



An
Bord
Pleanála

Inspector's Report ABP-313211-22

Development

The demolition of the existing two-storey dwelling with attached garage and associated outbuildings, the construction of seven new two-storey dwellings; two pairs of semi-detached houses and one terrace of three houses all with individual entrances off the Dublin Road, connection to public services, and all associated site works. A Natura Impact Assessment will be submitted to the planning authority with the application.

Location

Dublin Road, Friarspark (1st Division), Trim, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

211914

Applicant(s)

Michael & Paula Brody

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions.

Type of Appeal	Third Party v. Decision
Appellant(s)	David and Marian Pratt Irene Giles David and Lynda O'Brien & Others
Observer(s)	None.
Date of Site Inspection	6 th October, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located along the northern side of the Dublin Road (the R154 Regional Road) in the townland of Friarspark (1st Division), Trim, Co. Meath, approximately 350m east of the Trim Ring Road and 50m south of the River Boyne, in a well-established residential area predominantly characterised by mature, detached housing on generous plots, with the Boyne Community School located a short distance (c. 160m) to the west.
- 1.2. It has a stated site area of 0.41 hectares, is broadly rectangular in shape, and is presently occupied by a detached, two-storey dwelling house with an attached garage and associated outbuildings set within mature gardens with a concentration of trees in the north-eastern corner of the property. The site is bordered by two-storey dwelling houses to the immediate east and west with a laneway serving further housing and a tennis court located directly to the north. The southern site boundary bounds a heavily trafficked regional road and while there are pedestrian footpaths on both sides of the roadway, the pavement along the southern side of the carriageway terminates a short distance west of the site (at the start of a descent towards the ring road) where a pedestrian crossing facilitates access to the footpath opposite.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - The demolition of an existing two-storey dwelling house with an attached garage and associated outbuildings.
 - The construction of 7 No. two-storey dwelling houses (comprising 4 No. semi-detached and 3 No. terraced units) all with individual entrances off the Dublin Road.
 - Associated site development works, including car parking, landscaping, boundary treatment, and connections to mains services.
 - The laying of a new foul water sewer extending westwards along Dublin Road.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 7th March, 2022 the Planning Authority issued a notification of a decision to grant permission, subject to 22 No. conditions. These conditions are generally of a standardised format and relate to issues including Part V, infrastructural works / services, external finishes, construction management, and development contributions, however, the following conditions are of note:

Condition No. 2 – Requires the submission of additional details and associated design calculations of the surface water drainage arrangements for the written agreement of the Planning Authority prior to the commencement of development.

Condition No. 3 – Refers to archaeological monitoring.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

An initial report details the site context, planning history and the relevant policy considerations before stating that the proposed development is acceptable in principle by reference to the applicable 'A1: Existing Residential' land use zoning. It proceeds to consider the overall design and layout of the proposal, including the absence of public open space and the relationship with neighbouring properties, before recommending that further information be sought in relation to a number of issues derived from other technical reports.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Water Services: An initial report stated that the proposed development did not meet the requirements of the Water Services Section as regards the orderly collection, treatment, and disposal of surface water. It subsequently recommended that further information be sought in relation to the surface water drainage proposals.

Following the receipt of a response to a request for further information, a subsequent report stated that the amended proposals broadly satisfied the Council's requirements with respect to the orderly collection, treatment, and disposal of surface water. It then recommended a series of conditions to be attached to any grant of permission.

Public Lighting: An initial report advised that public lighting should be provided to all public spaces within the development before recommending that the applicant be requested to submit a public lighting scheme designed in accordance with the standards set out in 'Meath County Council's Public Lighting Technical Specifications & Requirements'.

Following the receipt of a response to a request for further information, a subsequent report indicated that the submitted proposals were satisfactory.

Housing: States that the applicant's Part V obligations will be met by the delivery of units on site with the date the site was acquired determining the applicable rate of provision (i.e. 10% or 20%).

Assistant Chief Fire Officer: No objection, subject to conditions.

Transportation: No objection, subject to conditions.

Environment: No objection from a flood risk management perspective.

3.3. Prescribed Bodies

3.3.1. *Irish Water:* An initial report referred to significant wastewater constraints in the vicinity of the proposed development and stated that to assess the feasibility of connection to the public watermain / wastewater infrastructure the following information would be required:

- The engagement by the applicant with Irish Water through the submission of a Pre-Connection Enquiry in order to determine the feasibility of connection to the public watermain / wastewater infrastructure. Any Confirmation of Feasibility is to be submitted to the Planning Authority in response to the further information request.

Following the receipt of a response to a request for further information, a subsequent submission indicated there was no objection to the proposed development, subject to conditions.

3.3.2. *Dept. Of Housing, Local Government and Heritage*: Refers to the large scale of the proposed development and its proximity to a church and graveyard of archaeological interest (Recorded Monument Nos. ME036-027---- & ME036-27001-) before recommending that the following condition pertaining to archaeological monitoring be included in any grant of permission:

1. The applicant is required to employ a qualified archaeologist to monitor all ground works associated with the development.
2. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.
3. The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

3.4. **Third Party Observations**

3.4.1. A total of 9 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The overall design, scale and density of the proposal is out of character with the surrounding pattern of development.
- Detrimental impact on the residential amenity of neighbouring property by reason of overlooking, loss of privacy, overshadowing, inadequate boundary treatment, visual intrusion, noise, and general disturbance.
- The risk of flooding posed by the surface water drainage arrangements (including the potential for the flooding of neighbouring properties and / or the undermining of an embankment to the rear of the site).

- Traffic safety concerns, including increased congestion and trip generation along a heavily trafficked road in the vicinity of a large school.
- The proliferation of individual site entrances.
- The inadequacy of the on-site parking and turning arrangements.
- Deficiencies in the public sewerage system.
- The obstruction of the public footpath by refuse bins awaiting collection.
- A lack of public open space.
- The land use zoning as '*Existing Residential*' as opposed to '*New Residential*'.
- The likely disruption caused by the construction of a new sewer along the public road.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. TA200452. Application by Michael & Paula Brody for permission for the demolition of the existing two storey dwelling with attached garage and associated outbuildings, a new entrance off the Dublin Road and the construction of seven new two storey dwellings: two pairs of semi-detached houses and one terrace of three houses, connection to public services, and all associated site works. This application was withdrawn.

