



An
Bord
Pleanála

Inspector's Report ABP-312746-22.

Development	Demolition of agricultural structures and construction of 98 houses. NIS submitted.
Location	Ferganstown, Navan Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	211046.
Applicant	Albert Developments Limited
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Shane McLoughney & Fidelma McMahon.
Observer(s)	Local Concerned Community.
Date of Site Inspection	16 th May 2023.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by local residents against the decision of the planning authority to grant permission for a 98 unit housing development on the outskirts of Navan, Co. Meath. The grounds of appeal relate to the status of the masterplan for the area, lack of EIAR (project splitting), and traffic impacts. An observer (multiple signatories) supports the appeal.

The original application was submitted with an NIS as the site is close to the River Boyne.

2.0 Site Location and Description

2.1. Navan

The appeal site is located Navan town, a settlement with a population of approximately 30,000 in the 2016 census. Navan is located at a historic crossing point of the Boyne and the Blackwater, a tributary of the Boyne (it meets the Boyne just east of the town). The historic town was centred primarily around this core on the west bank of the Boyne and south bank of the Blackwater, with an extension from the 19th Century onward north of the river on the main road towards Slane. The modern town expanded rapidly in the 20th century, with extensive suburbs and commercial areas on both sides of the Boyne and to the south. The appeal site is located to the east of the Boyne, in part of the town which has been subject to rapid suburban expansion since the late 20th Century. The R153 Kentstown Road runs east from the town, serving a number of estates at each side, while the former railway line and the Boyne Road run along the south bank of the Boyne to the north of the area. The area has an undulating topography and undeveloped lands are generally high quality farmland. A newly constructed link road and cycleway runs north from the R153 serving an extensive area of residential and commercial development around the appeal site.

2.2. Appeal site

The appeal site is an irregularly shaped area of farmland with a site area given as 3.07 hectares, located approximately 2 km east of Navan town centre. It is part of a larger landholding that includes substantial areas of farmland to the north and south. There are prominent agricultural buildings on a high point the site, otherwise it is

grassed over, with a past use for arable. The agricultural building is accessed via a track that connects to the regional road to the south (not within the site). The buildings appear to be of late 20th Century origin, with no evidence of the site ever having been used as a dwelling. The site includes ditches and hawthorn hedgerows. To the north and east of the site there is a newly built (but not yet open) series of service roads (LRD6) associated with extensive building works to the north and east.

3.0 Proposed Development

The proposed development is for the demolition of agriculture buildings and the construction of 98 residential units. This includes 41 houses, 23 no. apartments and the remainder are duplex units.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 33 generally standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports on file, one consequent on a request for further information.

- Provides an overview of the planning context – notes that the site is within ‘Master Plan 12’ area – this masterplan is considered to be iterative and will be revised as development proceeds across the area.
- It is noted that the density is around 40 units per hectare which is considered acceptable for such zoned lands.
- It is considered that apart from some minor elements, the layout is in accordance with the Urban Design Manual.

- It is considered that they are acceptable in terms of amenity and internal/external design and is in accordance with daylight/shadow criteria.
- The housing mix is considered acceptable.
- A number of issues with parking provision is noted, with further information required.
- No known archaeology on the lands, but the need for a monitoring condition is noted.
- The landscaping and lighting proposals are considered deficient and further information is required.
- Notes recommendation from an ecological study. Possible bat activity around the agricultural buildings. Noted that further information needed on proposed badger mitigation measures. The NIS is considered acceptable (a screening was carried out).
- It is not considered that EIS is required.
- Following the submission of further information, the second report concluded that all issues have been addressed to the satisfaction of the planning authority. Permission recommended subject to conditions.

4.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

Environment (flooding): No objection – in Flood Zone C area.

Transportation: Further information required on parking provision. Following the submission of further information conditions recommended.

Transport (public lighting): Further information needed. Following the submission of further information conditions recommended.

Housing: Part V agreement in place.

