey mixed use building.
- 7.8.19. In general, outside of the 3-storey duplex units and the 3-storey mixed use building the majority of the buildings proposed within this scheme are 2-storey in their built height and this would limit the level of overshadowing that would arise on proposed amenity spaces.
- 7.8.20. In addition, the proposed communal spaces benefit from good passive surveillance that has been factored into the design of the overall scheme.
- 7.8.21. Moreover, the internal and external amenity provisions of the residential units generally meet required standards for apartment and dwellings units.
- 7.8.22. Having regard to the detailed assessment above, while I note that the applicant did not carry out tests on sunlight or daylight impacts (in terms of APSH or VSC analysis), or submit a shadow analysis of the proposed development, I am satisfied that there is sufficient information on file to allow me to carry out an assessment of residential amenities for future occupants and to conclude that the proposed development would generally give rise to a development that would contain residential units that would benefit from qualitative access to sunlight, daylight levels or natural ventilation. Nor would the design and layout of buildings be likely to give rise to diminishment of future residential amenities by way of any undue overshadowing or by way of overlooking.

7.8.23. *Conclusion*

Overall, the proposed development, subject to amendments to Block A1 to address the concerns raised in relation to the substandard floor area for the two-bedroom three-person apartment units and the north facing single aspect north facing apartment units with the substandard open space provision, provides an acceptable standard of residential accommodation for future occupants I am satisfied that the provides a high standard of amenity and public open space for residents of the scheme.

## **7.9. Other Matters**

### **7.9.1. Child Care Facility**

The Guidelines for Planning authorities on Childcare Facilities (2001) require a facility to cater for 20 children for each 75 dwellings. The proposed development as revised contains 91 dwelling units ranging from 1 to bedroom dwelling units. The proposed creche is given in the revised plans as catering for a conflicting number of childcare places that range in number between 30 to 40 childcare spaces and has a given 264m<sup>2</sup> floor area as well as dedicated external protected amenity space/play area. It would be located in the mixed-use building located on the south eastern portion of the site and with limited separation distance between the R148 and R159 and no dedicated drop of and collection points.

As previously discussed, it will be provided with car parking for those working within this proposed facility.

There is no indication on file to support that the Meath County Childcare Committee consider that the proposal is adequate or otherwise. I noted the presence of other child care facilities within the locality. Including one in close proximity to the north east of the site, i.e., Blossoms Pre-School.

The local primary school (St Mary's) is located centrally within the town to the south east of the site and is within a 7–8-minute walking distance. There are footpaths and a cycle lane connecting the site to the town along the Old Dublin Road. From the documentation submitted it is unclear whether or not the local school has capacity to cater for additional pupils that could arise from the proposed development were it to be permitted.

7.9.2. Enfield at this present time does not include a secondary school. Under the Draft Development Plan, the site forms part of a parcel of land where community, educational and social type land uses could arguably be accommodated.

7.9.3. It would appear that the nearest secondary school is c8km away from Enfield in Longwood. It is unclear from the documentation provided whether there is a dedicated school bus providing access for pupils in Enfield attending this school.

I am not however, able to provide comment regarding whether or not the proposed creche, despite it being a permitted land use, would meet a demand generated by the proposed residential component of this development and/or whether there is a surplus or under supply of child care places within this settlement based on the limited information provided.

I therefore consider that should the Board be minded to grant permission for the proposed development it may wish to seek that the applicant prepare a Childcare Assessment by way of further information.

#### 7.9.4. **Flooding**

A Flood Risk Assessment for the appeal, prepared by Waterman Moylan, Engineering Consultants and dated September, 2020, is submitted with the application, which identifies the site as being wholly located in 'Flood Zone C'. The nearest watercourse lies to c60m to the south east of the site is the Royal Canal and the Blackwater River c1.5km to the south of the site, both with flow directions away from the site. The risk of flooding from all sources is described as low. OPW mapping does not identify any risk at this location, and I can find no historic events recorded for the site and within this immediate location. The proposed development does not therefore appear to be at risk of flooding and a justification test would not be required in respect of the development. Subject to the appropriate management of surface waters on the site, including those set out to deal with the matter of surface water on site, I consider that the proposed development, if permitted, would not give rise to an increased risk of flooding of adjoining and neighbouring lands.

