



An
Bord
Pleanála

Inspector's Report ABP-311612-21

Development	Demolition of structures and construction of 3 retail units and 45 apartments.
Location	Former McDonalds Public House, Main Street, Clonee, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	211390
Applicant(s)	Farnwest Trading Limited.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Farnwest Trading Limited
Observer(s)	Brenda Molloy, Alan Molloy, Kellie Molloy & Alan Molly jnr
Date of Site Inspection	12 th May 2022
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.43 hectares, is located to the western side of Clonee Main Street adjoining the junction of such and the R149, where there is a roundabout junction. The appeal site is occupied by an existing vacant public house, which is made up of a number of structures and has a car parking area to the west of the site. The structures on site are a mixture of single and two-storey structures. The Tolka River runs along the northern boundary of the site with a river wall in place along the northern boundary of the site. To the north and west of the site is undeveloped land (separated from the site by the Tolka River). To the east of the site is the Grasshopper Inn (public house/restaurant) with the car parking area serving such adjacent the site boundary. On the opposite side of the public road is two car showrooms. Further to the west is a part four, part five storey mixed use development (Ard Cluain) consisting of retail units and apartment units on the upper floor.

2.0 Proposed Development

2.1. Permission is sought for demolition of the existing public house and construction of a part four-storey and part six-storey mixed use retail and residential development. The development will provide 3 no. retail units and 4 no. on-street car parking spaces at ground floor level. The upper floors contain 45 no. apartments comprising 5 no. one-bed, 32 no. two-bed and 8 no. three bed units, 54 no. car parking spaces located in an undercroft at ground level are provided for residential use. A landscaped podium is provided at first floor level providing the required amenity open space. A bike store, bin store and additional storage areas for retail are provided in the ground floor level with all associated landscaping and site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on four reasons...

1. It is considered that by virtue of the height strategy as proposed, the scale and bulk of the block, the poor quality communal open space provision and the potential negative impact on residential amenities from undue overshadowing of same. The proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, if permitted, be contrary to the provisions of sections 3.4 and 3.6 of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018). The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

2. The proposed development is in an area which is at risk at flooding. It is policy of the County Development Plan 2013-2019 (as varied) "To have regard to the "Planning System and Flood Risk Management-Guidelines for Planning Authorities" (DoEHLG/OPW 2009) through the use of the sequential approach and application of the Justification Test for Development Management and Development Plans, during the period of this Plan" (policy WS POL 29) and "To ensure that a flood risk assessment is carried out for any development proposal, where flood risk may be an issue in accordance with "Planning System and Flood Risk Management-Guidelines for Planning Authorities". This assessment shall be appropriate to the scale and nature of risk to the potential development" (policy WS POL 32). Additionally, policy FR POL 2 of the Meath County Development Plan 2013-2019 (as varied), Written Statement for Dunboyne/Dunboyne North/Clonee/Local Area Plan States that "Development located in areas with the benefit of existing flood defences (as identified on the land use zoning objectives map as an interface with Flood Risk Zones A & B) shall be limited to extensions, change of use and reconstructions."

The proposed development is classified as a highly vulnerable development in accordance with the aforementioned guidelines and should be assessed in detail as such. The information provided by the applicant does not include for a detailed analysis of the watercourses in the vicinity of the site and it is therefore not possible to properly assess the flood risk at the site based on the assessment submitted. In such circumstances, the proposed development, if permitted, would be contrary to the aforementioned Ministerial Guidelines and would contravene policies WS POL

29 and WS POL 32 of the County Development Plan and policy FR POL 2 of the LAP.

3. It is an objective of the Meath County Development Plan 2013-2019 (as varied) to ensure an Appropriate Assessment in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, and in accordance with the Department of the Environment, Heritage and Local Government Appropriate Assessment of Plans and Projects in Ireland-Guidance for Planning Authorities, 2009 and relevant EPA and European Commission guidance documents, is carried out in respect of any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect on a Natura 2000 site(s), either individually or in-combination with other plans and projects, in view of the site's conservation objectives (NJ OBJ 2).

The applicant has not provided the planning authority with sufficient information to conclude that the proposed development (entire project), by itself or in combination with other plans and development in the vicinity would not be likely to have a significant effect on a European site(s). The proposed development, if permitted would be contrary to the aforementioned Ministerial Guidelines and would contravene materially a development objective indicated in the Meath County development plan (as varied) for the conservation and preservation of a European site(s).