4.2. On Adjacent Sites (to the immediate east):

- 4.2.1. PA Ref. No. 212376. Was granted on 12th October, 2022 permitting Irene Giles permission for (1) Demolition of existing attached garage to house, (2) Construction of an extension to existing house including alterations and renovation work to existing house (3) Construction of a garage/fuel store, (4) New vehicular entrance piers, splayed walls and gates and (5) any associated site works. Significant Further Information / Revised plans were submitted for this application. All at Friarspark (1st Division), Dublin Road, Trim, Co. Meath.

5.0 Policy and Context

5.1. National Policy:

5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for 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.

A number of key ‘National Policy Objectives’ are as follows:

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages,

subject to development meeting appropriate planning standards and achieving targeted growth.

- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

5.1.3. **Section 28 Ministerial Guidelines:**

The following list of Section 28 Ministerial Guidelines are of particular relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice Note Covid-19 May, 2020)
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

5.2. **Regional:**

5.2.1. **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031:**

Section 4.7: Self-Sustaining Growth Towns and Self-Sustaining Towns:

Supporting the regional driver role of Key Towns, Self-Sustaining Growth Towns and Self-Sustaining Towns, as settlements that act as regionally important local drivers providing a range of functions for their resident population and their surrounding catchments including housing, local employment, services, retail and leisure opportunities. It is important to acknowledge the variation of function that exists at this settlement level, with some towns operating as commuter towns whilst others function more sustainably.

5.3. Development Plan

5.3.1. Meath County Development Plan, 2021-2027:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A1: Existing Residential' with the stated land use zoning objective 'To protect and enhance the amenity and character of existing residential communities'.

Other Relevant Sections / Policies:

Chapter 2: Core Strategy:

Section 2.14.2: Objectives:

CS OBJ 1: To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.

CS OBJ 4: To achieve more compact growth by promoting the development of infill and brownfield / regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.

CS OBJ 5: To deliver at least 30% of all new homes in urban areas within the existing built-up footprint of settlements.

CS OBJ 9: To prepare new local area plans for the following settlements within the lifetime of this Plan: Navan, Dunboyne, Ashbourne, Trim, Kells, Dunshaughlin, Ratoath, Bettystown-Laytown-Mornington East-Donacarne, Duleek, Enfield, Athboy, Oldcastle, Stamullen.

Chapter 3: Settlement and Housing Strategy:

Section 3.2: Settlement and Housing Strategy Vision:

To facilitate the sustainable growth of the towns and villages throughout the County by promoting consolidation and compact development in an attractive setting that provides a suitable mix of housing and supporting amenities and ensuring co-

ordinated investment in infrastructure that will support economic competitiveness and create a high quality living and working environment.

Section 3.4: *Settlement Strategy:*

Section 3.4.1.1: *Compact Growth:*

There is an objective in the NPF and RSES that at least 30% of all new homes will be delivered within or close to the existing built-up areas of settlements. The Council acknowledges the social and economic benefits of more compact settlements therefore this Plan will continue to support the sequential approach to the delivery of housing with priority given to infill development and the regeneration of brownfield sites.

Section 3.4.2: *Settlement Hierarchy:*

Trim: Self-Sustaining Growth Towns: Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more Self-Sustaining.

Section 3.4.8: *Self-Sustaining Growth Towns*

Settlement Strategy Policies:

SH POL 2: To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations.

Section 3.8: *Housing:*

Section 3.8.9: *Design Criteria for Residential Development*

Chapter 5: Movement Strategy:

Section 5.9.2: *Regional and Local Roads*

Chapter 8: Cultural and Natural Heritage Strategy:

Section 8.6: *Archaeological Heritage*

Section 8.8: *Natural Heritage*

Chapter 11: Development Management Standards and Land Use Zoning Objectives:

Section 4: *General Standards applicable to all Development Types*

Section 5: *Residential Development Standards:*

Section 11.5.19: *a) Infill Sites in Urban Areas:*

Infill development relates to development located in gaps between existing buildings in built-up urban areas. The Council will support infill development on appropriate sites that make the most sustainable use of serviced land and existing urban infrastructure.

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 2: *Written Statement and Maps for Settlements: Trim*

5.4. **Natural Heritage Designations**

5.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) to the immediate north of the site.
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232), approximately 43m northwest of the site.
- The Trim Proposed Natural Heritage Area (Site Code: 001357), approximately 2.5km east of the site.

5.5. **EIA Screening**

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

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

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20

ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.5.3. It is proposed to demolish an existing detached dwelling house & associated outbuildings and to construct 7 No. two-storey dwelling houses (comprising 4 No. semi-detached and 3 No. terraced units). The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.41 hectares 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. The site surrounds are predominantly characterised by low-density suburban housing. 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 and there is no hydrological connection present such as would give rise to significant impact on nearby watercourses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, upon which its effects would be marginal.

5.5.4. 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 as ‘A1: Existing Residential’ with the stated land use zoning objective ‘*To protect and enhance the amenity and character of existing residential communities*’ where residential development is ‘*Permitted in Principle*’ 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, and
- 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);

5.5.5. 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 is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. *David and Marian Pratt:*

- The size and scale of the proposed development will result in additional traffic on an already heavily trafficked roadway.
- The proposed development is not in keeping with the prevailing pattern of development along Dublin Road which is characterised by detached dwellings. Furthermore, the construction of semi-detached and terraced dwellings would not accord with the previous aspirations of the Planning Authority as regards development along approach roads to the town proper.
- In light of the number of other developments currently under construction in the vicinity of the site, the subject proposal would be contrary to the Development Plan.

- The placement of multiple bins / refuse receptacles along the public footpath when awaiting collection will pose a hazard to pedestrians / footpath users.
- Given the nature of the soil conditions on site and the proximity of the River Boyne, there are concerns that the disposal of surface water runoff from the housing to on-site soakaways could result in flooding (please refer to the flood maps available from the Office of Public Works which show that the surrounding area is located in a 'High Probability' flood zone).
- The public open space provision is less than the 10% requirement set out in the Development Plan.
- The proposed development includes for 7 No. individual entrances onto the busy Dublin Road, however, another development approved on the opposite side of the road was required to include a single entrance arrangement to serve an existing residence and 2 No. proposed dwelling houses.
- A recent development to the west of the appellants' property was again required to be serviced by a single entrance. Therefore, in the interests of consistency, it follows that the subject proposal should also be served by a single entrance (and limited to an appropriate number of houses).
- The proposed development should be revised to reflect the proper quantitative and qualitative aspirations of the relevant guidance and to adopt a consistent approach to the number of entrances required.