Chief Fire Officer: No objection.

Heritage: Further information requested. Following the submission of further information conditions recommended.

4.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions.

DAU: Report submitted – no objection subject to archaeology conditions.

4.4. **Third Party Observations**

An number of observations were made, generally objecting for amenity and traffic reasons.

5.0 **Planning History**

There are no records of applications or appeals on the site (apart from an SHD consultation). There have been a number of recent permissions and appeals on surrounding lands including **JP17.209332** permission for apartments and houses (**ABP-315806-23**) and **ABP-309530**, whereby the Board refused permission for 91 residential units (**NA20611**) on the basis of an inadequate Screening for AA. In 2019 the Board refused permission for 63 units (**ABP-304744-19**) for reasons relating to excessively low density.

ABP-306687-20: SHD consultation – decided that an SHD application could not be lodged.

6.0 **Policy Context**

6.1. **Development Plan**

Navan is identified as a ‘key town’ in the Meath County Development Plan 2021-2027 and policy NAV OBK 7 is to promote Navan as the primary centre for enterprise and employment in the county. The site is zoned A2- ‘*new residential*’ in the Navan Development Plan 2009 and the current county development plan. It is within a defined Masterplan area MP12.

6.2. **Natural Heritage Designations**

The site is within 500 metres of the Blackwater/Boyne SAC and SPA, site codes 002299 and 004232.

7.0 The Appeal

7.1. Grounds of Appeal

The decision to grant permission has been appealed by residents of Kentstown Road. The main points of their appeal are as follows:

- It is argued that the 'Masterplan' is not valid as it was never subject to a Screening Statement, EIAR or SEA. It is argued that it deviates significantly from the original Navan LAP. Refers to High Court Case [2021 IEHC 369 (Kerins & Anor v ABP).
- It is argued that the proposed development represents project splitting and so should have been subject to EIAR. Notes that a previous SHD application on the landholding for 446 units would need an EIAR and NNIS.
- It is argued that taking account of other permitted and proposed developments in the area it will generate unacceptable levels of traffic. It is argued that it is premature pending appropriate connections over the railway and crossing the Boyne.
- It is argued that the planning authority did not address the potential for alternatives to the site for housing closer to the town.

7.2. Applicant Response

The applicant submitted an overview and background to the proposed development, including plans and illustrations. Detailed arguments are set out that the proposed development is fully in line with national, regional and development plan policies and objectives.

- With regard to the issue of the Masterplan, it is stated that SEA does not apply as it is a private masterplan and was not subject to adoption by the Council.
- It is argued that the proposed development is not project splitting as this *'requires a series of sub-threshold applications to be lodged concurrently'*. It is submitted that even with other developments permitted and proposed in the area (277 dwellings on 7.4 hectares), it is still sub-threshold.

- It is noted that the planning authority carried out an EIAR screening and concluded that it did not require an EIA.
- With regard to traffic, it is noted that the TTA was submitted on the assumption that there would be no connection to the Byne Road. It is submitted that the new LDR6 and Kentstown Road have capacity for all projected traffic flows.
- With regard to the applicant's arguments relating to alternative sites, it is noted that much of the available land closer to the town centre is zoned for commercial or other uses.

7.3. Planning Authority Response

The planning authority refers the board to the planning report on file. It is stated that a screening was carried out for EIAR and the planning authority stands by its decision. ABP is requested to uphold its decision.

7.4. Observations

One observation on behalf of local residents (32 signatories):

- Opposes the proposed development.
- It is argued that there is inadequate infrastructure in place for the development and associated masterplan. It is submitted that it will result in excessive traffic on the Kentstown Road.
- It is requested that a full EIAR be carried out for the proposed development and masterplan.
- It is submitted that the 'Masterplan' is invalid as it was never subject to SEA and did not follow the statutory process.

