



An
Bord
Pleanála

Inspector's Report

ABP-311978-21

Development	Construction of 31 residential dwellings.
Location	Killegland, Ashbourne, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	211037
Applicant(s)	Killegland Estates Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Residents of Garden City Eimear & Bryan South
Observer(s)	Anne Moylan Residents of Bourne View Ciaran Donnelly for Ashbourne Public Group Greenspaces Emlyn & Niamh Cardiff Olive & Garrick Brennan

Paul & Gemma Gough

Alan & Karyn Gorman

Wibke Persicke & Luciano Sinagoga

Date of Site Inspection

27th of April 2022 & the 11th of May
2023.

Inspector

Elaine Sullivan

DECISION QUASHED

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.84 ha and is approximately 1km to the southwest of the town centre of Ashbourne, Co. Meath. It is a greenfield site located within the Churchfields housing estate. An area of public open space which contains the Killegland Old Cemetery adjoins the site to the north. To the west, the site is overlooked by a row of two storey houses and the access road to the estate. The western margin of the site that adjoins the public road, provides a linear open space with mature trees and street-lighting. The eastern side of the site backs onto the rear garden walls of houses at Bourne View. To the south of the subject site lies open agricultural land.
- 1.2. On the first site visit in April 2022 the site was fenced off with metal / heras fencing. A second site visit was carried out in May 2023 and the site had been secured with wooden hoarding panels.

2.0 Proposed Development

- 2.1. Planning permission is sought for a residential development of 31 residential units comprising houses and a three-storey block of apartments, (19 houses - 8 x 3-bed and 11 x 4-bed, and 6 x 3-bed maisonettes above 6 x 2-bed ground-floor apartments).
- 2.2. The development would also include a new access road from Churchfields estate, public open space, car and bicycle parking, electrical sub-station, and landscaping. The development would be connected to the public water and wastewater services. Surface water drainage would be discharged from the site through an attenuation system which would connect to the existing storm water pipe forming part of the existing attenuation system for the Churchfields housing estate to the north-west.
- 2.3. The layout of the scheme was altered on foot of a request for further information. The amended layout altered the position of the three-storey block, (Block A), and revised the unit mix to provide 6 x 1-bed apartments; 6 x 2-bed apartments; 12 x 3-bed houses and 7 x 4-bed houses. Block A was originally on a north-south axis facing onto the housing on Churchfields. Under further information, the block was repositioned on an east-west axis with the back of Block A facing onto the existing

public open space. The northern boundary of the block was curved to respond to the form of the graveyard.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted for the proposed development subject to 24 planning conditions which were mainly standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority, (PA), was informed by two reports of the Planning Officer, (PO), which were both written under the 2013-2019 Development Plan when the site was zoned objective A2 – New Residential.

The first report dated the 22nd of July 2021 recommended that further information, (FI), be requested on five points. The second report dated the 19th of October 2021 assessed the response to FI and recommended that permission be granted.

The first report of the PO includes the following:

- The proposed development is acceptable in principle within the A2 zoning objective for the site.
- The PO notes that the subject site is indicated as Site K within the evaluation of residentially zoned land for Core Strategy purposes. The site is ranked joint 1st overall and is designated as Phase 1, which is land available for development within the lifetime of the CDP. The CDP lists a yield of 28 units on the site within the lifetime of the Plan.
- Phase 1 that within Section 2.0 of the Ashbourne LAP (contained in Volume 5 of the 2013-2019 Development Plan) the site is identified as Site K and is given a ranking of 1 in 'Table 3 – Evaluation of individually zoned available sites for residential development'. This allows for a yield of 28 units under the lifetime of the Plan and makes the land available for development.

- Reference is made to Pillar No. 3 of the Action Plan for Housing and Homelessness which seeks to build more homes at affordable prices.
- The design of the scheme is broadly acceptable in terms of the requirements of the Best Practice Urban Design Manual (2009) and the CDP.
- The proposed net density of 39 units per hectare, (uph), is above the average net density of 35 uph and within the 35-50 uph as outlined in Section 5.11 of the Sustainable Residential Development in Urban Areas Guidelines for outer suburban sites. The proposed density is acceptable.
- The houses and apartments generally meet the development standards set out in the CDP and the Apartment Guidelines. The PO has some concerns regarding the layout of the scheme.
- The PO recommends that FI be requested on five points which relate to the layout of the proposal and its lack of response to the Recorded Monuments and the historic landscape to the north of the site; the layout and design of the roads; a revised Archaeological Impact Assessment; the provision of an Ecological Impact Assessment, and the provisions for connections to the water and wastewater systems and the provisions for the collection and disposal of surface water from the site.

The second report dated the 19th of October 2021 assessed the response to the further information request and recommended that planning permission be granted. The report includes the following:

- The applicant revised the layout of the scheme to address the setting of the recorded monument and protected structure. Block A was reorientated to an east-west axis and to face onto the public open space to the north.
- The redesign resulted in a change of unit mix to 12 no. 3-bed units, 7 no. 4 bed units, 6 no. 1-bed unit and 6 no. 2-bed units. The PO has some concern regarding the boundary treatment to Block A and recommends that block walls be used instead of railings.
- Issues relating to internal roads were adequately addressed.
- The updated Archaeological Impact Assessment is acceptable.

- The Ecological Impact Assessment was reviewed and accepted with all mitigation measures to be implemented.
- The recommendation of the PO was to grant planning permission subject to conditions.

3.2.2. Other Technical Reports

Architectural Conservation Officer – The report dated the 20th of July 2021 recommends that further information be requested to ensure that the design and layout responds appropriately to the important Recorded Protected Structure and Monument on the site.

Heritage Officer - The report dated the 21st of July 2021 recommends that further information be requested and that an Ecological Impact Assessment be submitted. The second report dated the 18th of October 2021 was satisfied with the results of the assessments carried out.

Water Services – The report dated the 25th of June 2021 recommends that further information is sought regarding the surface water treatment and disposal, The report dated the 29th of September 2021 notes that the development broadly meets the requirements of the PA regarding the orderly collection, treatment and disposal of surface water.

