



An
Bord
Pleanála

Inspector's Report

ABP-311110-21

Development	The construction of 21 no. 2 storey dwellings. N.I.S. lodged with further information
Location	Site at Ballygarth Road, Julianstown, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB 20/1232
Applicant(s)	Dwellings Developments Drogheda, Limited. .
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Emma Gordon.
Observer(s)	No Observers.
Date of Site Inspection	26 th April 2022.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is located within the settlement boundary of Julianstown village, which is approximately 6km south of Drogheda and c. 3.2km from the coast. The R132, (Drogheda-Balbriggan road), passes through the village, which has evolved in two development clusters on either side of the River Nanny. The main commercial uses are located to the north of the river and the subject site is located to the south of the river, along the L16161, Ballygarth Road.
- 1.2. The appeal site has a stated area of 0.935ha is located at the south-eastern extent of the village boundary. It is rectangular in shape and is located on the southern side of the L16161 – Ballygarth Road, approximately 350m from its junction with the R132. The site is currently greenfield in nature but was formerly in agricultural use. The area surrounding the site is characterised by residential uses to the north and west with agricultural lands to the east and south. Directly adjoining the site to the west is the Castle Grove housing estate.
- 1.3. There are mature hedgerows on the northern, southern and eastern boundaries and a concrete post and wire fence forms the western boundary to Castle Grove. Existing footpaths and public lighting extend directly to the site from the local school and church.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 21 no. 2 storey dwellings comprising 17 x 3 bedroom houses and 4 x 2 bedroom houses ranging in size from 90-114m² gfa.
- 2.2. The houses would be laid out in 2 x terrace blocks of 5 houses; 1 x terrace block of 3 houses and 8 x semi-detached houses.
- 2.3. Additional works would include the construction of a new wastewater pumping station with a new rising main to service the site; a new landscaped pocket park; revisions to the existing vehicular entrance to Castle Grove housing estate and a new vehicular and pedestrian entrance to the proposed development from the Castle Grove housing estate.

2.4. The development was altered through the submission of Further Information to allow for -

- Minor changes to the layout to include a change to the application boundary to include the existing Castle Grove Pumping Station resulting in an increase in the site area from 0.935ha to 1.01ha.
- Decommissioning of the existing Castle Grove wastewater pumping station.
- Connecting the existing Castle Grove housing estate to the proposed pumping station within the proposed development and a redesign of the foul water infrastructure.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to 20 planning conditions which were standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports which were prepared during the assessment of the proposed development.

The report of the Planning Officer, (PO), dated the 29th October 2020 requested further information with regard to 9 points and the report of the 29th July 2021 assessed the response submitted by the applicant.

The report of the PO dated the 29th October 2020 includes the following:

- The proposed development is in accordance with the 'A2 – New Residential' zoning for the site.
- The proposed density of 28 units per hectare is acceptable having regard to the character of the area, the provisions of the County Development Plan and sections 6.11 and 6.12 of the Sustainable Residential Development in Urban Areas, 2009 Guidelines.

- The house-type mix, variation and external appearances are all acceptable.
- Existing trees and hedgerows should be retained along the southern and eastern boundaries where possible.
- Further information was requested with regard to the following:
 - Design and layout of private and public open space to meet standards.
 - A Tree Survey for the site.
 - Revised landscaping and boundary treatments.
 - Sightlines at the entrance to the L16161 and the widening of the public road to match existing.
 - The provision of footpaths and pedestrian crossings.
 - Public lighting.
 - Surface water treatment.
 - Wastewater issues raised by Irish Water.
 - An Ecological Impact Assessment and a Natura Impact Statement.

The second report of the PO dated the 29th July 2021, concluded that subject to compliance with conditions, the proposed development would not seriously injure the visual amenities in the area or the residential amenities of the properties in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area. It was recommended that planning permission be granted.

3.2.2. Other Technical Reports

- Public Lighting – The report dated the 26th October 2020 recommended that the applicant be requested to submit a public lighting design. The second report dated the 10th June 2021 states that the lighting design is acceptable subject to conditions.
- Broadband Officer – The report dated the 15th October 2020 recommends that the further information is requested with regard to the plans for the delivery of telecommunications services.

- Water Services – The report dated the 15th October 2020 recommends that further information is requested in relation to the surface water plans for the site. The second report the 25th June 2021 states that the FI submitted broadly meets the requirements of the PA.
- Transportation Department – The report dated the 21st October 2020 recommended that further information be requested with regard to the design and layout of the internal road network and the boundary treatment to the public road. The second report dated the 29th May 2021 generally accepted the response submitted to the FI request. However, the argument put forward by the applicant that a footpath along the northern boundary was unnecessary was not accepted.
- Environment Section – The report dated the 29th October 2020 recommended that planning conditions be attached to any grant of permission with regard to a CEMP for the development and the waste management for the site.
- Heritage Officer – The report of the PO notes that comments received from the Heritage Officer, (HO), state that sufficient information has not been submitted to assess the impact of the application on the flora and fauna of the site. An Ecological Impact Assessment, (EclA) and Natura Impact Assessment is requested. This report was not attached to the appeal documentation and is not on the digital public file online. The second report of the HO dated the 29th July 2021, has no objection to the conclusion of the EclA and recommends that all mitigation measures should be implemented in full. There is no objection to the conclusion of the NIS that there will be no significant effects on the on the qualifying interests any Natura 2000 site.
- Housing – The report of the PO makes reference to a report received from the Housing section dated the 5th October 2020 and notes that there is no objection. This report was not attached to the appeal documentation and is not on the digital public file online.

3.3. Prescribed Bodies

- Irish Water – The report dated the 19th October 2020, recommended that further information be requested with regard to the design of the water and

wastewater infrastructure. The second report dated the 30/06/2021 stated that there was no objection subject to conditions.