7.5. Further Responses

None on file.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the proposed development can be addressed under the following general headings:

- Principle of development
- EIAR
- Design and context
- Transport and traffic
- Cultural heritage
- Drainage and flooding
- Ecology
- Appropriate Assessment
- Other issues

8.1. Principle of development

Navan is identified as a 'key town' in the Regional Spatial and Economic Strategy for the Eastern Region. This is reflected in the 2021-2027 Meath County Development Plan, which identifies Navan as the key growth town for the County. The site is zoned R2 for new residential use and is within an extensive area of zoned lands to the east of the town, much of which is currently under development.

The planning authority in its report refers to the site as having a Masterplan – there was a general masterplan in the now superseded Navan LAP. The Masterplan was apparently submitted by the landowner for all lands in the ownership. As such, I concur with the appellant on this point that the Masterplan should not be seen as part of the statutory plan process but is an essential part of the application as the development cannot be addressed in isolation from the zoned lands surrounding it. A previous application on the landholding for SHD was not accepted by the Board. The current application appears to be based on the applicant's decision to seek permission for residential development on the site in a phased basis. The current application is therefore part of a larger indicated development. I will address the implications of this in the section on EIAR below.

The appellant has argued that the developer has not submitted a clear argument that there are not better alternatives for the proposed development, and notes that there are several substantive areas of land available closer to the town centre. It is certainly true that the site is somewhat distant (it is approximately 2.5 km walk to the main facilities of the town), but notwithstanding this, it is part of a much wider zoned area that has gone through the statutory process and from the visible extent of development in the area (there are several very large schemes underway in this part of Navan) it is clear that it is part of a natural plan-led extension of the town.

I would conclude that as the lands are zoned in the current development plan for new residential, and the overall zoning of these lands is in accordance with overall national and regional policy for Navan, that the principle of residential development on the site is acceptable and in accordance with all relevant policy guidelines and instruments.

8.2. EIAR

The appellant has argued that the proposed development should be considered Development for the purposes of Part 10 (EIAR) on the basis of project splitting and its overall impact on the environment.

As noted above, I accept the argument of the applicant that the 'Masterplan' submitted with the application is not part of the statutory process and so not subject to SEA as part of a development plan or LAP adoption, although the adopted plan (including the residential zoning for this site) was subject to SEA. The context of the masterplan is to show the overall proposals for the applicant's landholding. I note that the applicant originally applied to ABP to make an SHD application for the entire landholding for 446 dwellings on the landholding (ABP-306687-20). I note that in the pre-application consultation opinion for this, the Inspector addressed the issue of EIHR (the planning authority requested that an EIAR be carried out) but recommended, and the Board accepted, that this was not necessary.

Schedule 5, Part 1, 10(b) states that EIAR may be required for housing estates over 500 units. While the overall extent of development in the area east of Navan and around the roads is extensive, I would consider it reasonable to view the applicant's landholding as the 'unit' and as such EIAR is not required as it is below this threshold. I also note that under Schedule 7 the site does not come under any clear

criteria for assessing if a development would have significant effects on the environment – the site has been used for intensive agriculture and there are no sites of specific sensitivity on or adjoining it.

The need for environmental impact assessment can, therefore, be excluded.

8.3. Design and context

In addition to the guidelines set out in the development plan, the overall design and context for the development must be addressed under a range of national guidelines, including (not exclusively) the following:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- Design Standards for New Apartments (March 2019 and updated)
- Urban Development and Building height Guidelines 2018;
- Design Manual for Urban Roads and Streets (2013);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009);
- Childcare Facilities: Guidelines for Planning Authorities (2001).

The appeal site is around 2.5 km by foot or bike from Navan town centre. The railway line to the north forms something of a boundary, although the new road will cross it, but there are two roads to the town centre – the Kentstown road and the Old Kentstown Road (also known as the Old Athlumby Road). The former is now connected with a newly constructed link road and cycleway - albeit the latter is one way only for some reason not apparent. The latter road is a pleasant, quiet road with a rural ambience, but it lacks footpaths in some sections. There is a bus service, the N1, linking Navan to Dublin running along the R153, with a bus stop within walking distance of the site.