#### 7.9.5. **Condition No. 29**

This condition requires the developer to pay a sum of €200 per unit as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the

construction phases of the development with this payment to be made prior to the commencement of development. This condition is also indicating that this sum shall apply until the 31st day of December, 2021 and shall be subject to review thereafter unless previously paid. The given reason for this condition is *“it is considered reasonable that the developer should contribute towards the Planning Authority’s monitoring costs associated with the development”*. Having examined the current Development Contribution Scheme, I cannot find any requirement set out within it requiring a cash sum provision to be made to monitor a multi-unit residential development during its construction phases. Should the Board be minded to grant permission for the proposed development I do not advise the attachment of such a condition based on such a contribution not being provided for under the applicable adopted scheme.

**7.9.6. Prematurity of the Development Pending the Review of the County Development Plan.**

7.9.7. This is no longer a substantive concern given that Meath County Council adopted the Meath County Development Plan, 2021-2027, on the 22<sup>nd</sup> day of September, 2021, and this Plan came into effect on the 3<sup>rd</sup> day of November, 2021. It is under this Plan that my assessment has been based in relation to local planning provisions.

**7.10. Bats:**

7.10.1. Should the Board be minded to grant planning permission I recommend that the Board include a condition that requires the preparation a pre-commencement bat survey to be carried out and if required a Bat Mitigation strategy be included as part of the Construction and Environmental Management Plan (CEMP) as a precaution. Having inspected the site I observed that there was no evidence of bats roosting but there is a small number of mature trees. The trees of merit on the site are to be retained. Based on my inspection of the site; the site setting and having regard to the information provided I am of a view that the proposed development if permitted would have no adverse impact on this Protected Species in terms of roosting, feeding or habitat. The Bat Mitigation Strategy as part of the CEMP would be appropriate as a precaution.

**7.10.2. New requirements for residential schemes above a certain unit number in the new Development Plan.**

This application was lodged prior to the adoption of the Meath County Development Plan, 2021 to 2027. Under the new plan there are more robust requirements for residential development applications including for example under objective SH OBJ 23 that residential schemes in excess of 20 number units to be accompanied by clarity that 5% of the residential units are designed in accordance with 'Building for Everyone: A Universal Design'. In addition, under objective SH OBJ 24 that residential development applications of 50 residential units or more are accompanied by a Social Infrastructure Assessment. The purpose of such an assessment is to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents in accordance with the requirements of Policy SOC POL 6. Therefore, should the Board be minded to grant permission for the proposed development it may consider it appropriate that these requirements are dealt with by way of further information or by way of a request for additional information.

#### 7.10.3. **Condition No. 4 of the Planning Authority's notification to grant permission**

Should the Board be minded to grant permission for the proposed development I recommend that it includes Condition No. 4 of the Planning Authority's notification to grant permission or similar worded condition. Such a condition is consistent with Section 47 of the Planning and Development Act, 2000, as amended, which seeks to restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing including affordable housing, in the common good.

## 8.0 **Appropriate Assessment**

### 8.1. **Overview - Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

## 8.2. Background of the Application Site relative to Natura 2000 Site(s)

The appeal site does not form part of, it does not adjoin nor is it proximate to any Natura 2000 site(s) and though mainly comprised of greenfield land it lies on the western periphery of the settlement of Enfield within defined urban boundaries.

The nearest Natura sites are located at a significant distance from the site as the bird would fly are:

- The River Boyne & River Blackwater Special Area of Conservation (Site Code: 002299) which is located c8.7km to the north at its nearest point.
- The River Boyne & River Blackwater Special Protection Area (Site Code: 004232) which is located c8.8km to the north west at its nearest point.

At further distances from the site are the following Natura 2000 sites:

- The Ballynafagh Lake Special Area of Conservation (Site Code: 001387) which is located c12.6km to the south at its nearest point.
- The Ballynafagh Bog Special Area of Conservation (Site Code: 000391) which is located c13.5km to the south.
- The Mount Hevey Bog Special Area of Conservation (Site Code: 002342).
- The Long Derries, Edenderry Special Area of Conservation (Site Code: 000925) which is located c15km to the south west.