4. It is the policy of the Meath County Development Plan 2013-2019 (as varied) To conserve and protect the architectural heritage of Meath (CH POL 10) and (a) To encourage retention, sympathetic maintenance, and appropriate re-use of the vernacular heritage of Meath, in both towns and rural areas of the County, including the retention of original fabric, such as windows, renders, shop fronts, gates yards, boundary walls and other significant features where possible: (b) To discourage the replacement of good quality vernacular buildings or features with modern structures or features; (c) To ensure that new build adjoining, and extensions to, vernacular buildings are of an appropriate design and do not detract from the build's character or that of its setting (CH POL 20). Additional guidance is set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Tolka House and adjoining buildings are a fine example of vernacular architecture that contributes positively to the setting and context of the 19th century streetscape of Clonee. By virtue of their demolition and lack of any detailed justification from their removal, it is considered that the proposed development, if permitted, would adversely affect this unique character along the Main Street, would be inconsistent with the policies and objectives of the County Development Plan, and contrary to the aforementioned Ministerial guidelines and proper planning and sustainable development of the area and thereby establish an undesirable future precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (10/09/21): Issues of concern regarding design/visual amenity, quality of open space, impact on existing residential amenity, flood risk, significant Habitat Directive/AA issues and lack of justification for demolition of 19th century structures. Refusal was recommended subject to the reasons outlined above.

3.2.2. Other Technical Reports

Water Services (20/0801): No objection subject to conditions.

Irish Water (27/07/21): Further information required including submission of a pre-connection enquiry.

Environment (07/09/21): No objection subject to conditions.

Conservation Officer (08/09/21): Retention and refurbishment of existing structure should be considered, archaeological monitoring required.

Heritage Officer (09/09/21): Further information required in relation to natural heritage in particular an appropriate survey in relation to bats and other species that may inhabit the site and additional information regarding Appropriate Assessment.

Environment (10/09/21): Site at high risk of flooding and if not to be refused further information required including application of a justification test.

Transportation (10/09/21): Revised layout required showing redesigned roundabout to accommodate the proposal.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage (27/08/21): Pre-development testing condition required.

3.4. **Third Party Observations**

3.4.1 Three no. submission were received from...

Brenda, Alan, Kellie & Alan Jnr Molloy,

Carol Kelly,

Dunboyne Tennis Club c/o Ray Kavanagh

The issues raised can be summarised as follows...

- Traffic safety, height and scale inappropriate, lack of car parking, existing vacancy of retail units, flooding issues, architectural heritage and archaeology issues, surface water disposal and management issues.

4.0 **Planning History**

No planning history on the appeal site.

A short distance to the east...

ABP-306842-20 (RA190648): Permission granted for a part 4-storey, part 5- storey mixed use building to accommodate containing 3 no. cafe/retail/non-retail services units and a public plaza fronting onto Main Street; at first to fourth floors 27 no. apartments.

5.0 Policy Context

5.1. Development Plan

The relevant Development plan is the Meath County Development Plan 2021-2027. The majority of the site is zoned B1 Commercial Town or Village Centre with a stated zoning objective “to protect, provide for and/or improve town and village centre facilities and uses”.

Chapter 11 contains the Development Management Standards and Land Use Zoning Objectives.

Volume 2 is the written statement and book of maps for the settlements. There are 13 Master Plan areas identified in Navan. The purpose of a Master Plan is to ensure an integrated approach is taken to the phasing, management, and development of lands within the Master Plan Area. A planning application will not be considered in the absence of the Master Plan being agreed in writing with the Executive of the Planning Authority. The area subject to the appeal site is part of MP12.

HER POL 21

To encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features.

INF POL 18

To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.

INF POL 19

To implement the findings and recommendations of the Strategic Flood Risk Assessment prepared in conjunction with the County Development Plan review, ensuring climate change is taken into account.

INF POL 20

To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.

INF OBJ 21

To restrict new development within floodplains other than development which satisfies the justification test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

INF POL 22

To retain a strip of 10 metres on either side of all channels/flood defence embankments where required, to facilitate access thereto.

DM OBJ 14 The following densities shall be encouraged when considering planning applications for residential development:

- Residential Development Beside Rail Stations: 50 uph or above
- Regional Growth Centres/Key Towns: (Navan/Drogheda) - 35-45 uph
- Self-Sustaining Growth Towns: (Dunboyne, Ashbourne, Trim, Kells): greater than 35uph
- Self-Sustaining Towns: 25uph - 35uph
- Smaller Towns and Villages: 25uph - 35 uph
- Outer locations: 15uph – 25uph

It should be noted that SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities December 2018 shall be considered in the implementation of the above densities.

DM OBJ 15 As a general rule, the indicative maximum plot ratio standard shall be 1.0 for housing at edge of town locations with an indicative maximum plot ratio of 2.0 in town centre/core locations.