6.1.2. Irene Giles:

- The scale and density of development proposed is excessive given the limited size and sensitivity of the site and will have a fundamentally detrimental impact on the established character of the surrounding area. In this regard, it should be noted that the development site will be located between 2 No. two-storey, detached dwellings on large plots while the design and style of the proposed houses is not in keeping with the area and does not take account of the existing pattern of development.
- The proposed development will not protect or improve residential amenity and will result in the devaluation of surrounding property.

- The provision of 7 No. individual entrances onto this busy stretch of the Dublin Road gives rise to serious traffic safety concerns due to the alignment of the roadway and the inability to widen the carriageway.
- The proposed entrances will result in increased congestion and will interfere with the free flow of traffic on the public road, particularly at peak times.
- When taken in combination with existing vehicular and pedestrian traffic (including school children) associated with the nearby Boyne Community School, the additional trip generation consequent on the proposed development will serve to exacerbate traffic congestion and gives rise to further safety concerns. This route is also used for recreational purposes and is popular with tourists viewing the monuments of Trim Heritage Town.
- The placement of 7+ No. additional bins along the public footpath at this location will cause an obstruction and pose a hazard to pedestrians. In addition, refuse collection vehicles at this location will give rise to serious congestion / delays and will pose a danger to all road users.
- The proposed driveways are inadequate for parking purposes and do not allow for the on-site turning of vehicles. In addition, the areas to the front of the proposed houses will not allow for the parking needs of visitors to the properties.
- The proposal does not include for any public open space / green area.
- There are ongoing issues in the area as regards the foul sewerage network. Sewers have previously overflowed with the most recent such incident having occurred in mid-March, 2022. Due to the complexity of this long-standing problem, it is not in the interests of public health to allow the development of 7 No. additional dwellings to proceed.

6.1.3. *David and Lynda O'Brien & Others:*

- The proposed development is inappropriate to the area and location. The proposed house types, with particular reference to the terraced units, are at variance with the established pattern of development along Dublin Road while the density of the scheme is disproportionate to the site and out of keeping with the surrounding area.

- The proposal will fundamentally alter the character of Dublin Road and will adversely impact its balance and composition. It will have a deleterious visual impact on the approach to a Heritage Town.
- The proposed development will not protect or improve residential amenity.
- The number of entrances proposed is excessive and dangerous.
- The grant of permission fails to address how the provision of additional individual entrances onto the Dublin Road will be facilitated given that this is a main thoroughfare into a heritage town which also serves as a Slí na Sláinte walking route.
- With respect to Condition No. 2 as imposed by the Planning Authority, concerns arise as regards the attenuation requirements for the proposed development. In this respect, particular reference is made to the attenuation proposed within the rear gardens of the proposed housing given that the lands adjoin a low-lying area which is prone to flooding.
- The proposed driveways are too short and narrow to allow for on-site turning with the result that vehicles will have to reverse onto the main road. In addition, they do not allow for any additional visitor parking.
- The footpath alongside the site forms part of a busy Slí na Sláinte walking route regularly used by walkers, cyclists and schoolchildren attending the nearby Boyne Community School. The provision of a further 7 No. entrances over this stretch of pathway will endanger the safety of pedestrians.
- The proposed entrances will be located very close to a new pedestrian crossing which was only completed within the past 18 No. months.
- The Board's inspector is invited to visit the site on a school-day in order to observe the levels of traffic congestion that occur at peak times (08.50 & 15:45 hours). This congestion is set to increase once the construction of the c. 500 No. houses in the nearby Effernock Manor & Knightsbrook areas is completed.
- The construction of 300m of new sewer along the main road to serve the proposed development will give rise to serious traffic disruption and will also pose a hazard to pedestrians and schoolchildren.

6.2. Applicant's Response

- The proposed development has been specifically designed to be in keeping with the area.
- Proper planning and sustainable development require higher density development on lands proximate to town centres. The proposed house types, while not typical of the Dublin Road, are representative of the need to provide for the efficient use of land.
- The Board is referred to the 'Design Statement' provided with the initial application which details the various factors, including the wider site context and the amenity of neighbouring properties, that were taken into account during the design process. This should result in a more satisfactory standard of living for the development and ensure that the proposed dwellings blend into the surrounding area.
- The proposed houses have been afforded generous plots with greater than necessary separation distances and will not have a deleterious impact on the visual amenity of the area.
- The planting of native trees at the individual entrances along the boundary with the Dublin Road will ensure that the development blends into the neighbourhood.
- The design as submitted has been approved by the Planning Authority.
- All of the proposed entrances comply with the relevant regulations, including the Design Manual for Urban Roads and Streets, in terms of design and available sightlines.
- The Local Authority has not raised any concerns as regards the additional traffic generation consequent on the proposed development.
- The provision of 7 No. entrances was sought by the Planning Authority in order to activate the street edge.
- Individual entrances off the Dublin Road are typical of the established pattern of development in the area and will ensure that the proposal is in keeping with its surroundings.

- The placement of refuse bins along the footpath will not block or interfere with its use by pedestrians.
- Refuse bins will be collected in the same way as other housing along Dublin Road. Furthermore, as there are a number of different refuse contractors operating in the area, it is unlikely that all bins in the area will be out for collection on the same day.
- Consistent with the rest of the town, there will be no need for refuse trucks to drive into properties for collection purposes.
- Traynor Environmental Ltd. surveyed the site and concluded that the underlying soil has excellent soakage characteristics.
- The design of the proposed soakaways and paving has been upgraded by 20% to account for climate change.
- The site-specific flood risk assessment has concluded that '*the proposed development is not at risk from flooding*'.
- The development design has been informed by the Meath County Development Plan, 2021-2027, including Section 111.5.3 which states that '*Higher residential densities will be encouraged within walking distance of town centres and public transport infrastructure*'.
- The County Development Plan does not require the provision of open / green space for the type of development proposed.
- The individual entrances were requested by the Local Authority and as such make it impossible to provide a common green space to the front of the units.
- The proposal was approved by the Planning Authority without the inclusion of public open space or a playground.
- A new sewer line will connect the proposed development to the public mains network thereby eliminating the potential for surcharging / sewage overflow. The necessary work will be completed in conjunction with Irish Water.
- Irish Water have reviewed and approved the plans for the proposed development. It has also indicated that a water connection can be facilitated.

- During the course of the planning application, all third-party submissions were given full consideration and, where applicable, acted upon.