- Department of Culture, Heritage and the Gaeltacht - The report of the PO makes reference to a report received from the DCHG on the 14th October 2020. This report was not attached to the appeal documentation and is not on the digital public file online. The report of the PO states that the DCHG noted the location of the site, within an area of high archaeological potential and recommended that archaeological monitoring should be carried out.

3.4. Third Party Observations

A total of 9 third party observations were received by the PA. The submissions included comments of the following issues;

- Increased traffic
- Tree removal.
- Inadequate AA Screening.
- No surveys on bats or otters.
- No tree survey.
- Loss of existing open space.
- Inadequate public open space.
- Shared access for both developments.
- Disturbance during construction.
- Inadequate public road.
- Excessive density.
- Loss of hedgerows and replacement with hard landscaping.
- Bad drainage on the site.
- No archaeological assessment.
- Poor public footpaths.

- Inadequate street lighting in the village.
- Lack of drop off facilities at the local school.

4.0 Planning History

- There is no planning history for the subject site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (CDP), 2021-2027, which came into effect on the 3rd November 2021.
- 5.1.2. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Meath County Development Plan, (MCDP).
- 5.1.4. The subject site is located within the settlement boundary of Julianstown, which is identified as a rural village in the settlement hierarchy for Meath, (MCDP Table 2.4). It is zoned 'New Residential' and is bounded by lands zoned 'Existing Residential' to the north and west and 'Rural Area' to the south and east. The site does not have any specific cultural or heritage designations. There are no protected views across the site and there are no trees to be protected on the site or in its vicinity.
- 5.1.5. A Village Statement has been prepared for Julianstown and contains the following objectives:

- JUL Obj 17 – To seek to provide upgrade footpaths within the development boundary.
- JUL Obj 20 – To ensure that all new development respects the scale, form and character of the village.

5.1.6. The following sections of the Meath County Development Plan 2021-2027 are relevant to the proposed development;

5.1.7. Chapter 11 – Development Management Standards

- DM POL 4: To require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009) and the Urban Design Manual- A Best Practice Guide, 2009 or any updates thereof.
- DM OBJ 13: A detailed Design Statement shall accompany all planning applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units.
- DM OBJ 14: The following densities shall be encouraged when considering planning applications for residential development:
 - Smaller Towns and Villages: 25uph - 35 uph
- DM OBJ 17: To seek to provide building setbacks along Motorways, National Primary, National Secondary, Regional and Local Roads to allow for future road improvements.
- DM OBJ 26: Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the 15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.
- Table 11.1 – Private Open Space for Houses
 - 1/2 bed – 55sqm
 - 3 bed – 60

- 4 bed or more – 75sqm
- DM POL 9: To support the retention of field boundaries for their ecological/habitat significance, as demonstrated by a suitably qualified professional. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same boundary type will be required.

5.1.8. Chapter 6 – Infrastructure Strategy.

- INF OBJ 15 - To require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments (including extensions).
- INF OBJ 16 - To ensure that all new developments comply with Section 3.12 of the Greater Dublin Regional Code of Practice for Drainage Works V6 which sets out the requirements for new developments to allow for Climate Change.
- INF POL 55 - To seek to have appropriate modern ICT, including open access fibre connections in all new developments and a multiplicity of carrier neutral ducting installed during significant public infrastructure works such as roads, rail, water and sewerage, where feasible and in consultation with all relevant licensed telecommunications operators.

5.1.9. Chapter 8 – Cultural and Natural Heritage Strategy

- HER Pol 37 - To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

5.2. National Planning Policy

5.2.1. Project Ireland 2040 - National Planning Framework

- The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.

- The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

Chapter 6 – People Homes & Communities

NPO 27 - 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.

Section 6.6 - It is envisaged that Ireland’s future homes will;

- be located in places that can support sustainable development - places which support growth, innovation and the efficient provision of infrastructure, are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change;
- still be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.

5.2.2. **Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009**

- The guidelines set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas.
- Chapter 6 – Smaller Towns and Villages – development in these areas should be plan led and should contribute to compact towns and villages. The scale of new residential schemes should be in proportion to the pattern and grain of existing development. It is preferable that development occurs in a number of well-integrated sites rather than a rapid growth driven by one large development.

5.2.3. Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).

- Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), seek to address the regulation of commercial institutional investment in certain housing developments.
- The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as ‘build to rent’ development at planning stage.
- They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

5.3. Natural Heritage Designations

- No designations apply to the subject site.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.3. It is proposed to construct 21 houses on a greenfield site on the outskirts of Julianstown village. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The subject site has an area of 1.1ha, (as amended under further information), and is located within a greenfield site. The site area is therefore well below the applicable threshold of 20 ha. The site is located to the east of an existing housing estate with more housing to the north of the site on the opposite side of the road. The introduction of an additional 21 houses will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below and there is no direct hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are adjacent to existing residential development.
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following:

- The density of the proposal is excessive and would result in overdevelopment.
- The Julianstown Local Area Plan includes an appropriate density for the site, which would yield 10-12 houses instead of the 21 proposed.
- The public open space does not meet the minimum of 15% requirement. The inclusion of 'home-zones', pumping station and SUDS tanks results in an area of open space of less than 10%.
- The need for servicing of these areas conflicts with the intended purpose of the open space. The removal of existing linear open space at Castle Grove and its replacement with gables of houses is particularly inconsiderate.
- There is an error in the interpretation of the Heritage Officer's report by the PO, which doesn't full assess the identified hydrological link to the nearby River Nanny SAC and SPA.
- The Heritage Officer states that mitigation measures are satisfactory when court judgements state that avoidance must be implemented and mitigation measures are not acceptable.
- The granted condition is unclear as it leaves the hydrological link to others during the construction stage.
- The Tree Survey methodology uses an out of date methodology for calculating root protection areas.