DM OBJ 16 Site coverage shall generally not exceed 80%. Higher site coverage may be permissible in certain limited circumstances such as adjacent to public transport corridors; to facilitate areas identified for regeneration purposes; and areas where an appropriate mix of both residential and commercial uses is proposed.

5.2 National Policy

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

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

Other relevant national guidelines include:

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

Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It 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 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.

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

'Housing for All - a New Housing Plan for Ireland' (September 2021).

Urban Development and Building Heights Guidelines for Planning Authorities:

SPPR 1 In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR 2 In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans² could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

SPPR 3 It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme,

utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

SPPR4 It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

5.3 Natural Heritage Designations

Rye Water Valley Carton SAC (001398) 5.5km;

South Dublin Bay SAC (000210) 17.4km;

North Dublin Bay SAC (000206) 18.2km;

South Dublin Bay and River Tolka Estuary SPA (004024) 15.3km;

North Bull island SPA (004006) 18.2km;

5.4 EIA Screening

The proposal for 45 no. residential units on a site of 0.43 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Farnwest Trading Limited. The grounds of appeal are as follows...

- The proposal seeks to increase residential density on an under-utilised site. There is planning history for structures of 6 and 7 storeys in Clonee Village along the Main Street. A Design Statement was submitted.
- It is stated that the height, design and scale of the development is appropriate at this location and the quality of residential development in terms of communal space and light levels (overshadowing study included) is of an acceptable standard.
- In relation to refusal reason no. 3, the applicant submitted a Steg 1 Screening report and an NIS that demonstrates the proposal would have no significant effects on any designated site.
- The appeal submission includes an engineering response indicating that based on the zoning of the site, the lack of residential units at ground floor level, the finished floor levels proposed relative to flood levels estimated and the mitigation measures proposed, the development would pass a justification test in terms of flood risk.

- In relation to the fourth reason for refusal, it is noted that existing structure have been adapted, changed and extend over the years and has lost most of its vernacular character and features of significance. The applicant has submitted a report from a Conservation Architect outlining the condition and characteristics of the existing structure and justification for its demolition.
- The buildings are incapable of being refurbished and brought back into use and the village is characterised by a number of newer modern structures.

6.2. Planning Authority Response

6.2.1 Response by Meath County Council

- The PA request that the Board upholds the decision to refuse permission.

6.3. Observations

6.3.1 Observation by Brenda Molloy, Alan Molloy, Kellie Molloy & Alan Molly jnr, 'Millrace House', Main Street, Clonee.

- The observers refer to the issues raised in their original submission.
- The observers disagree with the appeal submission in relation to issues such as residential amenity, the architectural heritage value of the existing structure and the issue of flood risk.
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- The observers disagree with the appeal submission in relation to issues such as residential amenity, the architectural heritage value of the existing structure and the issue of flood risk.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/Development Plan policy

Density, Core Strategy, Area Capacity

Layout & Design/Development Control Standards

Architectural Heritage

Visual Impact Urban Design

Flood Risk

Appropriate Assessment

Adjoining Amenity

Traffic Impact

7.2. Principle of the proposed development/Development Plan policy:

7.2.1 The appeal site is located on the western side of Clonee on the main street. The site is occupied by an existing public house (McDonalds), which is currently vacant. The appeal site is zoned B1 Commercial Town or Village Centre with a stated objective “to protect, provide for and/or improve town and village centre facilities and uses” under Meath County Development Plan 2021-2027. The proposal entails the demolition of the existing structures on site and the construction of a part four-storey and part six-storey mixed use retail and residential development consisting of 3 no. retail units and 45 no. apartments (5 no. one-bed, 32 no. two-bed and 8 no. three bed units). The proposed uses (retail and residential) are compatible with the zoning objectives of the site.

7.3 Density, Core Strategy, Area Capacity:

7.3.1 The appeal site has an area of 0.43 hectares and the proposed development consists of a mixed use development with 45 no. residential units yielding a density of 104 units per hectare. National policy on density is contained under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’). Chapter 5 identifies appropriate locations for higher densities and outlines different locational contexts with a recommendation in relation to the density levels that should be facilitated. The appeal site based on Chapter 5 is located on a brownfield site (within city or town centre). These lands are “may be defined as “any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green

spaces”, generally comprise redundant industrial lands or docks but may also include former barracks, hospitals or even occasionally, obsolete housing areas. Where such significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations”. The appeal site is located in the town centre, on lands zoned B1 Commercial Town or Village Centre and has previously been developed with a large public house on site. In terms of public transport, the appeal site is 1.7km from Dunboyne railway station (4min drive, 23min walk), 4.7km from the M3 Parkway rail station and park and ride (7min drive). In addition the site is located within the town centre of Clonee and accessible to all services available within the settlement as well as being within walking and cycling distance of Dunboyne town centre and the services available within such. The proposed development provides for a density of 104 units per hectare, which in my view would be consistent with the recommendations of national policy and an appropriate density at this location subject to other factors relation to physical impact being satisfied.