6.3. **Planning Authority Response**

- States that the Planning Authority is satisfied that the matters raised in the grounds of appeal were considered during the course of the planning assessment as detailed in the reports of the case planner.
- The Board is requested to uphold the decision to grant permission for the proposed development.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Impact on residential amenity
- Traffic implications
- Flooding implications
- Servicing / infrastructural considerations
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as *'A1: Existing Residential'* with the stated land use zoning objective *'To protect and enhance the amenity and character of existing residential communities'* and that residential development is a *'Permissible Use'* within such areas pursuant to Section 11.14.6: *'Land Use Zoning Categories'* of the Meath County Development Plan, 2021-2027. Furthermore, I would draw the Board's attention to Chapter 2: *'Core Strategy'* of the Development Plan which recognises the social and economic benefits of the redevelopment of brownfield lands, particularly in relation to urban regeneration, and thus supports the delivery of compact growth and the regeneration of under-utilised sites in towns and villages throughout the County. By extension, Objective CS OBJ 4 of the Plan aims to achieve more compact growth by promoting the development of infill and brownfield / regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations. The need for sustainable and compact urban growth is lent further support by Chapter 3: *'Settlement and Housing Strategy'* and, in particular, by Settlement Strategy Policy SH POL 2 which specifically promotes the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands.
- 7.2.2. Accordingly, I would suggest that the subject site comprises a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas as per Ministerial guidance (including the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* and the *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'*) provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework *'Project Ireland: 2040'*, including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to *'increase residential density in settlements, through a range of measures including reductions*

in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

7.2.3. Therefore, having considered the available information, including the site context and land use zoning, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties.

7.3. Overall Design and Layout / Visual Impact:

7.3.1. In terms of the overall design and layout of the proposed development, in my opinion, the submitted proposal represents an appropriately designed and scaled response to the site context given its infill location and positioning relative to neighbouring residential properties. In this regard, while I would concede that concerns have been raised in relation to the visual impact of the proposal on the prevailing character and streetscape of the surrounding area, with particular reference being made to the semi-detached and terraced house types proposed given the broader prevalence of larger, detached housing, I am nevertheless satisfied that the overall design of the proposed development is acceptable and does not unduly impinge on the prevailing character of the wider area. In support of the foregoing, cognisance should be taken of the variety of house types / styles prevalent along the Dublin Road, which includes detached and semi-detached properties of differing designs, heights, finishes, and building age. Indeed, it is of note that a series of 8 No. semi-detached houses (within a housing scheme known as ‘Maudlins’) already occupies a position further west along Dublin Road (having been permitted on appeal under PA Ref. No. TA100554 / ABP Ref. No. PL17.238479).

7.3.2. It is of further relevance to reiterate that the increased density of the proposed development would accord with the need for more compact and sustainable urban growth in line with the objectives of the National Planning Framework: ‘Project Ireland 2040’. In this regard, greatly increased levels of residential development in urban centres and significant increases in building heights and the density of development are not only to be facilitated but actively sought out and brought forward by the planning process and particularly so at local authority and An Bord

Pleanála levels (with an emphasis on delivering new housing in existing built-up areas with a focus on reusing previously developed 'brownfield' land, building up infill sites, and either reusing or redeveloping existing sites and buildings, in well serviced urban locations). In my opinion, the redevelopment of the subject site as proposed represents a more efficient use of these zoned and serviced lands and would typically be encouraged provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties.

7.3.3. In relation to the concerns raised that the proposed development does not include for public open space, I would refer the Board to Section 11.5.11: '*Public Open Space*' of the Development Plan and, more particularly, to Development Management Objective 27 which states that '*Standalone residential developments comprising of 9 residential units or less shall be exempt from the requirement to provide 15% open space. In all such cases the private amenity space serving each dwelling shall exceed the minimum requirement*'. Given that the proposed development involves the construction of 7 No. dwelling houses with each unit to be provided with private open space in excess of the minimum requirement, there is no need to include public open space as part of the subject proposal.

7.3.4. With respect to the suggestion that the placement of refuse bins awaiting collection along the public footpath / roadside will result in visual clutter and / or pose a hazard to pedestrians etc., I am unconvinced of the merits of any such argument. In my opinion, the refuse collection arrangements for the proposed dwellings are unlikely to differ in any material respect from those already in place for existing housing in the area.

7.4. Impact on Residential Amenity:

7.4.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development, with particular reference to its relationship with neighbouring dwellings and the separation distances involved, will not give rise to any significant detrimental impact on the residential amenity of adjoining property by reason of overshadowing or loss of daylight / sunlight. Similarly, subject to the use of obscured / frosted glass within the first-floor gable end

(bathroom & stairwell) windows of the proposed dwellings, I am satisfied that the proposal will not result in the undue overlooking of adjacent property.

- 7.4.2. With regard to the potential impact of the construction of the proposed development, including the laying of a new sewer along Dublin Road, on the amenity of surrounding property, whilst I would acknowledge that the subject site is located within an established residential area and that construction works, including those excavations etc. to be undertaken in the public road, could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

7.5. Traffic Implications:

- 7.5.1. The principal concerns raised in the grounds of appeal relate to the potential for the proposed development to exacerbate the already problematic levels of traffic congestion experienced in the surrounding area, particularly at peak times during pick-ups / drop-offs associated with the nearby Boyne Community School. In this regard, while I would acknowledge the legitimacy of the foregoing concerns and that the proposed development could give rise to additional traffic movements along the Dublin Road and beyond, in my opinion, the current congestion difficulties would seem to be a long-standing problem and, therefore, I would not consider it appropriate to use this as a basis on which to effectively prohibit all possible redevelopment on infill sites etc. in the wider area. Indeed, I would suggest that the resolution of any on-going traffic issues arising from the functioning of existing schools is beyond the remit of this appeal and is a matter more appropriately addressed by those authorities with responsibility for such issues, including the Boards of Management of the schools, the Local Authority, An Garda Síochána, and any residents' associations.
- 7.5.2. Furthermore, given the site location within an established built-up area, the small scale of the development proposed, and noting that Dublin Road is a key distributor route serving Trim town, which is subject to a speed limit of 50kph with footpaths

along much of the carriageway and controlled zebra crossings at a number of locations (including a short distance away to the west of the application site), it is my opinion that the comparatively low levels of additional trip generation consequent on the proposal would be likely to have a minimal, if not negligible, impact on overall safety and traffic flows along this section of roadway.