The area is under rapid development, having formerly been characterised by a linear sprawl along the main road, but with rapid infilling now taking place, in particular the major construction site north of the site (a business park) in addition to several residential schemes in the vicinity. It will rapidly become part of the overall

urbanised area of the town, which is consistent with regional and development plan policy.

The lands are raised slightly above adjoining lands, with a distinct drop in level to the west and north towards the Boyne valley. The overall masterplan provides for a network of link roads generally connecting to the newly built road to the north. The density of development is approximately 40 units per hectare and the layout is in accordance with DMURS. The overall mix of development is in accordance with the 2009 and 2019 Guidelines and development plan requirements.

The development plan (11.5.16) refers to the UK BRE guidelines for good practice. The planning authority assessed the internal amenity of the dwellings and apartments and concluded that all were in accordance with the minimum criteria. I am satisfied that this is the case.

The site does not directly abut other dwellings (although units indicated in the masterplan do bound other dwellings to the south) – due to the separation distance I do not consider that there is any significant overlooking or overshadowing or other amenity impact on existing or permitted dwellings in the vicinity.

I therefore concur with the general conclusion of the planning authority that the design and layout of the proposed units is acceptable and in accordance with the development plan and all relevant guidelines and standards, subject to a number of conditions making some minor changes.

8.4. Transport and traffic

The site is within a agricultural landholding, with just a largely disused track connecting the agricultural buildings to the nearest road (the 'Old Athlumby Road') to the south. A new link road (LDR6) between the main regional road R153 Kentstown Road to the south into the lands, including with a roundabout at Old Athlumby Road is under construction and largely finished at the time of writing this. This road is not indicated in any available online map or aerial photographs. The road has a single one-way cycle path. This road is being extended to the north

(partly built, but not yet open) to connect to the Boyne Road, crossing over the Navan-Drogheda railway line.

The appellants have argued that the site requires access to the north in addition to this access and that the proposed development will generate unacceptable levels of traffic in the locality. Additionally, it is argued that the site is poorly located for residential use relative to the town centre.

The appeal site is within the boundaries of Navan and is part of the natural extension as indicated in the development plan. It is, however, not particularly well connected to the main services of the town centre – it is around a 2.5 km walk/cycle on routes that are less than ideal. The quieter country road to the south has an intermittent footpath and the main R153 is heavily trafficked and not a particularly pleasant walk, and a pretty hazardous cycle due to a narrow carriageway and many heavy vehicles. There is, however, a continuous if somewhat narrow footpath and there is a bus service (the N1 service) running along the R153 connecting the town centre to Johnstown and Dublin.

I would note that there is a major employment area under construction near the site, and there are national schools closer than the town centre, so the dwellings would not be entirely car dependent. But I would concur with the comments by the appellants that the site is not ideal, which is disappointing for such a small urban area. Realistically, it is likely that the occupiers of the residential units will be regular car users for many trips, although there is certainly a lot of potential to improve the town for public transport and walking/cycling, including links to amenities such as the Boyne valley walks.

The appellant has argued on this basis that the traffic projections in the TTA submitted are too optimistic on non-car methods of travel, and that the site should not be developed unless full connections to the north can be completed. I have some sympathy with this as I think it is likely that the real world impact of the development, and others in the vicinity, may at least in the short term be worse than the middle range of these projections. Notwithstanding this, I am satisfied that the new connecting road has sufficient capacity for the proposed development and there is longer term potential for better links for cyclists and pedestrians as the zoned area develops.

On the basis of the information available, I am satisfied that the TTA submitted is in line with national guidelines and that even on a worse case scenario, the proposed

development would not generate excessive traffic and is within local capacity constraints.