7.3.3 The Meath County Council Development Plan 2021-2027 identifies Clonee as part of a settlement with Dunboyne, Clonee and Pace as a self-sustaining growth town scheduled to accommodate significant growth over the plan period under the settlement hierarchy/core strategy. The core strategy identifies that anticipated population growth for the county is 33,256 for the plan period (up to 2027) and that there is projected household requirement of 20,671 during the plan period. The capacity of all zoned lands for residential development is 20,581 units. There is a housing allocation of 6,139 and a total of 199.05 hectares for self-sustaining growth towns in Meath (Ashbourne, Dunshaughlin, Kells, Trim, Dunboyne/Dunboyne North). The proposed development accounts for 45 units. It would appear based on current information that the level of provision of units proposed/approved on lands zoned for residential under this application can be facilitated under the core strategy of the Meath County Development Plan and is at a density consistent with recommended density standards under national guidelines.

7.4 Layout & Design/Development Control Standards

Housing Mix

7.4.1 The proposed development provides for a mixed use development in the form of a part four-storey and part five-storey block with 3 no. retail units at ground floor and 45 no. apartments on the upper floors. I consider that the proposed mix of houses and duplex units will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, 7.4. which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two-storey own door houses only, particularly in developments > 100 units (still relevant despite development being below 100 units) and I consider that the development is consistent with this guidance. As discussed above, the density complies with the guidance under in the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The development also meets the requirements of SPPR 1 of the Apartment Guidelines. The proposed housing mix is considered acceptable on this basis.

7.4.2 A Housing Quality Assessment was submitted. Minimum floor area for apartments under Section 3.4 of the Apartment Guidelines is 45sqm, 63sqm (two bed 3 person units) 73sqm (two bed 4 person units) and 90sqm for one, two and three bed units respectively. All apartments meet these standards. In addition there is a requirement under Section 3.8 for “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)”. In this case this standard is also met.

7.4.3 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

This standard is also met in the approved development (100% of the units are dual aspect).

All apartment units are provided with balcony areas or garden areas. The requirement under the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) being for 5, 6, 7 and 9sqm for one bed, two (3 person), two bed (4 person) and three bed units respectively. The design and layout of all units meet the minimum standards set out under the Apartment Guidelines including floor area, room dimensions, storage and private open space.

7.4.4 The requirements for car parking under Development Plan policy is under Table 11.2 of the County Development Plan. Based on the number of units proposed (45 residential units and 3 no. residential units) the parking requirement for the development is 124 spaces (102 for the 45 no. apartments and 22 for the 3 no. retail units). 54 spaces are proposed. The parking standard do refer to the Apartment Guidelines and their recommendations in relation to parking at certain locations. The Apartment Guidelines note in relation Intermediate Urban Locations “that In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard”. The Council’s parking standards would be excessive and unrealistic in terms of development of the appeal site. I would be of the view that the level of provision of parking of 54 spaces for the development is sufficient. This is at a rate of at least one space per unit and additional spaces for visitors. I would of the view that off-street car parking for the retail units is unnecessary as the site is on the Main Street of Clonee with existing on-street car parking serving the retail and commercial development in the centre of the town. I would be of the view that the proposal is compliant with the recommendations of the Apartment Guidelines.

7.4.5 There is provision of 64 bicycle parking spaces. I would be of the view that the level of bicycle parking provided on site is satisfactory and is consistent with development Plan standards (Table 11.4).

7.4.7 The refusal reasons outline concerns regarding the design and layout of the development in terms of provision of communal space and the potential for such to be deficient in light levels due to overshadowing. In terms of communal open space provision the relevant standard are set out under Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2020 with a standard of 5, 6, 7 and 9sqm per one, two (three and four person) and three bed units recommended. Based on the mix of apartment units proposed (and based on the provision of two bed four person units) the minimum standard required is 321sq. The provision of communal open space is in the form of courtyard area at first floor level with the provision of 994.1sqm of communal space. The provision of communal space is well in excess of the recommended standards. As noted earlier the provision of private amenity space is also in keeping with the relevant standards.

7.4.8 The layout of the development is such that the ground floor provides retail units and undercroft parking with the residential units configured around an external open space area at first floor level. The apartments are located along the road frontage at a scale of five-storeys dropping to three-storeys and along the eastern and western side of the open space area with a clear opening on the northern side of the structure. The development is mainly five-storeys dropping down to three-storeys at the eastern end of the site. In response to the reason for refusal the appeal submission includes a shadow study illustrating the existing situation compared to the proposed development for various dates and times during the year.