Transportation Department – The report dated the 9th of July 2021 states that there is no objection to the proposed development. The second report dated the 19th of October 2021 had no objection to the proposed development.

Fire Officer – A Fire Safety Certificate Application is required for the 3-storey building under Part III of the Building Control Regulations.

Housing Department – Part V proposals are acceptable in principle.

Public Lighting – No objection.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage – The first report dated the 30th of June 2021 noted that geophysically detected archaeological features extend into the proposed development site and an Archaeological Impact

Assessment, (AIA), is requested. The second report dated the 6th of October 2021 recommends that planning conditions regarding archaeological excavations be attached.

Uisce Éireann – The report dated the 30th of June 2021 recommended that further information be requested. The proposal to connect to a private water supply was not acceptable and a revised proposal and Pre-Connection Enquiry was requested. The report received by the PA on the 1st of October 2021 has no objection to the development subject to conditions.

3.4. Third Party Observations

The PA received 35 valid submissions during the public consultation period. 5 of the submissions were from residents' groups with another 4 from local societies and community groups. None of the submissions were in support of the development. The issues raised include the following:

- Impact on residential amenity,
- Impact on archaeology and protected structures,
- Loss of entrance to proposed park,
- Traffic,
- Land ownership,
- Loss of ecology and biodiversity,
- Drainage and flooding issues,
- Re-zoning of the site,
- Loss of green space,
- Invasive species on the site,
- Impact on Broadmeadow River.

4.0 Planning History

ABP-310068-21, (PA Ref. VS-MH-0030) – Appeal against a Section 18 Demand for Payment decided by the Board on the 15th day of March 2022. The Board determined that the amount of vacant site levy to be charged in respect of the site for the years 2020 and 2021 shall be zero.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The application was lodged on the 28th of May 2021 under the Meath County Development Plan 2013- 2019, which was the operative Development Plan at that time. In this Plan the site was zoned objective, 'A2 – *New Residential*'. The Meath County Development Plan 2021-2027 came into effect on the 3rd of November 2021 and is the current Development Plan. Under this Plan, the site was rezoned to objective 'GI – *Community Infrastructure – To provide for necessary community, social, and educational facilities*'.
- 5.1.2. The change in the zoning objective for the site between both Development Plans represents a material change in the objectives for the site. However, the GI zoning objective states that, '*Residential/Sheltered Housing, Retirement Home/Residential Institution/Retirement Village, are uses that are 'Open for Consideration', which may be permitted where the Council is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area*'.
- 5.1.3. I note that a definition is made between 'Residential' and 'Sheltered Housing'. Within this context, I do not consider the proposal to be in material contravention of the Development Plan and am satisfied that the proposal can be assessed on its merits against the policies and objectives of the Meath County Development Plan 2021-2027.
- 5.1.4. The following section of the Development Plan are of relevance to the development proposal and the grounds of appeal:

- **Volume 2 - Ashbourne Written Statement**

- The site is zoned objective *GI – Community Infrastructure*.
- The land directly adjoining the site to the south is zoned objective *F1 – Open Space* and is also identified as a Master Plan area, (MP 21). A Master Plan has not yet been prepared for this area and in the absence of a Master Plan for this area, planning applications will not be considered.
- Killegland Cemetery is approximately 55 m to the north of the subject site and is listed on the Record of Protected Structures, (Ref. PA RPS ID 91456).
- The subject site is partially located within the zone of notification for three recorded monuments, which are listed as Church, graveyard and ringfort, (Refs. ME045-004, ME045-004001 and ME045-004002).
- Section 2.0 of the Written Statement states that the Council is progressing the development of a Linear Park along the Broadmeadow River. It as part of the green infrastructure in the town.
- Section 4.0 of the Written Statement identifies an opportunity to improve community and recreational infrastructure by identifying suitable lands for the development of a town park at a regional scale that will provide a focal point for social and recreational facilities.

- **Volume 1 -**

- Section 3.4.2 - Settlement Strategy - Ashbourne is designated as a 'Self-Sustaining Growth Town' in the Settlement Strategy for Meath. The Strategy recognises Ashbourne as a rapidly growing settlement and states that, *'there will be a greater emphasis on achieving a greater balance between employment and population growth in these settlements'*.
- Chapter 7 – Community Building Strategy - Section 7.7.7 – Open Space. This section notes that Ashbourne and Dunboyne will require the provision of a regional scale park and that sites have been identified in the written statement of these towns in Volume 2.
- SOC OBJ 11 - To prioritise the delivery of town parks at a regional scale in Drogheda Southern Environs, Dunboyne and Ashbourne.

- SOC OBJ 13 - In respect of residential development, in all cases the development site area cannot include lands zoned FI Open Space, G1 Community Infrastructure and H1 High Amenity. (i.e. the open space requirements shall be provided for within the development site area.)
- Chapter 8 – Cultural and Natural Heritage Strategy – Section 8.6 –
- HER OBJ 2 - To ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detracting from the monument or its setting.
- HER OBJ 3 - To protect important archaeological landscapes from inappropriate development.
- Chapter 11 – Development Management Standards – Section 11.5 – Residential Development Standards – All proposals for residential development should comply with the Sustainable Residential Development in Urban Areas – Cities, Towns & Villages (2009) and the Urban Design Manual - A Best Practice Guide, 2009.
- DM OBJ 14 – encourages densities in excess of 35 uph for Ashbourne and notes that SPPR1 of the Building Height Guidelines shall be considered in the implementation of densities.
- 11.5.7 – Separation Distances
- 11.5.8 - Dwelling Design, Size & Mix.
- 11.5.9 – Building Height
- 11.5.10 – Open Space
- 11.5.11 – Public Open Space – 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.
- 11.5.12 – Private Open Space

- 11.5.17 – Apartments
- 11.5.19 a) – Infill Sites in Urban Areas – DM OBJ 42 - Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways etc.
- **Volume 4 – Strategic Flood Risk Assessment**
- The subject site is not located in a Flood Risk Area and is categorised as Flood Zone C.

5.2. National Policy

- **National Planning Framework**

The NPF 2040 was adopted on the 29th of 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.