- The Tree Survey also states that retained trees need to be removed during the construction stage then replacement is acceptable. This is not a robust protection plan.
- Although the arboricultural value of the existing trees may be considered to be medium to low, the visual amenity and biodiversity value of the trees is not fully assessed.
- The proposal to retain the hawthorn tree and hedgerow bounding Ballygarth Road was dismissed by the Transport Engineer without a proper analysis of sightlines or tree pruning or retention in favour of a 5-10m concrete path that will have no function as it doesn't connect to another path.
- The retention of the native roadside boundary hedge was achieved at the neighbouring Ballygarth Manor estate, it is unclear as to why this cannot be achieved in this application.
- The absence of submitted Additional Information online was a barrier to ensuring transparency in the planning system.

6.2. Applicant Response

A response was received from the applicant on the 9th September 2021 and includes the following:

- The development will provide 21 new houses on zoned land within a severe housing shortage.
- As a result of the development, the existing pumping station in Castle Grove will be decommissioned and replaced with a new (larger) and more efficient pumping station.
- The development will yield a density of 21 dwellings per hectare which is in accordance with national guidance contained in the Sustainable Residential Developments in Urban Areas, Guidelines, 2009.
- It will provide a compact and sustainable form of development at a scale commensurate to the site and the adjoining pattern of development and will not result in any negative impacts on the existing properties in the area.

- The area of public open space afforded by the development would be in the order of 19% of the site and would include a pocket park and 3 home zone areas. Homezones are a valid and recognised type of public open space.
- The engineering proposals located within the Central Green Area will not prevent or diminish the use of the central area as public open space as stated in the appeal.
- In response to the appellants view that the western boundary is an undesirable urban street space, landscaping would be provided along this street and a green margin with trees would flank the internal road. These trees would screen the boundary walls and the houses are orientated to provide passive surveillance of the public areas.
- A robust NIS has been submitted as part of the application.
- The Arboricultural Development Report was prepared in accordance with current operational guidance contained in BS 5837:2012.
- The hawthorn tree at the entrance to Castle Grove is being retained and protected.
- Sightlines will not be hampered by the retention of the hawthorn tree and it will still be possible to achieve sightlines of 150m along the L16161 in both directions.
- There is no requirement for a footpath along the northern boundary of the site as the site is the last development site on this side of the village. There is a footpath with lighting in place on the opposite side of the road which connects with the village.
- It is unlikely that the village boundary will extend further east but if it should a set-back will be retained to allow for a footpath.
- It is of note that no new housing has been built in Julianstown in c. 15 years, which means that a whole generation has not been able to reside in the village they grew up in.

6.3. **Planning Authority Response**

A response was received from the PA on the 14th September 2021 and includes the following:

- The PA has reviewed the issues raised in the third-party appeal and is satisfied that these issues have been substantively addressed in the planning reports dated the 29th October 2020 and 29th July 2021.
- With regard to item No. 3 in the appeal submission the Appropriate Assessment set out in para. 3.5 (item 9) of the Planning Report dated 29th July 2021 has been carried out in accordance with the Habitats Directive.
- The position of the PA remains that planning permission should be granted subject to the 20 conditions as set out in the Schedule to the Chief Executive's Order.

6.4. **Observations**

- No observations received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and Layout
- Trees and Landscaping
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject site is located on land that is zoned 'A2 - New Residential' in the MCDP. It is also within the settlement boundary of Julianstown village. The proposed development would have a density of 28 units per hectare which is in accordance

with the MCDP objective of 25-35 units per hectare for Smaller Towns and Villages, (DM OBJ 14).

- 7.2.2. I am satisfied that the principle of a residential development on zoned land within a village settlement is acceptable, subject to the policies and objectives of the MCDP and national guidance and planning policy.
- 7.2.3. Ministerial Guidelines on the Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021), were issued under Section 28 of the Planning and Development Act 2000 (as amended), to address the regulation of commercial institutional investment in certain housing developments of 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage. The Guidelines require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing. The proposed development falls within the development category of 5 or more houses and, should planning permission be granted for development, a condition restricting first occupation should be attached.

7.3. Design & Layout

- 7.3.1. I am satisfied that the site layout provides a reasonable response to the long, narrow site. The buildings are laid out in short terraces which overlook central spaces. House No's 5, 6 and 11 are positioned at the end of terraces and are orientated to face onto the public realm which would provide passive surveillance. The proposed houses are similar in scale to the existing two-storey development at Castle Grove and the new houses would face on the existing houses to form a coherent streetscape.
- 7.3.2. All of the houses would meet and exceed the Development Plan standards as set out in Section 11.5 in terms of floor area, layout and private open space. The houses would range in size from 90-114m². Private open space would be provided to each house in the form of a rear garden, which range in size from 55-105m². Separation distances of c. 23m between opposing first floor windows would also be provided. All habitable rooms would have natural light and ventilation, and, by virtue of their orientation and design, each of the houses would receive adequate levels of daylight

and sunlight. Car parking would be provided at a rate of 2 spaces per house, which is in accordance with Development Plan standards as set out in Table 11.2 – Car Parking. In consideration of their size, design and layout, I am satisfied that the proposed dwellings would provide an adequate level of residential amenity for future residents.

- 7.3.3. In terms of impact on existing residential development, I am satisfied that the separation distances between dwellings would be sufficient to mitigate against any overlooking or overshadowing. House No's 5, 6 and 11 – 13 would be orientated to face onto the existing housing and would be approximately 20-23m from directly opposing houses. The separation distances proposed and the landscaping and public space between the houses would be sufficient to prevent any overlooking or overshadowing.
- 7.3.4. A pocket park of 895m² would be provided at the centre of the development and would serve as the public open space for future residents. The quantum of open space would be in the order of 12.5% of the total site area. In the applicants calculation for public open space, the overall quantum includes the pocket park and three home zone areas which are located between the terraces. The inclusion of this space would provide a total of 1,393m², (19.3%), of public open space within the site. Whilst I acknowledge the role that home zones play in supporting the overall provision of open space within a development, I consider the home zones within this development to be too small to offer any meaningful open space. Instead, the home zones would provide pedestrian priority in shared spaces where car parking is provided. These areas can also contribute to the overall development by providing passive open space and hard and soft landscaping. However, I consider the pocket park to be the main provision of open space for the development and I am satisfied that the quantum and layout of the space will be sufficient to provide a sufficient level of amenity space to serve the proposed development.
- 7.3.5. Third party observations noted that the children in the Castle Grove estate used the green strip adjoining the western site boundary as a play area and raised concerns that this would be lost. The public open space to serve the Castle Grove development is small and positioned along the southern site boundary of the estate. It is well within reason that this strip of green space is used as an additional amenity space. Although this area is well tended and looked after, it is an incidental space

directly adjoining the access road. The proposed pocket park towards the centre of the site would provide an amenity for the existing housing as well as the proposed housing and would be additional to the open space along the southern boundary of Castle Grove.