7.4.9 In terms of assessing light levels within the apartments there is no information regarding daylight levels in terms of Average Daylight Factor (BRE guidelines). Having inspected the plans the majority of the units in the development are located along the southern edge of the site with their main orientation south. All of these are dual aspects with northern facing elevations and windows. There are other units, which do not have south facing orientations, however such units do have eastern or western facing facades as well as north facing elevations in some cases. I would

note that all shared living kitchen spaces in the apartments proposed have dual aspect provision of windows. Although there is a lack of information regarding light levels in the apartments, I would be of the view that the fact all units have dual aspect including dual aspect windows in all living spaces that light levels in the proposed units is likely to be of an acceptable standard. The Board may wish to request an assessment of ADF if there are any doubts regarding the possibility of deficient light levels.

7.4.10 In terms of overshadowing of the communal open space area, the configuration of the development is such that the communal open space is surrounded on three sides by up to five and three-storey development (communal space is at first floor level), to the south east and west with an open aspect north. The proposal was refused in part due to overshadowing of the communal open space. The applicant's shadow study provides details of shadow impact for a number of days during the year (December, March, December, September 21st) for various times of the day. The recommended standard under the BRE guidelines for sunlight in amenity spaces is that at least 50% of the area should receive at least 2 hours of sunlight on 21st March. This is not a mandatory standard but is a recommendation. The applicant has not provided details of any assessment that identifies the level of sunlight in the communal open space area. Having inspected the overshadowing study, the communal open space does get access to light at certain parts of the day on the 21st of March. I would be of the view that the configuration of development on site is appropriate in that the road frontage is along the southern edge of the site and the south western corner of the site is adjacent to the roundabout junction. I would consider that the development provides a sufficient level of amenity to future residents in terms of all apartment units being of appropriate size, dimensions, provision of dual aspect kitchen, living and dining spaces, the provision of a sufficient level of private amenity. The level of communal open space is well in excess of the standards recommended under the apartment guidelines (321sqm) at 994sqm. It is proposed to landscape this space with hard and soft landscaping and such is highly accessible to the units it serves. I would be of the view that the proposed development provides a sufficient level of amenity to future occupants.

7.5 Architectural Heritage:

7.5.1 The proposal was refused on the basis that it would be contrary development plan Policy to conserve and protect the architectural heritage of Meath (CH POL 10 of the Meath County Development Plan 2013-2019) and contrary guidance set out under the Architectural Protection Guidelines for Planning Authorities (2011). The Council consider that the existing structures on site including a structure called Tolka House and adjoining buildings “are a fine example of vernacular architecture that contributes positively to the setting and context of the 19th century streetscape of Clonee” and that there is a lack of justification for their demolition.

7.5.2 In response the applicant/appellant has submitted an Architectural and Built Heritage Assessment. The assessment outlines the various structures on site including their history, age and condition. The site is made up of a number of structures including Tolka House a four-bay two-storey structure dating from the late 18th or early 19th century. To the east of the site are 3 no. single-storey cottages dating from the late 18th or early 19th century. There are various extensions to these structures dating from 20th century with various alterations and interventions having been carried out to the structures on site. The report indicates that the structures on site are not protected structures and due to alterations and condition have lost the majority of their vernacular character. It is noted there are two protected structures within the vicinity of the site including Clonee Bridge and a water pump and that the proposal would have no impact on the status or setting of such.

7.5.3 In relation to Development Plan policy the refusal reason refers to Objective CH POL 10 or the previous Development Plan (2013-2019), which has been superseded. The equivalent policy in the current development Plan (2021-2027) HER POL 21 “to encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features”. It is clear that there are structures of considerable age on site and of vernacular character. These structures are not protected structures and none of the structures on site are included on the National Inventory of Architectural Heritage (NIAH), with the area

having been surveyed for such purposes. The two-storey structure is Tolka House is located to the rear of the site and is not readily visible due to intervening structures on site.

7.5.4 I would be of the view that the demolition of the existing structures on site is justified on the basis that such have not been designated as being of any significant architectural heritage value in terms of the record of protected structures and the NIAH. The structures in question have been altered and extended significantly with questions over their condition and the ability to adopt such to provide for a modern standard of development and an efficient use of the a zoned site in close proximity to public transport infrastructure. I would question whether the existing structures in their current form are contributing positively to the visual amenity and character of Clonee and would question whether such could be easily adopted to provide for new development of a good standard. I would consider subject to an acceptable design and scale for any new development, that there is sufficient justification for demolition of the existing structures on site.