## 8.3. Applicants Stage 1 – Screening Assessment

The applicant has submitted a screening report for Appropriate Assessment as part of their report titled: *'Ecological Impact Assessment Report – to examine the ecological impact of the proposed development at Drummond House, Enfield, Co. Meath. In response to Item 3 of the Further Information Request pertaining to Planning Application Reg. Ref. No. TA/201295'* prepared by Greentrack Environmental Consultants and dated April, 2021. This formed part of their further information response to the Planning Authority and was received by the Planning Authority on the 10<sup>th</sup> day of May, 2021.

This document was prepared in line with current best practice guidance and provides a description of the proposed development and identifies Natura Sites within a possible zone of influence of the development.

It can be found at Page 25 of this document and under Table 5.1 sets out its screening of Natura 2000 sites within the appeal sites Zone of Influence.

This table sets out that as the proposed works would be within the vicinity of a watercourse, i.e., c1.5km from the River Blackwater, with this watercourse hydrologically linked to two Natura 2000 sites, i.e., the River Boyne & River Blackwater SAC & SPA (Site Codes: 004232 and 002299 respectively), and therefore considered further screening is required to determine if Stage 2 Appropriate Assessment is required.

Table 5.1 also sets out that in relation to the Rye Water Valley/Carton SAC (Site Code: 001398) with a location of 17km from the appeal site that despite the hydrological presence between the Royal Canal which is situated 50m to the southeast of the subject site and in actually represents a c22km hydrological link to the SAC due to the factors in between including the course of the canal route with this canal route exhibiting low flow rates, that strict water management practices on site. Including SUDS and foul water management) together with the distance to this SAC as well as the low flow within this pathway between source and receptor that this effectively removes the possibility of deleterious effects occurring to it. As such no further screening is required.

In relation to the other Natura Sites, i.e., Mount Hevey Bog SAC (Site Code: 002342); The Long Derries, Edenderry SAC (Site Code: 000925); Ballynafagh Lake SAC (Site Code: 001387) and Ballynafagh Bog SAC (Site Code: 000391), with these having separation distances from the site between 14.2km to 15.6km at the furthest distance that there is no direct avenue of connectivity to these SAC's.

Having carries out further screening on the River Boyne & River Blackwater SAC & SPA, based on the source – pathway – receptor model and having regard to the Qualifying Interests for which these sites were selected together with their specific conservation objectives it is considered that there is no direct hydrological path existing between to the either the receptor of the River Boyne & River Blackwater SAC & SPA Natura Sites.

It was further considered that subject to standard construction phase controls which are proposed as part of the proposed development to prevent water quality impacts alongside the proposed development is subject to strict water management including a foul water management regime and a Sustainable Urban Drainage System that No impact to either the River Boyne & River Blackwater SAC and SPA would occur. With this consideration including that due to the 8.9km distance between the site and the River Boyne and River Blackwater SPA that no disturbance to Kingfisher Habitat or foraging grounds are envisaged.

Based on the forgoing, therefore, it indicates that the River Boyne and River Blackwater SAC and SPA will not be impacted as a result of the proposed development.

This Screening Report concludes that the proposed project, either individually or in combination with other plans or projects will have no significant adverse effects on any Natura sites. In addition, there would be no significant adverse effects on any of the listed qualifying interests of the Natura sites identified as part of their analysis. As it is not likely that the proposed development would have a significant effect on any Natura site(s) a Stage 2 Appropriate Assessment is not required.

#### **8.4. Planning Authority's Screening for AA**

The Planning Authority's Screening for AA is found in its Planning Officer's reports in relation to the proposed development both of which are on file and are dated the 11<sup>th</sup> day of November, 2020, and the 18<sup>th</sup> day of June, 2021, respectively.

The Planning Authority's screening sets out that the proximity of the site relevant to Ballynafagh Bog SAC; Ballynafagh Lake SAC; River Boyne and River Blackwater SAC and SPA. It indicates that there is no apparent direct hydrological link from the subject site to these sites and any these Natura 2000 sites.

It states that: *"the Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/qualifying interests of European Sites with in the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation*

*requirements and duration of construction and operation and cumulative impacts associated with the proposal*".