The NPF has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 2(a) relating to growth in our cities;
- NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
- NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas;
- NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

5.2.1. Section 28 Guidelines –

- **Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2022.**

Appendix 1 – Required Minimum Floor Areas and Standards.

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

The Guidelines updated and revised the 1999 Guidelines for Planning Authorities on Residential Density and set out the key planning issues to be considered in the provision of new housing development in terms of sustainable development.

5.3. Natural Heritage Designations

- No designations apply.

5.4. EIA Screening

- 5.4.1. The third-party appeal raised the issue of project splitting for the purposes of avoiding a mandatory EIAR. The appellant is of the opinion that the proposed development is an extension to the existing Churchfields housing development and as such would reach the threshold for EIAR. The subject proposal is an infill development within a completed housing development. Planning permission was granted for the Churchfields housing development in 2005, (PA Ref. DA40043), and was subject to Environmental Impact Assessment at that time. The subject development did not form part of the original plans and was not part of a phased development. Therefore, the impact of the development is considered within the context of a stand-alone development within a suburban development.
- 5.4.2. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.3. 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.)

5.4.4. It is proposed to construct 31 housing units, (19 houses and 12 apartments). The number of dwellings proposed is well below the threshold of 500 dwelling units and I am satisfied that the proposal does not form part of a wider development that would cumulatively reach the threshold for development. The site has an overall area of c. 0.84ha and is located within an existing built-up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha.

5.4.5. The site is located within the Ashbourne area and currently comprises a greenfield site between two housing developments and adjoining agricultural land. The introduction of a residential development 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 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 Uisce Éireann 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 zoned for ‘G1 – Community Infrastructure’, where residential use is listed as ‘open for consideration’ under the provisions of the Meath County Development Plan, and the results of the

strategic environmental assessment of the Meath County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- 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 EIA Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

Two valid appeals were lodged. The grounds of which are summarised below:

Valid Appeals were lodged by –

- Cllr Alan Tobin,
- Eimear & Bryan South, (John Holmes, Ashbourne Public Spaces – Agent),

The main grounds of appeal include the following:

- **Cllr Alan Tobin** – (on behalf of Ashbourne Tidy Towns, Ashbourne Youth Café, Residents of Garden City, Bourne View, Westview, Woodquest House, The Bailey, Tudor Close, Deerpark, Churchfields, Broadmeadow Green, The

Downs Alderbrook. Milltown Est, Ashbourne Community c/o Grainne Bray, Unit 58 Declan Street).

- The development is overbearing and within the curtilage of an important historical Christian site.
- Excessive height is not in keeping the existing pattern of development or the historic graveyard.
- No input was received from the Meath Co. Co. Heritage Officer on the hydrological and archaeological impacts of the proposal following receipt of further information.
- The Archaeological Site should be preserved intact, as recommended by the National Monuments Service. Foundations for dwellings will disturb all archaeological features irreparably.
- Lack of infrastructure to support the development. Particular concern regarding the capacity of the sewer in the proposed connection in Churchfields. Reports of identified misconnections at several points along the Broadmeadow River discharging high levels of Phosphorus and Ammonium into the river.
- Adverse cumulative environmental impact with other projects. Lack of EIA on the Broadmeadow Estuary in Swords.
- Inadequate site notice.
- Inadequate planning application with lack of detail on dimensions, overshadowing, landscaping and letters of consent from all property owners. Lack of bat survey.
- Plans do not adhere to DMURS.
- No consultation with residents on Japanese Knotweed.
- The lands were dedicated to community use by the donor, Mr. Ned Nulty. It was never intended that the site be used for development.
- No letter of consent from property owners that hold interests over the area of the works.

- The site is zoned for Community Infrastructure since the 3rd of November 2021 in the Meath County Development Plan 2021-2027.

John Holmes on behalf of Eimear and Bryan South,

- The site is archaeologically significant and is close to three recorded monuments.
- The response to the AI request was inadequate. The decision made relies on the recommendation of the developer's Archaeologist with no comments from the Heritage Officer or the National Monuments Service.
- The wording of the conditional grant of permission is ambiguous with regard to the archaeological requirements.

6.2. Applicant Response

A response was received from the applicant on the 14th of December 2021. The response seeks to address the issues raised in the third party appeals and includes the following,

- The lands are zoned for residential development and have been added to the vacant sites list, which means that there is strong encouragement for the site to be developed.
- The development represents a natural extension of the Churchfields housing estate and is supported by national, regional and local planning policy.
- One of the appeals submits that the lands were dedicated to the community by a benefactor who wanted the lands to be used for community use. The lands were sold to the applicant by St. Finian's Diocesan Trust. The applicant states that there is no legal constraint to the development of the land for residential use. The Trust is entitled to use the proceeds of the sale for investment in community infrastructure.
- The subject site is ideally positioned for residential development as it is an accessible location, close to services within the centre of Ashbourne.

- Third parties / appellants state that there is a need for a park in the town. The applicant is of the opinion that this is irrelevant as the site is zoned for residential development and would consolidate development in the town. Furthermore, the report of the Chief Executive regarding the change in zoning states that the PA is progressing plans for a linear park that will be the focal point for future open space in the area.
- In response to the concerns raised regarding the archaeological heritage in the area, the proposal would not directly impact on any recorded monument. The land has been fully excavated and documented and the design allows for the preservation in-situ of archaeological features.
- One of the appellants raised the fact that no EIAR was prepared for the development. Having regard to the size of the site, which is 0.84ha and the scale of the development, (31 units), together with the developed nature of the surrounding area, the proposed development is unlikely to have any significant effects on the environment and the requirement for an EIAR can be excluded by the Board at preliminary examination.
- In response to the appellants concern that no bat survey was carried out, a comprehensive Ecological Impact Assessment was carried out in response to a request from the PA. The assessment found that the site has no potential roosting habitat and is used only on an occasional basis by common bat species. Therefore, the site is of negligible importance as a feeding area / commuting route. However, the public lighting design will incorporate bat-sensitive measures.
- An Invasive Species Management Plan has been prepared for the site and the applicant has engaged a specialist contractor to treat the Japanese Knotweed with herbicide since 2019. The applicant was under no obligation to consult with residents regarding the treatment or management of the invasive species on the site. An update on the treatment was submitted by the applicant.
- Height of scheme – Regarding the height of the scheme, the three storey duplex units play an important role in increasing the density of the scheme and providing a mix in tenure.