- 7.5.3. Some cognisance should also be taken of future road improvements planned for the area which may serve to alleviate traffic congestion, with particular reference to Objective TRM OBJ 141 of the Development Plan which seeks to preserve a corridor for the construction of a local distributor road link between the Dublin Road at Effernock and the Navan Road at the Motor Park, including a new bridge over the Boyne River.
- 7.5.4. Accordingly, having regard to the infill nature of the site in an existing built-up area where local services and amenities (such as shops & schools etc.) are readily accessible, the limited scale of the proposed development, the planned road improvements in the area, and the overall satisfactory condition of public roads in the vicinity of the site, it is my opinion that the surrounding road network has sufficient capacity to accommodate the limited additional traffic volumes consequent on the proposed development and that the subject proposal will not give rise to such levels of congestion as to endanger public safety by reason of traffic hazard or to warrant a refusal of permission.
- 7.5.5. With respect to the proposal to provide separate vehicular entrances to each of the proposed dwelling houses and the associated concerns raised as regards the generation of traffic turning movements at multiple locations along the carriageway, it is apparent from a review of the planning history of the site (i.e. PA Ref. No. TA200452) that the Planning Authority previously sought such an arrangement with a view to providing for a more active street frontage in accordance with the Design Manual for Urban Roads and Streets. While I would acknowledge the position of the Planning Authority in this regard and that the Transportation Dept. of the Council has not objected to the proposal, I am inclined to concur with the appellants that it would have perhaps been preferable to avoid an unnecessary proliferation of individual access points along this key route. Such an approach would be consistent with that adopted for the standalone development of 9 No. dwelling houses permitted further west alongside Boyne Community School under PA Ref. No. TA100554 / ABP Ref.

No. PL17.238479 as well as the use of a single entrance arrangement to serve an existing dwelling house and two proposed houses (approved under PA Ref. Nos. TA110395 & TA190733) on lands to the immediate southwest of the subject site.

- 7.5.6. However, notwithstanding my reservations as regards the desirability of providing multiple individual access points, given the depth of the footpath alongside the site and the applicable speed limit of 50kph, adequate sightlines can be achieved in both directions from each of the proposed entrances. It is also of relevance to note that each of the proposed dwellings will be provided with sufficient space to allow for the on-site turning of private cars thereby avoiding vehicles from having to reverse onto the public road.
- 7.5.7. Having regard to the foregoing, while it would be open to the Board to seek the submission of revised proposals which provide for a shared access arrangement to serve all the proposed dwellings, given that the proposal under consideration would seem to have been lodged in direct response to the Planning Authority's own requirement to provide for an active street frontage, and noting that each of the proposed entrances would be acceptable in terms of traffic safety, I am amenable to the proposal as submitted.

7.6. Flooding Implications:

- 7.6.1. From a review of the available information, including the grounds of appeal, it is apparent that particular consideration needs to be given to the potential flooding implications of the proposed development due to the proximity of lands that are known to be at risk of flooding from the River Boyne. In this respect, I would advise the Board that on examination of the most up-to-date flood mapping for the area prepared by the Office of Public Works as part of its CFRAM programme (which is available on www.floodinfo.ie and has informed the development of Flood Risk Management Plans for specific areas), it can be confirmed that there is no record of flood events on or bounding the development site. More specifically, the mapping showing the 'CFRAM River Flood Extents – Present Day' indicates that the site is located beyond the modelled extent of those lands that might be inundated by fluvial floodwaters in the 'low' (0.1% AEP), 'medium' (1% AEP) and 'high' (10% AEP) probability scenarios. This is similarly reflected in the CFRAM 'River Flood Extent' mapping of the 'Mid-Range' and 'High-End' future scenarios (which take account of

climate change), although in those instances fluvial flooding has been indicatively identified as extending as far as the laneway to the rear of the development site.

- 7.6.2. In addition to the foregoing, the Strategic Flood Risk Assessment prepared as part of the Meath County Development Plan, 2021-2027 does not identify any fluvial or pluvial flood risk to the development site with the relevant mapping having been informed by a number of datasets, including the OPW's Draft Preliminary Flood Risk Assessment (a national screening exercise undertaken to identify areas at potential risk of flooding) and the current CFRAM mapping (as verified on site by JBA Consulting in its preparation of the SFRA for the Development Plan).
- 7.6.3. Therefore, it would appear that the entirety of the proposed development site is subject to a 'low probability' of flooding (where the probability is less than 0.1% or 1 in 1,000 for river flooding) and is located within Flood Zone 'C' as defined by the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities'*.
- 7.6.4. At this point, I would draw the Board's attention to the Site-Specific Flood Risk Assessment that has accompanied the planning application with a view to identifying and quantifying the risk of flooding associated with the proposed development. Having reviewed the contents of that report, I am generally satisfied that it provides for a reasonably robust analysis of the flooding implications of the proposed development. In terms of flood risk identification, the site-specific FRA initially notes that the Preliminary Flood Risk Assessment undertaken by the Office of Public Works in 2011 did not record any indicative fluvial flooding either within or in immediate proximity of the development site. It also references the flood mapping prepared by as part of the CFRAM programme which similarly does not predict any flood events on or bounding the site.
- 7.6.5. In further support of the proposed development (noting that neither the Preliminary Flood Risk Assessment or the CFRAM flood extent mapping identified the development site as being at flood risk), the Site-Specific FRA proceeds to review the detailed outputs of the CFRAM – Trim Area for AFA Model as part of a 'Stage 2 (Scoping Stage) Initial Flood Risk Assessment'. This analysis notes that the detailed hydraulic modeling carried out for the River Boyne predicted a 1 in 1,000 year flood level of 53.48m AOD at a node point situated 100m upstream of the development site. A full topographical survey of the site was then undertaken with its ground level

having been found to range from 56.49m AOD at the northern site boundary to 58.64m AOD in the southwestern corner. Accordingly, it has been established that the entirety of the development site lies above the upstream 1 in 1,000-year flood level of 53.48m AOD modelled as part of the CFRAM study. It has also been confirmed that the site access from the Dublin Road will be substantially elevated over the 0.1% AEP flood level.