- 7.3.6. Concerns were raised in the appeal regarding the provision of infrastructure and services within the pocket park. I note that the PA had no objection to the provision of services within the public open space and the Development Plan does not preclude services from being located within public areas. Maintenance of these services would be intermittent and infrequent and would not result in a significant impact on the level of amenity to be provided within the shared open space.
- 7.3.7. The grounds of appeal also objected to the layout of the internal road to the development as it would result in an undesirable 'urban streetscape' by virtue of the side gables and boundary walls facing onto the public areas. I do not agree that the internal streetscape would be undesirable in design terms. The majority of the houses face onto the internal road to mirror the existing layout of Castle Grove and to provide passive surveillance. Boundary walls would flank the access road at two locations, to the rear of house numbers 5 & 6 and to the side of No. 14. The boundary wall to No. 21 would face onto the public open space. Landscaping would be provided along the road in the form of a green strip with tree planting adjacent to the public footpath. I am satisfied that the proposal would provide an acceptable urban design response to the site and to the existing housing on Castle Grove.

7.4. Trees and Landscaping

- 7.4.1. Concerns were raised in the grounds of appeal regarding the impact of the proposal in terms of loss of existing trees and planting as a result of the development and the impact this would have on the character and biodiversity of the site and the wider area.
- 7.4.2. An Arboricultural Development Report was submitted by the applicant in response to a request from for further information. The tree survey was carried out in accordance with British Standard BS 5837:2012, which is the most recent guidance and supersedes the previous 2005 guidance.

- 7.4.3. The results of the survey found that in general, the tree stock on site is in poor condition due to the agricultural use of the land, low maintenance, poor species, and the presence of diseases such as horse chestnut bleeding canker and Dutch Elm disease. Of the 25 trees and 4 tree lines inspected, none of the trees on the site were categorised as either Category A – trees of high quality and value, or Category B – trees of moderate quality and value. Four trees, (a chestnut, alder and ash on the western boundary, and one chestnut tree on the eastern boundary), and three tree lines along the western boundary were categorised as Category U – not retainable as living trees in the context of the current land use for more than 10 years. The remainder of the trees and the one remaining tree line were categorised as Category C – trees of low quality.
- 7.4.4. Five trees within the site are to be retained. Three of these trees are located along the eastern boundary. The other two include the hawthorn tree at the entrance to the estate at the north-western corner and an ash tree at the south-western corner. The treeline along the southern boundary of the site will also be retained.
- 7.4.5. Apart from the trees at either corner, it is proposed to remove all of the trees along the western boundary, including the ornamental trees planted within the public realm of Castle Grove. As noted above, the hawthorn tree at the entrance to the site and an ash tree at the south-western corner will be retained. However, the tree survey notes that these trees are Category C – low quality and are young specimens that can be readily replaced. The measures required to retain these trees during the construction phase are outlined in the report and it is noted that should issues arise with regard to their retention the loss of these trees could be offset by the planting of appropriate species within the site.
- 7.4.6. The hawthorn tree at the entrance to the estate forms an attractive element in the streetscape and is clearly a focal point for the estate and a local landmark. On the occasion of the site visit it was well maintained and decorated. Although every effort should be made to retain the trees during the construction, there may be instances whereby this is not possible. In such instances, it would be reasonable to replace the trees with the same species. I recommend that a planning condition be attached outlining same be attached should planning permission be granted. Having visited the site and reviewed the application details and Tree Survey, I am satisfied that the trees to be removed can be replaced with trees of equal value.

- 7.4.7. A landscaping plan was submitted with the application and updated by the Tree Survey, which was submitted through further information. The landscaping states that a range of trees will be provided in accordance with the National Biodiversity Plan and that the hedgerows will also include native species. Along the eastern and southern boundaries, it is proposed to retain existing 1m tall exterior hedgerow and wet ditch and plant new 1m tall hedgerow inside a 1m tall steel paladin fence. Along the western boundary new trees would be planted within a green margin between the footpath and the internal access road. Along the northern site boundary and adjacent to the public road, it is proposed to replace the existing hedgerow and brambles with a 1m high stone wall with an in-set hawthorn hedgerow. Overall, the landscaping plan is acceptable.
- 7.4.8. Whilst the development will require the removal of most of the trees on the site, the existing trees are of poor quality and will be replaced by a range of species appropriate to the landscape. Furthermore, Section 5.2.4 of the Ecological Impact Assessment notes that as a result of the landscaping plan, *'the proposed development has the potential to offer the Application Site more biodiversity than the present mono-cropped arable field'*.
- 7.4.9. Concerns were also raised in the appeal regarding the removal of the grass verge along the northern boundary to provide a footpath to the front of the site as requested by the Transportation Department. In the response to the request for further information, the applicant argued that a footpath at this location was unnecessary as the site was the last development site within the village settlement boundary at the eastern extent and, that any sites further out were unlikely to be developed in the near future. Therefore, a footpath to nowhere would be unnecessary as a footpath from the western side of the development is already in place and extends to the school and church. However, the grass verge would be retained should a footpath be required.
- 7.4.10. I note that a condition to provide a footpath at this location was not included in the decision of the PA. I would agree that a footpath to nowhere would be unnecessary given the positioning of the site as the last zoned site within the settlement boundary. There are two other sites zoned for new residential development in the northern section of the village. The likelihood is that these sites will be developed before any sites outside of the village settlement boundary.