- The design of the scheme has had regard to the site context and the three-storey block is bounded to the north and south by substantive open spaces which allows for a transition in scale.
- The lack of infrastructure and capacity of infrastructure was raised in the appeal and that the scheme does not comply with DMURS. The applicant is of the opinion that the scheme is well placed to avail of the existing social infrastructure such as the town centre, supermarkets, schools and sports clubs.
- In a letter dated the 5th of November 2021 Uisce Éireann confirmed that the proposed water and wastewater connection can be facilitated without infrastructure upgrade by Irish Water/Uisce Éireann.
- The applicant has submitted confirmation from the design team that the scheme is compliant with DMURS.
- Easements over Churchfields road – In response to concerns raised by third parties that the applicant does not have the necessary landowner consent to provide the infrastructure to the development, the applicant refers to a letter of consent from Cairn Homes Properties Limited that was submitted with the application in Section 10.1, Deed of Easements.
- Third parties contend that the public open space will be north facing and will be affected by a lack of light. The applicant disputes this and states that there will be 1,310 sq. m of public open space that would be centrally located and would be of sufficient scale to receive light from all aspects. The space will also be open for use by the existing houses in Churchfields.
- If the court stay on the zoning is lifted the applicant put forward a justification for the Material Contravention of the G1 zoning objective under Section 37(2) of the Planning and Development Act. The applicant is of the opinion that under Section 37(2)(b)(i) of the Planning and Development Act, the proposed development at Ashbourne can be considered to be of strategic or national importance having regard to: its potential to contribute to the achievement of the Government's policy to increase the delivery of housing under '*Rebuilding Ireland – action Plan for Housing and Homelessness, 2016*'.

- Under Section 37(2)(b)(iii) of the Act, the proposed development can be considered to be of strategic and national importance having regard to: Guidelines under Section 28 of the Act and specifically: National policy in *Project Ireland 2040 National Planning Framework*, in particular Objective 35 which seeks to increase residential density in settlements through a range of measures, including infill development.

6.3. Planning Authority Response

A response was received from the Planning Authority (PA) on the 16th of December 2021 and includes the following:

- The PA reviewed the issues raised in the ground of appeal and is satisfied that these issues have been addressed in the reports of the Planning Officer (PO) dated the 22nd of July 2021 and the 19th of October 2021.
- Regarding the archaeological issues raised, the National Monument Service, (NMS) recommended a condition in respect of excavation and monitoring. This condition was attached.
- Concerns were raised about the zoning of the site. The site is zoned GI – Community Infrastructure in the 2021-2027 Development Plan, having been rezoned from A2 – New Residential in the 2013-2019 Development Plan. The Meath County Development Plan 2021-2027 came into effect on the 3rd of November 2021, which was after the decision date of the 22nd of October 2021. Therefore, the operative Plan on the date of the decision was the 2013-2019 Development Plan, where the principle of the development on A2 – New Residential lands was acceptable.
- The rezoning of the site formed part of Material Alteration MA08, which was subject to a Ministerial Draft Direction under Section 31 of the Planning and Development Act 2000. However, the Draft Direction specified that, *'The land zoned as Community Infrastructure within the same-titled amendment heading (lands to the east of Churchfields) is not the subject of this Direction and is to remain as adopted'*.

- The proposed development accorded with the national, regional and local planning policy context for urban housing on the date of the decision and the PA is satisfied that the development would be in accordance with the proper planning and sustainable development of the area.

6.4. Observations

- Anne Moylan
- Residents of Bourne View,
- Ashbourne Public Group Greenspaces, (Ciaran Donnelly),
- Emlyn & Niamh Cardiff
- Olive & Garrick Brennan
- Paul & Gemma Gough
- Alan & Karyn Gorman
- Wibke Persicke & Luciano Sinagoga

A total of 8 observations were received, (2 from Bourne View Residents), and included the following concerns,

- The development will have an overbearing and negative impact on the National Monuments at Killeghland Graveyard.
- It will impact on existing residential amenity through overlooking, loss of light.
- The density is excessive, and the building design is unsuitable within the context. (Large gables and roofs).
- Japanese Knotweed is present on the site, is more extensive than detailed and could be spread.
- The site floods and drainage to be routed through Churchfields is not in the charge of the PA.
- Churchfield's Management Company is the beneficial owner of the land and do not give consent to the re-routing of services.

- Additional traffic and over spill car parking will be a problem for existing houses.
- Insufficient details submitted regarding impact on national monuments. Preservation in-situ is the preferred option for archaeology.
- The application did not comply with Article 22. (Inadequate site notices/national monuments not marked on drawings/insufficient details on archaeology re. substructure works).
- Unauthorised partitions erected.
- Loss of biodiversity by the removal of hedgerows.
- Unsustainable housing type.
- Recreational space will be reduced.
- Impact on the Broadmeadow River was not considered.
- The site is the ideal location for an entrance to the park proposed under the Development Plan.
- Information submitted under a Section 18 (Vacant Sites) appeal (ABP VX17.310068, PA Ref. VS-MH-0030), is relevant to the appeal and should be made public.
- The Revised Sitemap does not meet the requirements of the Planning and Development Regulations.
- Residents of Bourne View claim to have rights over the land and state that access to the rear of their properties would be blocked.
- Lack of disability access / lifts for the apartments.
- The development is an extension of the existing estate which required EIA.
- Potential for subsidence from erosion of underlying rock.

6.5. Further Responses

- No further responses received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- Design & Layout
- Impact on Adjoining Land
- Archaeology & Protected Structures
- Drainage & Flooding
- Ecology
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The site is zoned objective, 'G1 – Community Infrastructure', in the Meath County Development Plan 2021-2027. The objective of this zoning is, 'To provide for necessary community, social, and educational facilities'. Residential use is listed as 'Open for Consideration' within the G1 objective and can be permitted where the proposed development would be compatible with the overall policies for the zone and would not have undesirable effects on any permitted uses. The history of the application and the previous zoning objective has been outlined in Section 5.1 of this report.