The Planning Authority's Screening for Appropriate Assessment 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 Natura sites.

## **8.5. Conclusion:**

Having reviewed the documents attached to file I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on Natura Sites. 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, 001387, 000925 and 002342 or any other European site, in view of their given Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

This determination is based on the location of the site within the service boundaries of the settlement of Enfield; the separation distances between the site and designated Natura 2000 sites; the nature, scale, and location of the proposed development; the nature of the receiving environment; the planned upcoming improvements to public water and wastewater infrastructure in this settlement.

## **9.0 EIA Screening Determination**

### **9.1. Brief Description of the Development**

- 9.1.1. The proposed development as originally submitted to the Planning Authority sought planning permission for 88 residential units, a medical centre, a childcare facility, and a café/shared working area on a 6.46ha site on the western edge of the settlement of Enfield, in County Meath. The number of planning units has increased to 91 residential units under the revised proposal. With the revised proposal also seeking planning permission for a medical centre, a childcare facility, and a café/shared working area

on the site. The site consists primarily of a greenfield with a two-storey detached dwelling house located on its north easternmost corner. The site lies at its nearest point c43m to the west of the Royal Canal. This is the closest water feature/watercourse. The site is not hydrologically connected to this water feature/watercourse.

## **9.2. Requirement for EIA**

9.2.1. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001, as amended. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2 hectares if the site is regarded as being within a business district. The site is zoned 'G1' – Community Infrastructure. The proposal is for 91 no. residential units, a medical centre, a childcare facility, and a café/shared work space on a site of 6.46ha. It is therefore below the mandatory threshold for EIA both inside and outside of a business district. The proposed development is therefore sub-threshold for the purposes of EIA.

## **9.3. Screening Determination**

9.3.1. This application is not accompanied by an EIA Screening Report. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The uses proposed are urban in nature and the site itself forms part of zoned land within the settlement boundaries of Enfield. The nature of the proposed development is similar and synergistic with the immediate area to the east of it. The proposed development will not increase the risk of flooding within the site or adjoining land. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or give rise to a risk of accidents. The development prior to occupation would be served by public drainage and water supply which at this time is being upgraded. The site is not subject to a nature conservation significance and the Appropriate Assessment Screening set out in Section 8 concludes that the potential for adverse impacts on Natura 2000 sites can be excluded at the screening stage.

9.3.2. In relation to other relevant information on the characteristics of the overall proposed development and its likely effects on the environment I note that this application is accompanied by the following documents: Ecological Impact Assessment Screening report, which I note also included a Stage 1 Screening Report for Appropriate

Assessment, prepared by Greentrack, Flood Risk Assessment, Engineering Assessment Reports through to Construction & Waste Management Plan

9.3.3. I note that the Planning Authority have stated in their Planning Officer's report that it is satisfied that there is no requirement for an EIA or sub-threshold EIA in this instance.

#### 9.4. **Screening Determination**

9.4.1. I consider that the location of the proposed development at the edge of the town on a predominantly greenfield site served by public infrastructure and the absence of any significant environmental sensitivities in the area, that the nature, scale, and location of the site, would not justify a conclusion that it would be likely to have a significant effect on the environment. The proposed development does not have the potential to have significant effects on the environment by way of its nature, extent, complexity, scale, or any other manner at this location and in this geographical site context. I therefore accept the conclusion reached by the applicant and the Planning Authority in this case that an environmental impact assessment report for the proposed development is not required given that this sub threshold development would not be likely to have significant effects on the environment. I recommend that a screening determination be issued to reflect this conclusion.

#### 10.0 **Recommendation**

10.1. I recommend that permission be **granted**.

#### 11.0 **Reasons and Considerations**

11.1. Having regard to the G1 zoning of the under the Meath County Development Plan 2021-2027, under which residential development is open for consideration subject to safeguards and where medical centre, childcare and café type land uses are deemed to be permissible; together with the site's urban location on the periphery of Enfield in close proximity to rail and bus public transport provision; the nature, scale and extent of the proposed development; and, the proposed development synergy with the pattern of development in its vicinity, it is considered that 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.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 18th day of September, 2020; and as amended by the further information submitted on the 10th day of May, 2021 and the 25th day of May, 2021 April 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 to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as followed:

(a) Block A1 shall be revised so that the apartment units provided therein are revised to meet the requirements of Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, 2020. In particular, in terms of floor area, the provision of qualitative open space amenity and dual aspect.