- 7.4.11. Public footpaths are also in place on either side of the road from the subject site towards the church and the junction with the R132, which is adjacent to Whitecross Primary School. Drawings submitted with the application, (RSA-020-25-02-F.I., Site Layout Plan F.I.), shows a grass verge of up to 5m in width along the northern site boundary and adjacent to the public road. In the event of additional lands being developed to the east of the site this area would have sufficient width to accommodate a footpath.
- 7.4.12. The application drawings also show that sightlines of up to 150m can be achieved in either direction from the entrance to the development. On the occasion of the site inspection, I observed that views along the road in either direction were not obstructed, and I am satisfied that adequate sightlines can be achieved. It is also noted that the development will make use of an existing entrance which currently serves 32 houses within the Castle Grove development.
- 7.4.13. An Ecological Impact Assessment was also prepared and submitted with the application. A Bat Survey was carried out as part of the assessment and identified a number of potential roost features in the tree line along the eastern site boundary. All bats and their roosts are protected under the Wildlife Acts and all bat species are protected under Annex IV of the EU Habitats Directive. The ecological report contains detailed measures to be carried out prior to the commencement of construction which include further bat surveys to be carried out. If it be necessary to remove a tree with a potential roost feature, this must be carried out under licence from the NPWS. Should planning permission be granted for the development, I recommend that a planning condition be attached requiring detailed measures in relation to the protection of bats to be outlined and agreed in writing with the PA prior to the commencement of development.
- 7.4.14. Overall, I am satisfied that the trees to be removed to accommodate the development are not of high quality and can be replaced by a range of suitable species that will be better suited to the site conditions and that will make a positive contribution to the biodiversity of the site.

7.5. Appropriate Assessment

- 7.5.1. A Stage 1 Screening for Appropriate Assessment and a Natura Impact Statement was submitted with the application. The Screening Assessment identified two European sites within the zone of influence of the proposed development, the Nanny Estuary and Shore SPA (004158) and the Boyne Estuary SPA (004080). The report noted that any measures that are intended to avoid or reduce the harmful effects of the proposed development on any relevant European Site, such as pollution control measures, cannot be considered at the screening stage. Based on the precautionary principle, both of the European Sites were brought forward for a Stage 2 Appropriate Assessment.
- 7.5.2. The NIS concluded that, *‘Therefore with the mitigation detailed in Section 8 of this NIS, it can be objectively concluded that, in view of the best scientific knowledge and in view of the conservation objectives of the aforementioned European Sites, the Proposed Residential Development, Ballygarth, Julianstown, Co. Meath will not have any adverse effects on the integrity of any European Sites, either alone or in combination with other plans’.*
- 7.5.3. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.5.4. Having reviewed the appeal documents provided and submissions, I am satisfied that there is adequate information in relation to the European sites to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Stage 1 Screening

Description of development

7.5.5. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

7.5.6. Having reviewed the documents, submissions, 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 European sites.

7.5.7. Stage 1 – Screening

7.5.8. Description of development

The proposed development involves the construction of 21 no. 2 storey dwellings comprising 17 x 3-bedroom houses and 4 x 2-bedroom houses ranging in size from 90-114m² gfa. The houses would be laid out in short terraces to the north and south of a central open space. Each house would have their own rear garden and landscaping would be provided throughout the public areas. The development would be connected to the mains water and wastewater network. A new foul sewer network would be installed to serve the existing dwellings on Castle Grove. This new piped network would decommission the existing pumping station and would connect to a new pumping station that would be delivered as part of the development and would serve both the existing housing and the proposed development.

7.5.9. The subject site is located on the edge of Jullianstown village. It is rectangular in size with a width of c. 40m at its widest point and c. 170m in length and was formerly in use as arable land. It is bounded by agricultural land to the east and south and by the residential developments of Castle Grove to the west and Ballygarth Manor to the north. The site boundaries to the east and south are formed by mature treelines and scrub and the northern boundary comprises a low-level hedgerow and bramble scrub. There is a chainmail fence along the western edge of the site. There are two drainage ditches in place along the site boundaries. A wet ditch runs along the southern boundary and a standing water drainage ditch runs along the eastern

boundary. Section 3.1 of the Ecological Impact Assessment submitted with the application noted that both ditches were dry during April and May 2021 but wet in December 2020.

- 7.5.10. The project is not directly connected with or necessary to the management of a European Site and therefore, it needs to be determined if the development is likely to have significant effects on any European site. Any potential impacts on European sites from the development would be restricted to the discharge of surface water from the site during the construction and operational phases, disturbance of species during construction and/or the loss of any supporting habitat for wintering birds which are the Qualifying Interests for the SPA's in close proximity to the subject site.

Likely Impacts

- 7.5.11. In consideration of the characteristics of the proposed development in terms of its location and scale of works, I consider the following potential impacts as the most likely effects to occur from the development;

Construction Phase:

- The impact on water quality from potential surface water discharges that could result in toxic contamination in the form of chemical or hydrocarbon pollution and non-toxic contamination in the form of silt and sediments.
- Loss of habitat or species disturbance due to construction noise.

Operational Phase:

- Contamination from surface water runoff and storm-water discharges during the operational stage.
- The potential for habitat loss due to the material change in the character of the land from arable to residential development during the operational phase.

European Sites

- 7.5.12. The closest European sites are:

- The River Nanny Estuary and Shore SPA (Site code 004158) - approximately 750m to the north-east of the site.

- The Boyne Estuary SPA (Site code 004080) - approximately 5.8km to the north of the site,
- The Boyne Coast and Estuary SAC, (Site code 001957) – approximately 5.8km to the north of the site.

7.5.13. There is no direct or indirect surface water or groundwater connection from the subject site to the Boyne Estuary SPA and the Boyne Coast and Estuary SAC. There is also no ground habitat connection as the European sites are at some remove overland from the subject site. Therefore, there is no source-pathway-receptor connection between the subject site and the Boyne Estuary SPA and the Boyne Coast and Estuary SAC. The proposed development would not result in any significant impacts on the integrity and conservation objectives of these European sites and the can be screened out of any further assessment.