7.2.2. I note the wording of SOC OBJ 13 which states that, 'In respect of residential development, in all cases the development site area cannot include lands zoned FI Open Space, G1 Community Infrastructure and H1 High Amenity. (i.e. the open space requirements shall be provided for within the development site area).

7.2.3. The wording of this objective is ambiguous and could conflict with the zoning objective for the site which allows for the consideration of residential development. However, on the basis that the land uses under the G1 zoning objective are clearly stated, I am satisfied that the proposed development for 31 residential units can be considered as a use that is 'open for consideration' under the G1 zoning objective for the site, and the policies and objectives of the Development Plan.

7.3. Procedural Issues

- 7.3.1. Issues were raised by third parties that are outside of the scope of the appeal or dealt with through other legal codes. The issues raised relate to land ownership and whether the applicant had sufficient legal interest to deliver the project; the adequacy of the drawings submitted with the planning application; public participation in the issuing of Archaeology and Excavation Licences, the energy efficiency of the buildings, the lack of lifts to access the duplex units, and public access to the information contained in ABP – 310068-21, (PA Ref. VS-MH-0030), which is an appeal against a Section 18 Demand for Payment, (Vacant Sites Appeal).
- 7.3.2. The Building Control Act 1990, (as amended), and the Building Control Regulations 1997-2021 regulate the construction of new buildings including energy efficiency and universal access. Any issues relating to the excavation and building control are not within the remit of the Planning Acts. Licences for Archaeological Excavation are issued by the Department of Housing, Local Government and Heritage, under Section 26 of the National Monuments Act 1930. The issue of compliance with Building Regulations and the National Monuments Act are not within the remit of the Planning and Development Act and will be not evaluated under this appeal. Therefore, these issues need not concern the Board for the purposes of this appeal.
- 7.3.3. The grounds of appeal also raised concerns that the applicant did not have the required third-party permissions to lodge the application and did not have sufficient legal interest in the lands to deliver the development. This issue was addressed by the applicant in their response to the appeal. The applicant also submitted information on the Deed of Easements over the adjoining lands in Section 10.1 of the planning application. The application includes a letter from the applicant's solicitor stating that the applicant's lands, (which form part of Folio MH 3382F), enjoys the

benefit of a deed of easements over the adjoining land, (comprised in Folio MH 62930F), which is in separate ownership. The rights granted in the Deed of Easements include a right of way over the designated area and rights of connection into services in Folio MH62930F. In terms of legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, Section 34(13) of the 2000 Planning and Development Act applies.

7.3.4. The subject site was also subject to an appeal, (ABP – 310068-21, PA Ref. VS-MH-0030) against a Section 18 Demand for Payment, (Vacant Sites Appeal). The appeal was decided by the Board on the 15th day of March 2022. The report of the Planning Inspector, the Board Order and Direction, are all publicly available on the website. The paper file is also available for inspection by members of the public at the offices of An Bord Pleanála during opening hours. Therefore, I am satisfied that all the information relating to the site in terms of this appeal is publicly available and the appellant, or any interested party, was not precluded from viewing the contents of the appeal.

7.3.5. Concerns were raised that the information submitted with the application was insufficient and that the site notices were inadequate. I am satisfied that the information at hand is sufficient to make a full assessment of the proposed development. In terms of procedural matters and the alleged irregularities in terms of the position of the site notice, and lack of information on some of the drawings, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations and that third party rights were not prejudiced. The following assessment represents my de novo consideration of all planning issues material to the proposed development.

7.4. Design and Layout

7.4.1. Third parties objected to the design and layout of the residential scheme and how it responds to the existing environment. Specific concerns related to the scale and density of the scheme and the architectural features such as large gables and roofs.

The PA also had concerns regarding the original layout and how it responded to the historic landscape and graveyard to the north.

- 7.4.2. The proposed development comprises a mix of two storey houses and one three storey block with duplex units above ground floor apartments. The house designs are typical of the house type to be found in many suburban developments with architectural details and finishes that reference the existing mix of houses in the Churchfields estate. They are of standard size for typical four-bedroom houses, and I do not consider the gables and roofs to be excessive in scale. Churchfields estate comprises a mix of housing types and the proposal would represent another typology.
- 7.4.3. On foot of a request from the PA, the layout of the scheme was amended under further information. The revised layout repositioned the orientation of the three-storey block, (Block A), from a north-south axis facing onto existing housing to an east-west axis and facing inward to the open space for the development. The site boundary to the north was amended to create a curved perimeter to the public open space and cemetery to the north. I have reviewed the internal layouts of the residential units for both proposals, and I am satisfied that both options would be in accordance with the standards for new houses set out in Section 11.5 of the MCDP and with the requirements of the Apartment Guidelines. The public open space in both layouts would be in accordance with the quantum of open space required in Section 11.5.11. However, a conflict may exist between the G1 zoning for the site and DM OBJ 26 which states that *'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'*.
- 7.4.4. The amended layout sought to create a better design response to the historic cemetery and landscape to the north of the site. I have reviewed both layouts and it is my view that neither option presents a satisfactory design response to the Protected Structure and National Monument to the north. The existing access road curves around the cemetery which reflects its circular shape and provides an adequate setting and separation. In the original layout, Block A was perpendicular to

the graveyard. The revised layout attempts to reflect and continue the curve of the road and the cemetery by amending the site boundary to present a curvilinear boundary along the northern edge of the site. However, in doing this, the development essentially turns its back on the public open space and limits the potential for integration between both sites.

7.4.5. The ground floor units of Block A would back onto the open space and, as a result, would have north facing terraces as their private open space. The internal layouts would also result in a sub-optimal arrangement whereby the private open space would be accessed through the bedroom instead of adjoining the main living area. Ground floor bedrooms would also back onto the public open space. The landscaping plan for the revised layout proposed the installation of a railing with hedgerow along the northern boundary and to the rear of the private open space for the ground floor apartments. The PO was not in favour of this approach and recommended that a block wall be provided instead. In my opinion this would further strengthen the disconnect between the development, the adjoining open space and the historic landscape. The duplex units above would face onto the space but as the balconies would be south facing there would be minimal passive supervision from the development. I do not consider this layout to be an adequate response to the existing environment in urban design terms nor does it add to the character and setting of the protected structure and recorded monument.