8.5. Cultural heritage

The agriculture buildings indicated for demolition are on a distinct high point in the immediate vicinity. They are screened by mature trees and hedges. The structures appear to be of later 20th century origin. There are no indications of any houses or structures on the site in older OS plans. I would therefore conclude that these structures have no conservation value. I also note that the lands have been intensively cultivated in recent years, so there is no likelihood of near-surface archaeological remains.

An archaeological report was submitted with the application, part of which included a ground survey of the lands. There are no recorded ancient monuments on the site or in the vicinity and no remains were identified, but in the wider areas there are a number of medieval and earlier settlements so some subsurface features of archaeological interest are possible. The planning authority set a standard archaeological monitoring condition and I would recommend that this be repeated.

8.6. Drainage and flooding

Irish Water indicates that the site can be served by the public water and sewerage system.

There are no watercourses on the site, but there is what appears to be a drainage ditch to the south which flows to the mill race which in turn flows to the Boyne to the north. The applicant proposes a SuDs approach to drainage and the drainage reports with the application have been accepted by the planning authority as acceptable. There is a drop in levels from the site to the mill race to the west, so I consider that with appropriate design there would be no significant impact on flows or quality of water in this watercourse.

The site is within a low risk Flood Zone C area – it is significantly above the level of any local watercourse. The site is covered with thick subsoil so with appropriate protection there should be no special requirements to protect groundwater.

I therefore conclude that with standard conditions the site can be adequately served by public infrastructure and there are no associated flooding risks, either for the site, or for downstream.

8.7. Ecology

The site is mostly grassland, although it was arable in the recent past. At the time of my site visit it was covered in ungrazed and unmowed grass. There are mature hedgerows bounding and running through the landholding and the agricultural sheds are screened by mostly non-native trees. An ecological assessment was submitted with the application which contains a number of recommendations for monitoring during construction.

There are no open watercourses on the site – there is what appears to be a drain to the south which flows into the mill race, which in turn flows north to the Boyne. The ecological assessment noted the possible presence of bats in the disused buildings and the presence of badgers on the site. A large, active badger set was clearly visible during my site visit, in a ditch on the western boundary of the site. There is no evidence of any habitat suitable for species associated with the Boyne/Blackwater SAC/SPA on or adjoining the site.

The planning authority noted these issues but considered that they could be addressed by way of condition. There are unlikely to be bat roosts in the former agriculture building as it lacks features such as an enclosed attic or chimney stacks, but it could not be ruled out that there could be a presence – the removal or disturbance of bats is subject to a license requirement. In the absence of a roost, there would be no population effect on bats in the area.

I would recommend conditions to address the bat and badger issue and the preservation of as much hedgerow as possible.

8.8. Appropriate Assessment

The planning authority carried out a Screening of the development in which they screened out all European sites apart from the Boyne and Blackwater SAC, site code 002299.

The appeal site is on open agricultural land, formerly arable but now unused grassland. It has extensive mature hedgerows. As noted above, there appear to be

badgers on the boundary of the site and possible bat activity in the disused buildings. To the west of the site is a drain which is connected to a mill race (a fast-flowing channelled stream), which flows directly to the Boyne downriver of Navan. The site is within 1 km of the Boyne. There are no other EU designated sites within 10km of the site and no hydraulic continuity with designated sites, so I would concur with the assessment of the planning authority that all but the one designated site can be screened out, but that an NIS is required to address the impacts on the Boyne SAC. I note that the planning authority screened out the SPA. This is designated for one qualifying interest, the presence of Kingfisher. Its conservation objection is to maintain the conservation status of this avian species. I concur with the decision to screen out the SPA as there is no habitat on or close to the site suitable for the Kingfisher.

The NIS is on file and was submitted to the planning authority in May 2021.

The Boyne SAC is designated for its qualifying interests of alkaline fens, alluvial forests, and the presence of salmon, lamprey and otter in the river. The conservation objectives are to restore and maintain the conservation condition of these habitats and individual species.