7.5.14. The River Nanny Estuary and Shore SPA is located approximately 750m to the north of the site. There is no direct hydrological connection between the subject site and the River Nanny Estuary and Shore SPA. However, there are drainage ditches in place along the eastern and southern boundaries of the site. Where these ditches drain to is unknown but as they are located within the catchment of the River Nanny, they may result in an indirect hydrological connection to the SPA through direct surface water outfall or through ground water flows. Overland, the subject site is separated from SPA by the L16161, Ballygarth Road, the housing development of Ballygarth Manor and the and by the fields and land attached to Ballygarth Castle. Therefore, there is no direct habitat connection between both sites but given the proximity of the subject site to the SPA, consideration should be given to its potential as an ex-situ site.

7.5.15. The Qualifying Interests and Conservation Objectives for this designated site are outlined in the table below.

The River Nanny Estuary and Shore SPA
Ref. IE004158
Distance from site; c. 0.75km

Qualifying Interests	Oystercatcher (<i>Haematopus ostralegus</i>) - wintering Ringed Plover (<i>Charadrius hiaticula</i>) - wintering Golden Plover (<i>Pluvialis apricaria</i>) - wintering (Annex 1) Knot (<i>Calidris canutus</i>) - wintering Sanderling (<i>Calidris alba</i>) - wintering Herring Gull - (<i>Larus argentatus</i>) - wintering Wetlands – habitat
Conservation Objectives	To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for the River Nanny Estuary and Shore SPA. To maintain the favourable conservation condition of the wetland habitat at River Nanny and Shore SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.5.30. The conservation objectives for each of the qualifying species are measured by monitoring the percentage change of population and the range, timing and intensity of use of the areas for each of the bird types identified. The conservation condition of the wetland habitat is assessed by measuring the permanent area occupied by the wetland habitat.

7.5.31. The results of the Stage 1 Screening Report states that:

‘There is no potential for direct impacts on any European Sites in terms of loss of designated habitat. There is considered, however, to be a low potential loss of foraging habitat for SPA species given that the Application Site is within an area of arable land potentially suitable for certain wetland and waterbirds.....It should, however, be noted that the suitability of the Application Site for foraging waterbirds is considered to be low due to the narrow width of the field, the availability of more preferable habitat and its close proximity to a residential area. There is also a low potential for occasional disturbance of SPA birds foraging in close proximity to the Application Site during construction, if this coincides with the overwintering bird season

Given the potential for surface water and groundwater connectivity of the Proposed Development to the River Nanny...which lies within c. 750m within the same subcatchment as the Application Site, it has been established that there is a low potential for indirect impacts upon the water quality, and consequently the QI/SCI species of the River Nanny Estuary and Shore SPA, in the unlikely event of a large-scale pollution event occurring within the site’.

It has also been established that, given the proximity of the Boyne Estuary SPA (c. 3km) to the River Nanny Estuary and Shore SPA, there is a low potential for indirect impacts due to the potential displacement of QI species from the River Nanny Estuary and Shore SPA in the unlikely event that a large-scale pollution event occurs...

Following the precautionary principle, and in view of best scientific knowledge, it is considered to be appropriate in this case to ‘screen in’ the following European Sites for potential likely significant effects; River Nanny Estuary and Shore SPA (004158), and Boyne Estuary SPA (004080), and to undertake an Appropriate Assessment in order to consider if the Proposed development may adversely affect the integrity of these European Sites’.

Likely Effects on the SPA – Construction Stage

- 7.5.32. During the construction stage there is a potential for impacts on water quality in the River Nanny as a result of toxic contamination in the form of chemical or hydrocarbon pollution and non-toxic contamination in the form of silt and sediments from the development. These contaminants could enter into the surface water drainage system or into the groundwater table which could then enter the River Nanny. There is also the potential for species disturbance due to construction noise.
- 7.5.33. The EPA have assigned a ‘Poor Water Quality’ status around Julianstown and it has been categorised as ‘At Risk’ of not meeting the Water Framework Directive objectives. (EPA data on EPA maps at gis.epa.ie and the EPA Report, 3rd Cycle Draft Nanny Delvin Catchment Report, HA 08, August 2021). During surveys carried out by the applicant the drainage ditches along the eastern and southern boundaries were observed to be dry during the summer and wet during the winter. This would indicate that any indirect surface water flows to the River Nanny would be

intermittent. Therefore, the likelihood of contamination through ground water would be equally, if not more likely, that surface water drainage flows.

- 7.5.34. According to EPA mapping, the site lies within the groundwater body IE_EA_G_016, which is classed as 'At Risk'. The bedrock around the site and to the north, around the River Nanny is limestone. Given the proximity of the site to the SPA and the karstic bedrock, there is a potential for a ground water connection between the two sites. However, the groundwater vulnerability rating of the subject site and the SPA is classified as 'Low Vulnerability', which means that there is a low risk of contamination of ground water by human activities.
- 7.5.35. The proposed development is for 21 houses on a greenfield site which is c. 750m from the River Nanny. Given the nature and scale of the proposed development the most likely impacts to surface water or ground water would occur during the construction stage. There is a very low possibility that pollutants could enter the River Nanny and contaminate the waters in the SPA. This could result in an impact on the conservation objectives for the European Site in terms loss of habitat and feeding grounds. The Site Synopsis on the NPWS website states that the site is of most importance as a roost area for the birds but also provides a feeding habitat. The wetland habitat is considered to be a qualifying interest in its own right as well as a supporting habitat for the waterbirds.
- 7.5.36. An indirect hydrological link exists between the subject site and the River Nanny through drainage ditches along the site boundary and, by virtue of the fact that the site lies within the sub-catchment of the River Nanny. As it is not known where exactly the ditches drain to a clear determination cannot be made with regard to the potential impact of any surface water runoff from the site to the River Nanny and to the SPA. Given the separation distance between both sites there is a low potential for indirect impacts on water quality within the SPA. However, any reduction in the water quality of the SPA could impact on the qualifying species and the conservation objectives of the SPA. The indirect hydrological connection between the subject site and the River Nanny Estuary and Shore SPA creates a low potential for significant impacts on the designated site in the absence of mitigation measures.
- 7.5.37. Another potential impact during the construction phase would be the generation of noise which could impact on the qualifying species within the SPA through