7.4.6. I accept that the original layout did not respond well to the existing landscape features in terms of its shape and positioning and I agree with the Architectural Conservation Officer of the PA that an architectural response to reflect the curved features would be a suitable design response. However, the original layout did provide open connections to the public open space to the north and the space was overlooked by the first-floor balcony on the duplex unit to the north of Block A. This layout would also provide larger units which would have a better orientation and allocation of private amenity space. It may be possible to create a design response to the historic landscape through additional landscaping, but this has not been examined in the application. I am not convinced that either layout would provide a satisfactory response to the existing historic landscape. However, should the Board be minded to grant permission for the development, I recommend that the original layout, as submitted to the PA on the 28th of May 2021 is considered instead of the

revised layout submitted under FI on the 23rd of September 2021. In the interest of completeness, and for the Board's information, I have assessed both layouts where appropriate.

- 7.4.7. I am satisfied that the proposal would not impact on the existing residential amenity of adjoining houses in terms of loss of privacy, overshadowing or loss of light. The proposed houses along the eastern side of the site would back onto the existing houses on Bourne View. The minimum separation distance between the houses would be approximately 29m. This is in accordance with DM OBJ 18 which requires a minimum separation distance of 22m between directly opposing first-floor windows. To the west of the site, the minimum separation distance between existing and proposed houses would be approximately 27m between a side gable wall and the front of the existing house. The separation distances proposed would also ensure that the existing houses are not overshadowed by the proposed development. I am also satisfied that the three-storey block, Block A, would not be of such a scale as to result in any overlooking or overshadowing of existing housing. In the original layout, Block A faced onto the houses on Churchfields and had a minimum separation distance of approximately 27m. In the revised layout the western gable of Block A, would be approximately 55m from the front of No's 206 and 207 Churchfields.
- 7.4.8. Guidance on the impact of buildings on daylight is taken from the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (BR 209, 2022 edition), (BRE Guidance), which states that, if the distance of a proposed development is less than three times its height from an existing dwelling, or if the angle from an existing window to the proposed development subtends 25° to the horizontal when measured in a perpendicular section the existing building may experience a loss of daylight. Block A would have a height of 12m to the roof ridge. As per BRE guidance, the original site layout would place Block A at a distance to existing housing of less than three times the height of the proposed building. The layout revised under further information would have a separation distance in excess of the recommendation. Drawings submitted with the application do not have sufficient information to allow for an analysis of the angles of existing windows. Whilst the separation distance in the first layout could warrant further investigation, I am satisfied that, given the orientation of Block A to the east of the houses, the

separation distance of 27m and the pitched roof profile of the block, that it would not result in any significant loss of daylight to existing houses.

7.4.9. The issue of additional traffic through the estate was raised by third parties. An additional 31 housing units would not generate a significant level of traffic that it would impact on the existing road network. Local and national policy seeks to encourage more sustainable methods of transport and the subject site is located just 1km from the town centre and local services. Both layouts would provide two car spaces per house. The original layout submitted with the application has 24 surface car parking spaces and 18 secure bicycle stands. In the layout amended by further information, the quantum of car parking is reduced to 17 spaces with 12 secure bicycle spaces. Both layouts would be in accordance with the standards set out in the Apartment Guidelines, but the revised layout would not be in accordance with the car parking standards set out in Table 11.2 of the MCDP. I am satisfied that the proposal would provide an adequate quantum of parking in consideration of the location of the site and the national and local policies in relation to promoting sustainable travel patterns.

7.5. Impact on Adjoining Lands

7.5.1. The grounds of appeal raised concerns that the proposed development would prevent or be a significant impediment to the delivery of a regional park on the F1 lands adjoining the site to the south. The appellant states that a plan to use the site as an entrance to a regional park have been underway since 2020. Several third-party submissions received were in support of a regional park and suggested that the site would be an ideal location for an entrance to the park with a playground and education centre.

7.5.2. Section 7.7.7 of the MCDP notes that the towns of Ashbourne and Dunboyne will require the provision of a regional scale park and that sites have been identified in the written statement of these towns in Volume 2. It is also an objective of the plan to prioritise the delivery of town parks at a regional scale in Drogheda Southern Environs, Dunboyne and Ashbourne, (SOC OBJ 11). In the Written Statement for Ashbourne, the lands to the south of the site are zoned objective 'F1 – Open Space'. They are also identified as MP21 and are subject to the preparation of a Master Plan

for their development. In the absence of a Master Plan for these lands, applications for planning permission will not be considered. Section 5.9 of the Written Statement notes that, 'A F1 Open Space zoning has been included to the southwest of the town centre to provide for a public park'. An assumption is made that this relates to the lands adjoining the subject site to the south.

7.5.3. The development site is not included in the Master Plan area, and I am not convinced that the proposed development would prevent the delivery of a park on the F1 lands to the south. The Churchfields internal access road leads directly to the field and could facilitate access with additional facilities to be provided within the Master Plan lands. The proposed internal road in the development could also provide a connection to a future park. However, I accept that the layout of the proposed development may have an impact on the design of the connections to the F1, Master Plan lands.

7.6. **Archaeology & Protected Structures**

- 7.6.1. The subject site is partially located within the zone of notification for three recorded monuments, which are listed as Church, graveyard and ringfort, (Refs. ME045-004, ME045-004001 and ME045-004002). An Archaeological Impact Assessment, (AIA), was submitted with the application and circulated to the prescribed bodies. A response from the Department of Housing Local Government and Heritage, (DHLGH), did not reference the first AIA and requested that an AIA be carried out subject to their specifications. An updated AIA was prepared and was carried out in consultation with the DHLGH who agreed the scope of the work and the methodology.
- 7.6.2. The reports state that a geophysical survey was undertaken in 2017 and identified clear rectilinear responses indicative of ditch-type features within the proposed development area. This suggests that archaeological remains associated with Recorded Monuments (ME045-004, -004001 & 004002), extend c. 55m south of the current graveyard boundary (ME045-004001). The majority of the features identified immediately to the southwest of the graveyard are thought to represent the backfilled features which were previously examined under licence 06E0871. Potential archaeological features were also identified to the southeast of the graveyard and

are outside of the areas investigated in 2005 and 2006. These are likely to represent previously undisturbed features.