Apart from a drainage ditch, there is no running or standing water on the site, so there is no likelihood of the fish, mammal or bird species identified in the two sites of having a presence on the site. There is a road, railway line, and development between the site and the Boyne. None of the identified habitats are present on or adjacent to the site, although the hedgerows would be part of the overall mosaic of habitats in the area. As such, I am satisfied that any impacts on the designated sites would be indirect, by way of polluted water run-off from the site impacting on the Boyne via local tributaries (i.e. the mill race). I would note in this regard that the potential for cumulative impacts on this watercourse are very visible, as there are a number of development sites current along its course. During my site visit I did not observe any evidence of encroachment on the watercourse or visible pollution, even though construction was often within a few meters of the channel. I note that the appeal site has an apparent thick subsoil of clay soil, so only deep excavations or major pollution incidents are likely to impact on groundwater.

The NIS addresses the potential impact for pollution along the hydrological pathways to the Boyne, and sets out the standard mitigation measures that would be put in place for the site, following Inland Fisheries Ireland guidelines (IFI 2016). It

concludes that on the basis of best scientific knowledge the project, alone or in combination with other projects, would not affect the Boyne and Blackwater SAC. On the basis of my site visit and the information on file, I am satisfied that this conclusion is correct.

The proposed development has therefore been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the proposed development, it was concluded by the planning authority that it would be likely to have a significant effect on the Boyne and Blackwater River SAC, site code 002266. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 002299, or any other European site, in view of the sites Conservation Objectives.'

My conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

8.9. Other issues.

The proposed development would be subject to a standard S.48 development contribution (notwithstanding the recent departmental circular on the suspension of such contributions in some circumstances). No other development contribution would apply.

A Part V agreement would be necessary as part of the permission.

I do not consider that there are any other significant planning issues raised in this appeal.

9.0 Recommendation

I recommend that the Board grant permission for the following reasons and considerations, subject to the conditions set out further below.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The site's location on lands with a zoning objective for new residential and the overall policies and objectives of the Meath County Development Plan 2021 to 2027 adopted in November 2021;
- b) The nature, scale and design of the proposed development and the availability in the area of a wide range of social infrastructure in addition to the pattern of existing and permitted development in the wider area;
- c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- d) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- e) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not constitute a flood hazard, would be acceptable in terms of traffic and pedestrian safety and convenience and does not require an EIAR.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th day of May 2021; 5th day of November 2021; and the 17th day of November 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the agreement of the planning authority details of the following alterations:
 - a) Revised boundary proposals for the entire site in line with the provisions of section 11.5.13 of the Meath County Development Plan 2021 to 2027.
 - b) Revised design solutions to prevent overlooking on the side gables of the n no. duplex blocks facing north onto LDR6.
 - c) A pedestrian access shall be provided along the northern site boundary from the proposed development to the LDR6.

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

3. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority prior to commencement of development. These measures shall be implemented as part of the

development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

4. Where an existing badger sett will be disturbed or destroyed, an artificial sett shall be constructed beforehand and the badgers relocated thereto. Details of any such artificial setts shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of wildlife protection.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(ii) Details of screen planting which shall not include cupress/cypris x leylandii.

(iii) Details of roadside/street planting which shall not include prunus species,

(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Proposals for an estate/street name, house 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 house 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 and to ensure the use of locally appropriate placenames for new residential areas.

7. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

8. 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 interest of amenity and of traffic and pedestrian safety.

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

Reason: In the interest of visual amenity.

10. 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.

11. 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.

12. 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 interest of amenity and of traffic and pedestrian safety.

13. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 apartment unit.

Reason: In the interests of amenity and public safety.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. .Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

Reason: In order to prevent overdevelopment of the site in the interest of residential amenity and traffic safety and convenience.

17. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of

archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and

geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

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

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

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

18. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

Reason: To ensure the timely provision of infrastructural works for the development.

19. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

20. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

21. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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

22. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the proposed residential units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

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

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

24. 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.

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

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

26. 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.

Philip Davis
Planning Inspector

19th May 2023