- 7.6.6. Furthermore, notwithstanding that the site is located within Flood Zone 'C' as defined by the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*', the site-specific FRA also includes a 'Justification Test' as per Box 5.1 of the Guidelines which has concluded that the proposed development is appropriate at this location. It has been further submitted that the finished floor level of each of the proposed dwelling houses will be 57.8m AOD thereby providing a freeboard in excess of 4m above the 1 in 1,000-year flood level.
- 7.6.7. Therefore, having considered the available information, I am satisfied that the proposed development will not be at risk of flooding nor will it negatively impact on the flood regime of the surrounding area through the displacement of floodwaters. Accordingly, the proposal complies with the relevant provisions of the Development Plan and the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'.
- 7.6.8. With respect to the specific concerns raised in the grounds of appeal as regards the potential for the proposed surface water drainage arrangements to exacerbate localised flooding on nearby low-lying lands, I note that the final report of the Water Services Section of the Local Authority states that the revised proposals submitted in response to a request for further information broadly satisfy its requirements as regards the orderly collection, treatment, and disposal of surface water. Furthermore, while it was considered that the proposed storage / attenuation capacity of the soakaways was undersized relative to the anticipated rainfall volumes (in addition to the need to take account of climate change), and although a number of other issues required attention, it was considered that these matters could be satisfactorily addressed by way of condition in the event of a grant of permission. In my opinion, the surface water drainage arrangements proposed are acceptable in principle and any outstanding details are regards the final design of same can be resolved by way of condition.

7.7. Servicing / Infrastructural Considerations:

- 7.7.1. Reference has been made to long-standing problems with the foul sewerage network in the area with reports of the occasional surcharging / overflowing of sewers. Accordingly, it has been submitted that it would not be in the interests of public health to allow the development of 7 No. additional dwellings to proceed.
- 7.7.2. With respect to the foregoing, I would refer the Board to the initial report received from Irish Water which references significant wastewater constraints in the vicinity of the proposed development and a need to assess the feasibility of a connection to the public mains wastewater infrastructure. The copy of a pre-connection enquiry provided with the applicant's response to a request for further information subsequently elaborates on these deficiencies by stating that in order to accommodate the connection of the proposed development to the public mains, it would be necessary to upgrade a c. 300m section of foul sewer within the carriageway of the R154 (Dublin) Regional Road from a 150mm to a 225mm diameter thereby increasing the available capacity. It was also noted that as Irish water has no plans to carry out these works, should the applicant wish to progress with the necessary upgrading works, it would be liable for the full cost of same. Therefore, on condition that the aforementioned upgrading works are carried out, it would seem that the proposed connection to the mains sewerage infrastructure could be facilitated.
- 7.7.3. The amended proposals received by the Planning Authority on 6th January, 2022 in response to its request for further information (as shown on Drg. No. 20-231-101 Rev. A) include for the laying of a 300m stretch of new 225mm diameter foul sewer between the proposed development and the existing public mains with the details of any such connection to be agreed with Irish Water. Following consideration by Irish Water, these proposals were deemed to be acceptable provided details of the upgrading works were agreed prior to the commencement of development as part of any connection agreement.
- 7.7.4. Therefore, in the absence of any evidence to the contrary, it appears that the proposed development can be adequately serviced, subject to the completion of the necessary upgrading works.

7.8. **Appropriate Assessment:**

7.8.1. **Compliance with Article 6(3) of the Habitats Directive:**

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

7.8.2. **Background on the Application:**

The applicant has submitted a screening exercise for Appropriate Assessment as part of the Natura Impact Statement provided with the planning application (please refer to the '*Natura Impact Statement: Proposed Residential Development at Dublin Road, Friarspark, Trim, Co. Meath*' dated 30th August, 2021 and prepared by Hydrec Environmental Consulting).

This Stage 1 AA screening exercise provides a description of the proposed development and identifies those European Sites within a possible zone of influence of the development. It has concluded upon examination, analysis and evaluation of the relevant information that the possibility cannot be discounted that the proposed development will not have a significant effect on those Natura 2000 sites within the identified zone of influence as listed below:

- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299)
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232)

Having reviewed the documents and submissions provided, I am satisfied that there is adequate information to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.8.3. **Screening for Appropriate Assessment - Test of likely significant effects:**

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.

7.8.4. **Brief Description of the Development:**

The applicant provides a description of the proposed development at Section 3 of the AA/NIS report. In summary, the proposed development consists of the demolition of an existing dwelling house & outbuildings with the subsequent construction of 7 No. dwelling houses (comprising 4 No. two-storey, semi-detached units and 3 No. two-storey, terraced units) all with individual entrances off the Dublin Road and associated site development works, including car parking, landscaping, boundary treatment, and connection to mains services. The proposed surface water drainage arrangements include for the on-site attenuation and disposal of runoff by way of a series of soakaways located within the rear garden areas of the individual dwelling houses. The proposal also includes for the laying of approximately 300m of new 225mm diameter foul water sewer within the carriageway of the Dublin Road in order to connect to the public mains sewerage network.

The development site is described in Sections 3.1 & 4.2 of the AA/NIS report (and in Section 1.0 of this report) with the ecological field investigation detailing that four habitat types were found within the curtilage of the property. The area consisting of the existing dwelling house, garage, outbuildings and driveway is classified as '*Buildings and Artificial Surfaces BL3*' [Fossitt] whereas the dominant habitat type on site has been recorded as that of '*Amenity Grassland GA2*' which is stated to cover approximately 0.21 hectares or 69% of the site area. A small portion of '*Conifer Plantation WD4*' was found to the east of the existing dwelling while an area of '*Scattered Trees and Parkland WD5*' makes up the north-eastern corner of the site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water / silt / construction related pollution
- Habitat loss / fragmentation

- Habitat disturbance / species disturbance
- Operational use

7.8.5. Submissions and Observations:

All submissions and observations received from interested parties are set out in Section 3.0 of this report while Section 6.0 details the grounds of appeal and the responses to same received from the applicant and the Planning Authority.

7.8.6. European Sites:

The development site adjoins the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) to the north and is also a comparatively short distance away (approximately 43m southeast) of the River Boyne and River Blackwater Special Protection Area (Site Code: 004232).

A summary of the European Sites that occur within the possible zone of influence of the development is presented in the table below.

European Site	Qualifying Interest / Special Conservation Interest	Distance from the proposed development	Connections (source-pathway-receptor)	Considered Further in Screening
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106]	Adjoins the site to the north	Hydrological - surface runoff / discharge	Yes

	Lutra lutra (Otter) [1355]			
River Boyne and River Blackwater SPA (004232)	Kingfisher (Alcedo atthis) [A229]	c. 43m north of the site.	Hydrological - surface runoff / discharge	Yes

Specific conservation objectives have been included for both the SAC and the SPA to maintain or restore the various qualifying interests by reference to a list of specified attributes and targets.