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

**Reason:** In the interests of residential amenity.

3. The total number of dwelling units permitted shall be 91 dwelling units as per the Site Layout Plan submitted to the Planning Authority on the 10<sup>th</sup> day of May, 2021.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

4. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

5. 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, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

6. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning Authority prior to commencement of

development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

7. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

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

8. The applicant shall amend the road layout as necessary to suitably address the recommendations of the Road Safety Audit. In particular, the following items should be submitted for written agreement with the Planning Authority:
  - i. The applicant shall provide additional vehicular permeability with the Trim Road by extending the proposed cul-de-sacs, at the Medical Centre and north of the public open space, to the Trim Road unless otherwise agreed. The junctions should comply with the requirements of DMURS.
  - ii. A pedestrian crossing shall be provided on the R148 roundabout site access junction.
  - iii. A pedestrian and cycle crossing at the R148 Main Street/R159 Trim Road junction shall be provided. The road widths may need to be reduced in line with the requirements of DMURS.
  - iv. A pedestrian and cycle crossing shall be provided on the R148 roundabout to facilitate access to Enfield bypass from the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development with these drawings clarifying the car parking requirements meets the provisions of the Meath County Development Plan, 2021 to 2027, to their satisfaction.

**Reason:** In the interest of traffic and pedestrian safety and the proper planning and sustainable development of the area.

9. The Road Safety Audit advises that wide carriageways lead to higher speeds and higher severity injuries if vulnerable road users are struck. The existing public road widths appear to be in excess of that recommended by DMURS. Prior to the commencement of any work on site, the Applicant shall submit a revised site layout to include details of the boundary treatment along the full length of the R148 and the R159 roadside boundaries of the site. This should include carriageway widths, verges, footpaths, kerb lines, cycleways, bus stops, public lighting, and drainage. Details to be agreed with the Planning Authority in writing in advance and prior to commencement of the development.

**Reason:** In the interest of traffic and pedestrian safety and the proper planning and sustainable development of the area.

10. The internal road layout should be amended at the first T-junction encountered within the development to give priority to traffic entering the site from the R148 roundabout. This is required to avoid traffic queueing back on the Enfield bypass. Details shall be agreed prior to the commencement of development in writing by the Planning Authority.

**Reason:** In the interests of traffic and pedestrian safety and the proper planning and sustainable development of the area.

11. In respect of Type D1 Blocks the applicant shall complete a Noise Impact Assessment in accordance with current best practice and legislation including Planning and Development Act, 2000, (as amended), National Planning Framework 2020-2040, Environmental Noise Regs 2006, BS4142:2014+A1:2019, ISO9613-2 and WHO Guidelines. The said Type D1 Blocks shall be modified as necessary to address the recommendations and/or mitigation measures identified in the assessment. All modifications necessitated as a result of recommendations

contained in the Noise Impact Assessment shall be implemented, in full, to the satisfaction of the Planning Authority.

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

12. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to any installation of public lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

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

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

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are

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

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

14. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted with the application as revised on the 10<sup>th</sup> day of May, 2021, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the , and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

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

15. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

16. Prior to the commencement of any works on site, full details of all telecommunications plan for the site shall be submitted and agreed in writing by the Planning Authority.

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

17. 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.

**Reason:** In the interest of proper site drainage.

18. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

19. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

20. Details of signage relating to the medical centre, creche and café/shared office space shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of visual amenity.

22. 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:

(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

(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:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

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.

**Reason:** 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.

23. 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.

**Reason:** In the interest of public safety and residential amenity.

24. 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.

**Reason:** In the interest of orderly development and sustainable waste management.

25. 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.

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

26. (a) Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

27. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

28. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

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

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

30. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's taking in Charge Policy. Prior to commencement of development, the developer shall agree with the planning authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with those standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable construction standard.

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

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

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Patricia-Marie Young  
Planning Inspector

31<sup>st</sup> day of January, 2022.