7.6.3. Excavations carried out for the assessment identified three areas of archaeological significance. These have been identified as,

- AA1 – a cluster of linear ditches showing a possible rectilinear enclosure with associated features at the northwest quarter of the site.
- AA2 – a cluster of pits with surrounding ditches at the northeast corner of the site and,
- AA3 – an isolated kiln to the southeast area.

7.6.4. A full set of results are contained in the AIA along with locations for the geophysical testing, location maps for the trenches and photographs. In summary, excavations in area AA1 uncovered the most archaeological potential. This area is located to the south-west of the graveyard and would be directly underneath and adjacent to Block A. Several ditches and related features were identified in the northwest corner of the development site. These correspond with the anomalies identified in the Geophysical survey and indicate a possible rectilinear enclosure to the south of the graveyard. This is clearly illustrated in the drawing titled, '*Geophysical survey results with test trench results overlaid*'. The enclosure may cover an area of approximately 25m x 13m and within this area, a number of pits, a possible kiln and a Spread were identified. Additional ditches and features found, suggest field system ditches around the core area of archaeological activity, (Trench 5), which would be directly underneath Block A in both layouts. Some other smaller pits, spreads and linear gully type features were also recorded.

7.6.5. The archaeological activity in Area AA2 was less dense than that in AA1 but excavations uncovered some features which represent a continuation of the field system ditches found in AA1. The third area, AA3, is defined by an isolated kiln in the area to the south of AA2 and along the eastern site boundary. It is proposed to construct a terrace of houses at this location.

7.6.6. Surveys carried out for the AIA identified features of archaeological significance in the northern half of the site. These consist mainly of linear ditches, but pits, kilns and spreads / deposits of archaeological soils were also recorded. The features

identified are likely to represent an extension of the archaeological site excavated in 2006 to the immediate north/northwest of the site and to the south of the graveyard. The archaeological features broadly correlate to the geophysical anomalies identified in the 2017 survey and many of the linear ditches unearthed are likely to relate to a field system radiating from the ecclesiastical complex to the north, (graveyard and church). There is potentially a rectilinear enclosure located in the northwest of the test area with a cluster of pits and a kiln located centrally within the enclosed area. However, these being an isolated cluster of features within a wider field system cannot be discounted.

- 7.6.7. The AIA concluded that ground disturbances associated with the proposed development will result in a direct and adverse impact on archaeological features identified during the testing, with the exception of two locations, (Cut Ref. C2.1 in Trench T2 and Trench T7), which are to the north of the development site. There may also be an adverse impact on small or isolated archaeological features that have the potential to survive within the site outside of the footprint of the excavated test trenches. This would be caused by ground disturbances associated with the proposed development.
- 7.6.8. It is also concluded that it would not be possible to conserve the archaeological features in-situ, given the small size of the development area and the layout requirements of the scheme. Therefore, it is recommended that the archaeological features are subject to preservation by record and should be carried out under licence from the National Monuments Service of the DHLGH. All topsoil stripping should also be monitored by a suitably qualified archaeologist.
- 7.6.9. The Assessment report was reviewed by the National Monuments Service of the Department of Housing, Local Government and Heritage and recommended that all works be subject to archaeological monitoring with consultation with the National Monuments Service should any archaeological material be found. A full report shall be furnished to the Monuments Service describing the results of the monitoring.
- 7.6.10. I have reviewed both AIA's submitted and examined how the original and amended site plan layouts would impact on the archaeology. Both layouts would have a direct and adverse impact on the archaeological features identified. The impacts would be caused by ground disturbances required for the development and would be most

significant within the footprint of buildings, roads and services. In the original layout, impacts along the western and northern portions would be reduced, if not removed entirely as these areas are indicated as open space. In the revised layout, Block A would be constructed directly over these areas and would make it impossible to preserve identified features in-situ. Archaeological features disturbed by the groundworks would be preserved by record. The AIA was reviewed by the DHLG and archaeological planning conditions were recommended.

7.6.11. The development proposal would also be approximately 50m from the Protected Structure, (RPS Ref. ID 91456). Whilst this would allow for some separation between the sites, I am not satisfied that the layout and design of the scheme provides an adequate design response to the setting and character of the Protected Structure or acknowledges the significance of the site in terms of its natural heritage and the potential loss of archaeological heritage. The proposed development would not be in accordance with HER OBJ 2, which seeks to ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detraction from the monument or its setting, or with HER POL 16 which seeks to protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.

7.7. Drainage & Flooding

7.7.1. Third party submissions raised concerns regarding flooding on the site and photographs were submitted of the site which shows ponding on the road beside the southern boundary of the site and on the site itself adjacent to the southern. The concerns were raised in the initial public consultation phase for the application but were not specifically addressed by the PA or the applicant.

7.7.2. I consulted the OPW CFRAM maps for the area. The OPW map for Ashbourne, (Area 28), is currently under review. Some flood events have been recorded on the Ashbourne map, but it is difficult to determine exactly where they are as the base map is partially obscured by the advisory review notification. A previous flood event is recorded at Castle Crescent, which is a housing development to the northeast of

the site. The flood occurred on the 13th of November 2014 and no flood source is recorded for the event. A second flood event is recorded for the same date at Castle Park, to the south-east of Castle Crescent. No flood events were recorded for the subject site or on any area adjoining the subject site.