disturbance. Information submitted with the screening report included the results of five winter bird surveys which were undertaken between the 30th November 2020 and the 2nd March 2022. A total number of 26 QI waterbird species were recorded within the study area, which extended to areas outside of the subject site as well as the site itself, (which was referenced as VP7). Of these species, there were no QI species of the SPA recorded on the subject site and no QI species were observed to be using the subject site for foraging. The only QI species recorded within a 300m buffer of the site, (generic distance at which noise during construction may cause a disturbance to water birds), was herring gull. This species is listed as a QI species for the SPA and is a red listed species. However, the Conservation Objectives Supporting Documentation for the SPA states that the principal supporting habitat for this QI species is *'intertidal mud and sand flats & sheltered & shallow subtidal'*. This habitat is not within, or in close proximity to the subject site.

- 7.5.38. Waterbird surveys and counts carried out for the NPWS Conservation Objectives Supporting Document for the SPA show that the roost survey carried out in 2012 identified 3 roost locations in the subsite area in closest proximity to the subject site, (Ref. OVL10). Four species identified, (Redshank, Teal, Shelduck and Black Tailed Goodwit), none of which are listed as qualifying interests in the SPA. Based on the results of the surveys carried out on the subject site, I am satisfied that the proposed development would not result in any significant impact on the conservation objectives for the waterbird species in the SPA in terms of disturbance. Should any species be disturbed by construction noise, the impact would be temporary and intermittent and would not be significant.

Likely Impacts on the SPA – Operational Stage

- 7.5.39. During the operational stage, there is a potential of an impact on water quality in the River Nanny Estuary and Shore SPA from surface water and storm water runoff. The potential impact is considered to be low given the scale of the development and the separation distance between both sites. However, in consideration of the precautionary principle, the potential impact on the SPA cannot be ruled out. It is a requirement of the PA that surface water runoff is dealt with within the site. In accordance with the Greater Dublin Strategic Drainage Strategy, (GDSDS), policies

were adopted by planning Authorities in relation to surface water drainage which required the use of Sustainable Urban Drainage Systems (SuDS) in all new developments. Under Section 6.10 of the Meath County Development Plan, new developments are required to incorporate SUDS measures into all new development. Development plan policy INF POL 16 seeks *'To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS'* and Development Plan objective INF OBJ 15 seeks *'To require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments (including extensions)'*. Therefore, I do not consider the surface water drainage system proposed for the development to be a measure specifically required to prevent any impact on a European Site. However, in the absence of any surface water drainage system for the development, there is a low potential for ground water pollution from surface water and storm water runoff from the development. Therefore, the proposed development could result in significant effects on the River Nanny Estuary and Shore SPA and for this reason, a Stage 2 Appropriate Assessment is required.

- 7.5.40. There is a potential for habitat loss due to the material change in the character of the land from arable to residential development during the operational phase. However, in its present state the subject site is unlikely to support or encourage foraging from wintering birds given the narrow width of the site and its proximity to existing residential development.
- 7.5.41. Of the six wintering birds that form the qualifying interests, four are categorised as having a 'favourable' conservation condition. One was not assessed and one species, the Golden Plover, is categorised as 'highly unfavourable' due to a decline in population. During winter Golden Plovers feed primarily within agricultural grassland and arable land. The NPWS Conservation Objectives Supporting Document records the results of bird counts and surveys that were carried out for sub-sites along the SPA. It is not clear from the maps if the subject site is included in the surveys but the closest subsite to the development site is referenced as OVL10. The results of the NPWS surveys state that Golden Plovers were recorded in two subsites at Bettystown (OVL05) and Irishtown Fields, (OVL15), the latter of which supported the majority of birds. Both of these sites are located along the coast and are at some remove from the subject site.

7.5.42. As previously noted, information submitted with the screening report included the results of five winter bird surveys which were undertaken between the 30th November 2020 and the 2nd March 2022. The surveys did not record any QI species on the subject site and no species were observed to be using the site for foraging. No significant waterbird roosts were identified during the five coastal bird surveys undertaken.

7.5.43. Having reviewed the results of the NPWS surveys and the five winter bird surveys submitted with the Screening Report, I am satisfied that the information available establishes that the site currently does not provide ex-situ habitats that support the conservation objectives of the SPA to any significant degree. The narrow width of the site and its proximity to residential development are characteristics that would also not encourage foraging on the site. Therefore, there would be no significant impact on the conservation objectives of the qualifying interests for the SPA in terms of loss of habitat as a result of the development.

In Combination Effects

7.5.44. There are no strategies, plans or objectives in the MCDP that are likely to result in significant in-combination effects. Recent planning history in proximity to the site includes two extant permissions for domestic projects;

- LB170582 – permission granted for the construction of a new domestic garage and side entrance.
- LB201010 – permission granted for the retention of the removal of gates and pillars and the installation of new gates and pillars.

7.5.45. Given the nature and scale of the domestic developments permitted within the immediate area and the proposed development, I am satisfied that there will not be any significant cumulative effects from the proposed development and the development permitted under Reg. Ref. LB170582 and LB201010.

Conclusion

7.5.46. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that Appropriate Assessment is required as it cannot be excluded on the basis of

objective information that the proposed development, individually or in combination, will have a significant effect on the following European sites.

- The River Nanny Estuary and Shore SPA, Site Code 004158.