7.8.7. Identification of Likely Effects:

- **Construction related pollution:** Although surface water runoff from the development will be attenuated and disposed of on site, given the close proximity of the site to the Natura 2000 Sites, and following consideration of the ‘source-pathway-receptor’ model, with particular reference to the potential for negative impacts on downstream water quality as a result of the accidental release of suspended solids or the discharge of hydrocarbons / other contaminants during construction of the proposed development, it is my opinion that, in accordance with the precautionary principle, it is not possible to rule out the likelihood of the proposed development adversely impacting on a Natura 2000 site and that consideration needs to be given to the likelihood of the proposal to have an adverse effect on the conservation objectives of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA.
- **Habitat loss / fragmentation:** Given the separation distances involved, it is not considered that there is any pathway for the direct loss or fragmentation of habitats listed as qualifying interests within the SAC.
- **Habitat disturbance / species disturbance:** Given the separation distances involved, it is not considered that there is any pathway for the disturbance of habitats listed as qualifying interests within the SAC. However, in light of the proximity of the development site to the Natura 2000 sites, the potential for

the disturbance of non-aquatic species of qualifying interest (i.e. kingfisher and otter) due to the increased levels of noise and activity on site during the construction phase cannot be discounted at screening stage.

- **Operational use:** While the proposed development will result in increased levels of traffic, lighting and human activity on site, given the site context in an existing built-up area and the established use of the site for residential purposes, the impact of these activities is not considered to be so significant as to affect the conservation objectives of the Natura 2000 sites. Furthermore, surface water runoff will be attenuated and disposed on site while wastewater from the proposed development will be disposed of to the public sewerage network via an upgraded sewer line to be laid within the existing carriageway of the Dublin Road.

It is not envisaged that the proposed development will give rise to any in-combination / cumulative effects.

7.8.8. **Screening Determination:**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on the River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA (Site Code: 004232) in view of the sites' Conservation Objectives, and Appropriate Assessment (and the submission of a NIS) is therefore required.

7.8.9. **Stage 2: Appropriate Assessment:**

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents

- Appropriate assessment of implications of the proposed development on the integrity each European site.

7.8.10. **Compliance with Article 6(3) of the EU Habitats Directive**

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

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

7.8.11. **Screening the need for Appropriate Assessment**

The development has been screened in relation to any possible interaction with European sites designated as Special Areas of Conservation (SACs) or Special Protected Areas (SPAs) to assess whether the development may give rise to significant effects on any European site(s).

7.8.12. **Screening Determination**

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect):

- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299)
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232)

7.8.13. **The Natura Impact Statement**

The application has been accompanied by a '*Natura Impact Statement: Proposed Residential Development at Dublin Road, Friarspark, Trim, Co. Meath*' (dated 30th August, 2021 and prepared by Hydrec Environmental Consulting) which examines and assesses potential adverse effects of the proposed development on the River Boyne and River Blackwater Special Area of Conservation and the River Boyne and River Blackwater Special Protection Area. It has been informed by a desk-top analysis of various source material as well as a series of field surveys, including the following:

- An on-site habitat survey compiled by Hydrec Environmental Consulting which details the results of walkover studies of the site undertaken on 5th September, 2020 & 23rd December, 2020 with a view to assessing its ecological conditions and identifying the habitats / floral assemblages present.
- '*A bat and bird assessment of Eastfield House proposed for demolition as part of planning applications in Trim town*' undertaken by Brian Keeley of Wildlife Surveys Ireland between 21st – 22nd July, 2021.
- A survey from the river channel of the northern and southern banks of the River Boyne by Hydrec Environmental Consulting undertaken on 20th June, 2021 targeted at habitat identification for the presence of Kingfisher nesting sites and Otter holts.

The NIS includes a description of the project and the receiving environment and is stated to be based on standard methods and current best practice guidance, including '*Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*' (DoEHLG, 2009), EC (2002) '*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC June 2020*', and EC (2018) '*Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC*'. It outlines the characteristics of the relevant designated sites while Section 4.2 sets out the potential impacts arising from the construction and operational phases of the development on the two European Sites. Cumulative impacts are stated to be unlikely with any in-combination impacts associated with neighbouring developments considered negligible and insignificant. Section 3.4

proceeds to detail the mitigation measures necessary to ensure that any direct or indirect impacts on the Natura 2000 sites are abated.

The NIS thus concludes as follows:

'This Natura Impact Statement (NIS) has identified the particular types of effect that have potential for adverse impact on the integrity of the River Boyne & River Blackwater SAC / SPA. Additionally, an assessment of the impact on the local ecology has been undertaken. This statement identified mitigation measures that will ensure avoidance of these effects; so that the structure and functions of the Natura 2000 Network and local ecology / biodiversity are not affected.

Following a comprehensive evaluation of the potential direct, indirect and residual impacts, it is considered that the proposed works either independently or in combination with other plans, does not have the potential to significantly affect the conservation objectives of the River Boyne & River Blackwater SAC / SPA. A checklist of Natura 2000 site integrity is included in Table 5, which states that the designated sites, will not be affected by the proposed development works'.

Having reviewed the documentation available to me, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the European sites listed above, alone, or in combination with other plans and projects.

7.8.14. Appropriate Assessment of Implications of Proposed Development:

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

I have relied on the following guidance as part of this assessment:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service (2009)

- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018)

7.8.15. **European Sites:**

The relevant European sites subject to Stage 2 Appropriate Assessment are as follows:

- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299)
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232)

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests is set out in Section 4.1 of the NIS (as supplemented by Appendices 4 & 5) as well as the screening assessment set out above. I have also examined the Natura 2000 data forms where relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include:

- Impacts to water quality arising from surface water discharges which contain suspended solids and/or pollutants, at the construction stage.
- The disturbance of non-aquatic species of qualifying interest (i.e. kingfisher and otter) due to the increased levels of noise and activity on site during the construction stage.

7.8.16. **Evaluation of Likely Effects:**

Potential for Direct Impacts:

Given the site location outside of any SAC or SPA, the proposed development will not directly impact on any Natura 2000 site through the loss or fragmentation of habitats listed as qualifying interests.