- 7.7.3. As the subject site is not located within Flood Zones A or B, the applicant did not undertake a 'Site Specific Flood Risk Assessment'. However, the Engineering Assessment and Drainage Design Report contains a section that addressed hydrology. The report notes that site is in Flood Zone C, which has the lowest probability of flooding from rivers and coastal/tidal and these sites are considered suitable for vulnerable development such as residential uses. The highest predicted flood water level at Node 4Ba16315, (from the OPW Flood Extent Map for All Probabilities), which is approximately 400m to the North-West of the site, is +64.93m AOD. The lowest proposed finished floor levels on site are set at +69.95m AOD. The flood risk assessment concluded that no mitigation measures were required.
- 7.7.4. The site is not located in a fluvial flood zone. Therefore, it is likely that the historic flood events identified by third parties were pluvial in nature. The surface water drainage for the site would discharge from the site through an attenuation system flow control device and 225 diameter link pipe to the existing storm water pipe, which forms part of the attenuation system for the Churchfields housing estate to the west of the site and is in private ownership. Drawing No. D1 Rev. PL3, Drainage and Watermain Layout, shows the storm water outfall connecting to the existing system and attenuation system. A third-party submission referred to remedial works which were required for the attenuation system for Churchfields. As the system is in private ownership the exact nature of the works is unclear. However, I would have a concern regarding the capacity of the existing system to cater for the proposed development in the absence of any details.
- 7.7.5. Full details of the surface water drainage proposals for the development, as well as the surface water calculations, are set out in the Engineering Assessment and Drainage Design Reports. The proposed attenuation would also accommodate temporary flood storage for rainfall events of all durations up to 1 in 100 years return and the Drainage Report states that no separate flood storage is needed. The PA were generally satisfied with the proposals for surface water drainage and had no objection to the proposal. However, I am not satisfied that the concerns raised

regarding the previous flooding event on the site has been addressed or that the capacity of the existing system has been demonstrated.

7.7.6. The proposed surface water drainage system would connect with the existing storm drain which serves the Churchfields development, but the details of this system were not included. Whilst I acknowledge that the implementation of a new drainage system may help to address any existing drainage inadequacies on the site, I am not satisfied that these have been sufficiently addressed in the application.

7.7.7. I note to the Board that the drainage issue of flooding on the site is a new issue and has not been addressed by the PA or the applicant. As this is a new issue the Board may wish to seek the views of the parties.

7.8. Ecology

7.8.1. Third parties also raised the issue of the potential ecological impact of the proposal. An Ecological Impact Assessment was submitted by the applicant in response to a request from the PA. Field surveys were carried out to determine habitats and to identify any rare or protected flora and fauna. A bat survey was also conducted. Habitats on the site were determined to be of negligible ecological importance. A mature hedgerow located along the southern boundary was found to have some local importance although it had poor species diversity and is isolated from other hedgerows in the area. This hedgerow would be retained in the proposed development. The site had no potential for roosting habitats for bats and was found to be of negligible importance as a feeding area or commuting route. No protected birds or evidence of terrestrial mammals were found on the site.

7.8.2. A stand of Japanese Knotweed is present on the site. A specialist contractor has been engaged to treat the knotweed and a treatment plan has been prepared and was submitted separately in the application.

7.8.3. The proposed development would result in the loss of any habitats present on the site. However, the habitats were found to be common to suburban areas and are of negligible importance. The mature hedgerow was found to be of local importance and will be retained. I am satisfied that the proposed development would not have a

significant impact on and sensitive or protected habitats or, protected flora and fauna.

- 7.8.4. Concerns were raised regarding the impact of the proposal on the Broadmeadow River. Potential pathways to European sites are considered in detail in Section 7.10 below. The proposed development would be approximately 300m from the Broadmeadow River and has no direct hydrological connection to the river. Any impact on the quality of the river from the development would be from the construction phase. This is unlikely given the built-up nature of the environment and the distance to the river. During the operational stage, the development would be connected to the public water supply and wastewater system. Surface water would be managed through an attenuation system with a hydro-carbon interceptor to prevent pollutants from entering the water to be discharged.

7.9. **Appropriate Assessment**

- 7.9.1. A Stage 1 Screening for Appropriate Assessment was submitted with the application and concluded that, *'There are no water courses on site and drainage is naturally to ground. There are no pathways to the Broadmeadow River and no connectivity to any of the European sites considered in the potential Zone of Influence. Having considered the above, significant effects on any European sites as a result of the Proposed Development can be ruled out and, therefore, potential significant effects on European sites can be excluded'*.
- 7.9.2. In accordance with obligations under the Habitats Directives, 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.
- 7.9.3. The proposed development is for the construction of 31 housing units, (19 houses and 12 apartments), on a greenfield site within an urban area. The development would also provide internal roads, surface car parking, surface water drainage and landscaping.

- 7.9.4. 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 a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.9.5. The closest European sites are,
- Rogerstown Estuary SPA & SAC, (Site Codes 004015 & 000208), approximately 14 km to the east of the site, and
 - Malahide Estuary SPA & SAC, (Site Codes 004025 & 000205) approximately 14km to the south-east of the site.
- 7.9.6. There is no source-pathway connection between the site and the Rogerstown Estuary SPA & SAC. Given the nature and scale of the proposed development, any potential impacts on the conservation objectives of the European Sites would be limited to the discharge of surface water during the construction stage. There are no rivers, streams, or drainage ditches within or adjacent to the site and the site currently drains to the ground. The Killeglad Stream is approximately 350m to the north-east of the site and flows into the Broadmeadow River. The Broadmeadow River flows through Ashbourne and onto the Malahide Estuary, which is approximately 20km downstream. The land between both sites is developed and comprises housing estates and roads, which would intercept any overland flow to the river. Therefore, the site has no direct or indirect hydrological connection to any European Sites.
- 7.9.7. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the application.

9.0 Reasons and Considerations

9.1. Having regard to the design and layout of the proposed development and its location and proximity to a Protected Structure and a National Monument, it is considered that the proposed development would have a significant and negative impact on the character and setting of the Protected Structure and the National Monument, and would be injurious to the natural heritage of the site. The proposed development would be contrary to the policies and objectives of the Meath County Development Plan 2021-2027 and in particular with HER OBJ 2 and HER POL 16, and would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.



Elaine Sullivan
Planning Inspector

28th of July 2023