Stage 2 Appropriate Assessment

7.5.47. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

7.5.48. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

7.5.49. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.5.50. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development at Ballygarth Road, Julianstown,

individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the *possibility* of significant effect):

- The River Nanny Estuary and Shore SPA, (Site Code 004158).

7.5.51. The possibility of significant effects on other European sites) has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

- The Boyne Estuary SPA (Site code 004080).
- The Boyne Coast and Estuary SAC, (Site code 001957).

7.5.52. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.5.53. The relevant site for Stage 2 Appropriate Assessment is the River Nanny Estuary and Shore SPA. The main aspects of the development that could adversely affect the conservation objectives of this European sites relate to: -

- Impacts on water quality arising from surface water discharges which contain suspended solids and/or pollutants, at the construction stage and the operational stage.

7.5.54. A Natura Impact Statement was submitted with the application. It examines and assesses potential adverse effects of the proposed development on the SPA and was prepared by using desk studies and field surveys which were carried out to record wintering bird usage at the subject site. The NIS concluded that, *'Therefore with the mitigation detailed in Section 8 of this NIS, it can be objectively concluded that, in view of the best scientific knowledge and in view of the conservation objectives of the aforementioned European Sites, the Proposed Residential Development, Ballygarth, Julianstown, Co. Meath will not have any adverse effects on the integrity of any European Sites, either alone or in-combination with other plans'*.

Appropriate Assessment of Implications of Proposed Development

7.5.55. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best

scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.5.56. There are two drainage ditches along the eastern and southern site boundaries which may form an indirect hydrological link to the European Site. Where these ditches drain to is unknown and they have been observed to be dry in the summer and wet in the winter. In the absence of standard control measures or mitigation measures, there is a low risk that pollution in the form of sediments, nutrients or hydrocarbons could enter the River Nanny watercourse. This could potentially have a negative impact on the habitats and species within the SPA site in terms of loss of habitat which could result in a decline in the population of the qualifying waterbird species.

Proposed Mitigation

7.5.57. Section 8 of the NIS sets out the proposed mitigation measures which will ensure that there is no impact on the conservation objectives of the European Site from the proposed development. The mitigation measures proposed include standard best practice guidance for controlling pollution and sediments from construction sites which recommend the following measures:

- Mitigation of Sediment & Cement Pollution:
 - The use of appropriate buffers around from all surrounding drains and manholes during construction to prevent silt runoff,
 - Silt fencing to be deployed as required around the buffer zone,
 - Stockpiles of sand, spoil and soil to be minimised and stored a minimum of 10m from any surface water drains. To be covered when not in use.
 - No mixing of cementitious materials within 10m of any drains or manholes,
 - Silt bags to be used when pumping excavations,
- Mitigation of Hydrocarbon / Chemical Pollution
 - A buffer zone of 5m to be employed to existing drains
 - Fuel storage to be minimised and bunded appropriately,

- On-site refuelling to be carried out away from existing drains. Drip trays and fuel absorbent mats to be used during refuelling.
- Retain a fully equipped spill kit on site.
- Mitigation of Water Quality During Operation
 - SuDS systems to be specifically designed for the site conditions and for the development
 - Discharge all surface water runoff into specifically designed infiltration beds,
 - Direct all surface water runoff from private areas to the infiltration beds under parking areas,
 - The use of a soakaway which will use BMS Drainmax modules to provide the required onsite storage during a storm event. All water to pass through an interceptor before disposal to the ground.
 - The use of an oil interceptor on the storm water network close to the outfall soakaway.

7.5.58. I am satisfied that the mitigation measures proposed, which include standard construction measures and SuDS measures which are required by the PA, will be sufficient to prevent any significant impact on the qualifying interests and conservation objectives of the European site from any potential pollutants from surface water runoff or groundwater.

In-combination Effects

7.5.59. There are no strategies, plans or objectives in the MCDP that are likely to result in significant in-combination effects. Recent planning history in proximity to the site includes two extant permissions for small scale domestic projects. Given the nature and scale of these projects, and the proposed development, I am satisfied that there will not be any significant cumulative effects from the proposed development and the development permitted under the extant permissions which relate to the construction of a domestic garage and gates and pillars.

Conclusion

7.5.60. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. IE004158, or any other European site, in view of the sites Conservation Objectives by virtue of,

- The distance from the subject site to the SPA,
- The nature and scale of the development and,
- The mitigation measures to prevent surface water runoff,

7.5.61. This conclusion is based on a complete assessment of all aspects of the proposed project alone (and in combination with other projects) including possible construction related pollution and surface water runoff during the operational phase.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the development.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed residential development, within the village of Julianstown and on a site with an 'Existing Residential' zoning objective, it is considered that, the proposal would be in accordance with the Meath County Development Plan 2021-2027, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 7th day of September 2020, as amended by the further plans and particulars submitted on the 26th day of May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall engage with Irish Water prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p>Reason: In order to ensure a proper standard of development.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The landscaping scheme, as submitted to the planning authority on the 7th day of September, 2020 and as amended by further information submitted on the 26th day of May 2021 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>Hedges and trees shall not be removed during the nesting season, (i.e. March 1st to August 31st).</p> <p>All mitigation measures set out in the Ecological Impact Statement, (EclA) shall be fully implemented.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously</p>

	<p>damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>All trees and hedgerows within and on the boundaries of the site that are listed for retention shall be protected from damage during construction works in accordance with the measures outlined in the Arobricultural Development Report submitted with the application. Should any of these trees be damaged they shall be replaced by the same species and type.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
7.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of wildlife protection.</p>

8.	<p>The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.</p> <p>Reason: In the interest of the amenities of the occupants of the proposed housing</p>
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p>Reason: In the interest of amenity and public safety.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>

13.	<p>Prior to the commencement of any house in 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and 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.</p> <p>Reason: 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.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in</p>

	<p>connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management</p>
18.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining</p>

	<p>public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
19.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:</p> <ul style="list-style-type: none"> (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. <p>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.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and</p>

	<p>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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
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Elaine Sullivan
Planning Inspector

2nd June 2022