7.6 Visual Impact/Urban design:

7.6.1 The first reason for refusal raises concern regard the overall design and scale with the height considered excessive at what is described as a gateway site to the town and contrary to SPPR3 of the Building height Guidelines.

SPPR3

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the

coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

7.6.2 The applicant submitted a Design Statement including 3D visualisations. The design approach to site is for the provision of a six-storey Block on the western side of the site where it adjoins the junction with the R149 and existing roundabout dropping down to four-storeys at the eastern end of the site. The appal site is located at the western end of Main Street at a location where there is no strong or consistent pattern of development in terms of overall form and height. There is a mix of development and scale at this location with the existing commercial structures dominating the immediate vicinity in the form of the existing structures on site, two car show rooms and a discount food store on the southern side of the street and the Grasshopper Inn located to the east of the site. In terms of pattern of development there are existing and permitted structures in the vicinity of similar scale and architectural character. Further to the west is a mixed use block of five-storeys and to the eats further along Main Street is a permitted development five-storeys (ABP-306842-20).

7.6.3 I would be of the view that the overall scale and design of the development can be adequately absorbed at this location without having a significant or detrimental impact. The proposal is located at the western end of the Main Street where there is a fragmented and varied pattern and scale of development. The development is located adjacent a roundabout junction between main Street and the R149, where there is scope of for a building of higher scale and provides a certain level of scale due to the configuration of the site. The architectural character of the proposal is contemporary in nature and although not of exceptional architectural merit is of a reasonable standard and would be acceptable in terms of overall visual impact. The

proposal provides for retail units at ground floor along the Main Street and an active frontage as well as a setback plaza area that would enhance the public realm along the streetscape at this location.

7.7 Flood Risk:

7.7.1 Permission was refused on the basis the site is in an area at risk of flooding. The proposal was refused on the basis that the development would be classified as highly vulnerable development and the application did not include for a detailed analysis of the watercourses in the vicinity of the site and it is therefore not possible to properly assess the flood risk at the site based on the assessment submitted. The proposal was deemed to be contrary Ministerial Guidelines and would contravene policies WS POL 29 and WS POL 32 of the County Development Plan and policy FR POL 2 of the LAP.

7.7.2 The specific criticism of the assessment of flood risk from the Council Environment department is that the development is highly vulnerable development and should be assessed as such. The use of CFRAM maps is not appropriate to determine a site specific levels. The site is a defended area but should be assessed in absence of such. An increase in ground levels on site would impact floodplain storage and increase flood risk elsewhere. The lack of a justification test was also highlighted.

7.7.3 The applicant submitted a flood risk assessment. The report includes a review of potential flood risk based flood mapping and Meath County Council's Strategic Flood Risk Assessment report, and details of historical flood events in the area with 5 events in close proximity to the site. Fluvial flood risk is identified as the main source of flood risk with the River Tolka running along the northern boundary of the site. The assessment notes that CFRAM Fluvial maps show no flooding on site for the 1000-year storm (0.1% AEP) and that there are flood defences protecting the eastern portion of the site. Flood defences cannot be taken into account in flood risk assessment. The assessment includes upstream and downstream fluvial flood limits with the downstream figures to be used (61.32 for 10% AEP, 62.07 for 1% AEP and 63.12 for 0.1% AEP). The flood defence wall is in excess of these water levels. The

car parking and retail unit (floor levels 62.95 and 62.900) are considered to be less vulnerable development and appropriate within Flood Zone B. the retail units have a freeboard of 0.73m have the 100-year flood level of 62.07 and 0.25m above the 1000-year flood level. It is considered that there should be no risk of flooding from fluvial sources.

7.7.4 In relation to pluvial/storm water flood risk such is addressed by provision of SUDs measures to collect and discharge storm water to the Tolka River with the final outlet level above the 100-year storm level. Both coastal/tidal and groundwater flood risk are ruled out as sources of flooding at this location. The assessment concludes the site is located in Flood Zone B for the purposes of fluvial flood risk and Flood Zone C for all other sources. The applicant considers that the development at ground level is appropriate development within Flood Zone B with no highly vulnerable residential development at ground floor level.

7.7.5 The applicant/appellants appeal submission includes a response from the authors of the flood risk assessment. This response indicates that the site is located partially within Flood Zone A and B, with the provision of flood defences and the finished floor area meaning such is not at risk of flooding. A justification test is required and such is submitted in the response. Without flood defences taken into consideration or a raised finished floor level the site is partially within Flood Zone A. CFRAM mapping was used to find a node to established fluvial flood levels and the finished floor level proposed is to be above the 1% AEP flood level. In relation to floodplain storage such is removed regardless of raised ground levels due to the flood wall along the rivers edge. The applicant/appellant makes the point that the development does not fit the classification of highly vulnerable development as the residential units are at first floor level and above and access and egress is to the roadside of the development with a clear route from the building in the case of a flood event. The proposal for raised floor level will protect against flooding, there is a lack of flood storage on site currently due to flood defences and there is the possibility of a net reduction in runoff from the site with no flow control in place currently (proposed). The response includes a justification test based on the criteria set out in Box 5.1 of Flood Risk guidelines.

7.7.6 The justification test highlights that the site is zoned for the uses proposed under the operative Development Plan (B1). The proposal has been subject to appropriate flood risk assessment with the proposal not exacerbating flood risk elsewhere as the site is prevented from being used as floodplain storage (due to flood defences) and a net reduction in runoff due to flow control. The proposal includes measures to minimise flood risk with provision of minimum finished floor levels above the 1% AEP level and existing flood defences on site. The proposal includes measures to reduce residual flood risk, with finished floor level and existing flood defences reiterated and a proposal for an alarm sensor in the event of overtopping of the flood wall. The development addresses the criteria set out under Box 5.1 in a manner consistent with the zoning objective for the site and the wider planning objectives for the area.

7.7.7 Based on the information on file, the appeal site is located is partially in Flood Zone A and Flood Zone B for the purposes of fluvial flooding. The applicant has carried out a justification test and submitted such with the appeal submission. Box 5.1 of the guidelines states that “when considering proposals for development, which may be vulnerable to flooding, and that would generally be inappropriate as set out in Table 3.2, the following criteria must be satisfied:

The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

The proposal has been subject to an appropriate flood risk assessment that demonstrates: The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and

funding of any future flood risk management measures and provisions for emergency services access; and

The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes. The acceptability or otherwise of levels of residual risk should be made with consideration of the type and foreseen use of the development and the local development context.

7.7.8 The site is a town centre site with existing development and is zoned B1, with the proposed development compliant with the zoning objective. The applicant submitted a flood risk assessment and supplementary information with the appeal response. I am satisfied based on the information submitted that the proposal would not exacerbate flood risk elsewhere, includes measures to minimise flood risk in terms of development levels, measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures (existing flood defences in place), the configuration of the site is such that access would still be available in the event of flood risk and the development addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

7.8 Appropriate Assessment

7.8.1 Permission was refused on the basis that the applicant has not provided the planning authority with sufficient information to conclude that the proposed development (entire project), by itself or in combination with other plans and development in the vicinity would not be likely to have a significant effect on a European site(s).

7.8.2 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same.

The assessment is based on the submitted Appropriate Assessment Screening submitted with appeal submission.

7.8.3 I have had regard to the submissions of prescribed bodies in relation to the potential impacts on Natura 2000 sites.

The Project and Its Characteristics

7.8.4 See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected (Stage I Screening)

7.8.5 The development site is not within or directly adjacent to any Natura 2000 site. The site is located on zoned lands within an urban settlement. The site is a brownfield site with a complex of existing structures and hardstanding areas.

7.8.6 I have had regard to the submitted Appropriate Assessment screening, which identifies that while the site is not located within or directly adjacent to any Natura 2000 areas, there are a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- Rye Water Valley Carton SAC (001398) 5.5km;
- South Dublin Bay SAC (000210) 17.4km;
- North Dublin Bay SAC (000206) 18.2km;
- South Dublin Bay and River Tolka Estuary SPA (004024) 15.3km;
- North Bull island SPA (004006) 18.2km;

7.8.7 The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and I have also visited the site.

I concur with the conclusions of the applicant's screening, in that there is the possibility for significant effects on the following European sites (associated with impact to species of conservation interest), as a result of hydrological connectivity to South Dublin Bay SAC (000210), North Dublin Bay SAC (000206) 18.2km, South Dublin Bay and River Tolka Estuary SPA (004024) and North Bull island SPA (004006).

7.8.9 Significant impacts on the remaining SAC site is considered unlikely, due to the distance and the lack of hydrological connectivity or any other connectivity with the application site in all cases. As such, it is reasonable to conclude that on the basis of the information on 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 Sites: Rue Water Valley Carton SAC (001398).

7.8.10 The qualifying interests of all Natura 2000 Sites considered are listed below:

Table 13.1: European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)*	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
South Dublin Bay SAC (000210) To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected	17.4km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]

<p>North Dublin Bay SAC (000206)</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p>	<p>18.2km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p>	<p>15.3km</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Bull Island SPA (004006)</p>	<p>18.2km</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>

<p>To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		<p>Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>
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7.8.11 Table 13.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

7.8.12 The Tolka River runs along the northern boundary of the site and drains into Dublin Bay and a hydrological link between the appeal site and the four designated sites identified above. Potential effects relate to potential discharges to the Tolka River during the construction and operational phase with a reduction in water quality and effects on conservation interests dependent on maintaining a good water quality.

7.8.13 The site is serviced by an existing combined sewer and the hydrological link between the site and the designated site is weak with foul sewerage discharges via the Ringsend WwTP during the operational phase. The proposal incorporates SuDS measures with surface water drainage to River Tolka likely to be significantly diluted by the time it reaches the designated sites in Dublin Bay. According to the EPA,

water quality of Dublin Bay coastal waterbody is classified as 'moderate' and 'good' respectively and Dublin bay coastal waterbody has a WFD risk score of 'not at risk'. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

7.8.14 The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. I consider that the foul discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

- The EPA is the competent authority in respect of issuing and monitoring discharge licences for the WWTP at Ringsend and the license itself is subject to the provisions of the Habitats Directive. Despite capacity issues at Ringsend WWTP the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of 'unpolluted' water quality status. The 2019 AER for the Ringsend WWTP notes that discharges from the WWTP does not have an observable negative impact on the water quality in the near field of the discharge and in the Liffey and Tolka Estuaries. The WFD characterisation process concluded that the

Ringsend WWTP is a significant pressure on the Liffey Estuary Lower Water Body (EPA 2018). However, the pollutant content of future discharges to Dublin Bay is likely to decrease in the longer term due to permissions granted for upgrade of the Ringsend WWTP (2019). It is also an objective of the GDSDS and all development plans in the catchment of Ringsend WWTP to include SUDS within new developments and to protect water quality in the receiving freshwater and marine environments and to implement the WFD objective of achieving good water quality status in Dublin Bay.

7.8.15 On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

7.8.16 It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required. I would note that the screening conclusion reached by the applicant is that a Stage 2 Appropriate Assessment was required in regards to the three aforementioned designated sites and a Natura Impact Statement was submitted in this regard. I would be of the view that the applicants are taking an extremely precautionary approach and sufficient information is available for me to reach a screening conclusion as outlined below.

AA Screening Conclusion

7.8.17 It is reasonable to conclude that on the basis of the information on 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 South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.9 Adjoining Amenity

7.9.1 In terms of adjoining amenity, the appeal site adjoins existing development to the east in the form of the Grasshopper Inn. To the north and the west of the site, it is defined by the Tolka River, which provide natural buffer between it and adjoining lands. Land on beyond the river to the north and west are undeveloped. The southern edge of the site is defined by the Main Street. I would be of the view that the proposed development would be satisfactory in terms of the amenities of adjoining properties.

7.10 Traffic Impact:

7.10.1 The proposal entails the provision of a new vehicular access onto the existing roundabout. The existing site and public house on site has a vehicular entrance to its car park in a similar location. As noted earlier the proposal provides for 54 car parking spaces. The application was accompanied by Transport Assessment report. The report includes description of the development, its location and context in relation to public transport infrastructure. The report includes details of traffic surveys to establish baseline conditions and modelling of the road network and junction capacity based on an opening year of 2023. The results of the assessment indicated that the local road network and intervening junction would have sufficient capacity to cater for the level of traffic likely to be generated.

7.10.2 I am satisfied with the level of details and scope of the Transport Assessment report and that the local road network can adequately deal with the level or traffic and

turning movements generated. As noted earlier the level of off-street car parking provided is sufficient to cater for the proposed development. The development is located on the main Street of Clonee and in walking distance of town centre facilities. In addition the site is in walking distance of Dunboyne town centre and the rail station as well as short distance by car to the park ride facility.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the former use on the site which is located centrally in Clonee Village, the policies and objectives of the current Meath County Development Plan for the area and the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would be acceptable in terms of public health and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4.

(a) No demolitions shall take place during the period of 1st March to 31st August in any year.

(b) Any destruction of bat roosting sites shall be carried out by a suitably qualified bat ecologist under licence by the Minister of Culture, Heritage and the Gaeltacht.

Reason: In the interest of biodiversity.

5. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. 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.

Reason: In the interest of public health.

7. 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.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transport.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house. Reason: In the interests of amenity and public safety.

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

Reason: In the interest of urban legibility.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

13. 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.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interest of sustainable waste management.

16.

(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of on-site car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) provision of parking for existing properties during the construction period,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

19. 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 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.

Reason: To ensure the satisfactory completion of the development.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of

the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Colin McBride
Senior Planning Inspector

24th May 2022