Furthermore, while the River Boyne & River Blackwater Special Area of Conservation and Special Protection Area are situated a short distance to the north, in the absence of any drainage channels bordering the development site, no direct hydrological connection has been found to exist between the site and the river (or the designated sites). In this regard, the NIS has also sought to emphasise that the site-specific flood risk assessment provided with the planning application has established that the proposed development site is located above the 1 in 100 year and 1 in 1,000-year flood levels with the result that even under extreme weather events a hydrological connection will not arise.

Similarly, as no surface water discharges are proposed from the development, with surface water runoff to be attenuated and disposed of on site, there will be no direct impact on water quality within the River Boyne and River Blackwater Special Area of Conservation or the Special Protection Area.

Potential for Indirect & Secondary Impacts:

Impacts to water quality arising from surface water discharge that contains suspended solids and/or pollutants at the construction stage:

While groundwater movement in the locality of the development site is expected to mirror the topography of the area and to generally flow in a south to north direction towards the River Boyne, only clean stormwater will be discharged to ground as part of the proposed development. Therefore, it is considered unlikely that any contamination of water quality within the SAC and / or SPA will occur via a subsurface pathway. However, given the proximity of the development site to the River Boyne, and owing to a high groundwater vulnerability within the site, a series of mitigation measures (please see below) are proposed to prevent accidental contamination of the SAC & SPA via baseflow so as to ensure that the chemical and physio-chemical conditions of the river do not deteriorate thereby avoiding any degradation of qualifying species (River Lamprey, Atlantic Salmon and Otter) or prey species.

It is not anticipated that sediment runoff generated during the construction phase of the project will cause an increase in the suspended solids concentration of the river given the lack of a hydrological connection and the buffer distance between the site and the receptor. Nevertheless, a series of precautionary mitigation measures

relating to the control of sediment / silt runoff are proposed which will ensure that anthropogenic sedimentation of Atlantic Salmon spawning beds will not occur nor will turbidity levels increase (thereby avoiding a reduction in water clarity and an indirect impact on Kingfisher feeding ability).

Disturbance of species of qualifying interest (i.e. kingfisher and otter) during the construction phase:

Given the proximity of the development site to the Natura 2000 sites, the potential for the disturbance of species of qualifying interest (i.e. kingfisher and otter) due to the increased levels of noise and activity on site during the construction phase could not be discounted at screening stage.

The River Boyne & River Blackwater SPA is of high ornithological importance as it supports a nationally important population of Kingfisher. The Kingfisher is a very sedentary species that nests and breeds in tunnels dug into soft vertical banks along slow-flowing watercourses. Its diet principally comprises of small fish species such as Stickleback and Minnow and aquatic invertebrates. Consequently, given the absence of a food source or suitable nesting / breeding habitat within the confines of the proposed development site (i.e. soft riverine banks), the subject site is unsuited to Kingfisher.

Otter holts are typically found along riverbanks, with numerous entrances, some of which generally open directly into the water channel. No such habitat is present within the confines of the development site.

The development site is elevated over the lands directly to the north with a 2m bank sloping down to the laneway which runs directly adjacent to the northern site boundary. While it was not anticipated that this bank would provide a suitable habitat for either Kingfisher or Otter due to the absence of an accompanying watercourse, an inspection of the area was nevertheless undertaken on 5th September 2020 which did not record any evidence of Kingfisher nesting holes, otter holts, rabbit dens, badger setts or fox earths.

In addition to the foregoing, it has been submitted that during previous surveys on the River Boyne within >1km of the development site, no evidence was found of either Kingfisher or Otter activity. Similarly, no evidence of either species was recorded during the river / vantage point survey completed on 20th June, 2021 in

support of the subject application. Therefore, the potential for the displacement of qualifying species as a result of disturbance during the construction stage of the proposed development is deemed to be low. In further support of such a proposition, following a review of waterboard sensitivities to construction impacts, *Cutts et al* ('*Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance: Report to Humber INCA, Institute of Estuarine & Coastal Studies, University of Hull*', 2009) has noted that in order to avoid impacts to birds, ambient construction noise levels at the receptor location should generally be restricted to below 70dB(A).

It is also necessary to account for the degree of habituation to noise that currently exists. Accordingly, given the built-up nature of the surrounding area, which includes domestic residences and gardens fronting onto the River Boyne as well as road infrastructure / public pathways, it is anticipated that any species (namely, otter and kingfisher) potentially residing in the area, will have become habituated to such disturbances. Nevertheless, noise levels from the development are to be restricted to 70dB(A).

7.8.17. Proposed Mitigation:

Section 4.3 of the NIS states that the following mitigation measures will be implemented in order to ensure that any direct or indirect impacts on the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA (as well as local ecology) are abated:

- All oils, solvents and paints used during construction will be stored within temporary bunded areas. Oil and fuel storage tanks will be stored in designated areas, and these areas will be bunded to a volume of 110% of the capacity of the largest tank / container within the bunded area(s) (plus an allowance of 30mm freeboard for rainwater ingress).
- Refuelling of construction vehicles and the addition of hydraulic oils or lubricants to vehicles will take place in a designated area (where possible off site) which will be a minimum of 20m away from nearby surface water gulleys or drains. An adequate supply of oil spill kits and hydrocarbon absorbent packs should be available on site.

- Waste materials generated will be segregated on site, where it is practical. Where the on-site segregation of certain waste types is not practical, off-site segregation will be carried out. There will be skips and receptacles provided to facilitate segregation at source where feasible. All waste arising will be handled by an approved waste contractor holding a current waste collection permit. All waste requiring disposal off-site will be reused, recycled, recovered or disposed of at a facility holding the appropriate registration, permit or license, as required. Written records will be maintained by the appointed contractor(s) detailing the waste arising throughout the C&D phases, the classification of each waste type, waste collection permits for all waste contractors and COR / permit or license for the receiving waste facility.
- Continuous removal of excavated material for appropriate disposal away from site should occur, with minimal retention of spoil heaps beside excavated areas allowed, particularly during rainfall. Sufficient soil testing should be carried out to classify the material as hazardous or non-hazardous in accordance with the EPA's *Waste Classification - List of Waste & Determining if Waste is Hazardous or Non-Hazardous* publication. Analytical results should be assessed using an application such as the 'HazWasteOnline' tool.
- Ground disturbance and excavation activities in the absence of mitigation can generate dust emissions. Large amounts of dust deposited on vegetation over a prolonged period results in adverse effects on plant productivity, which can lead to a degradation of sensitive habitats. It is understood that dust deposition starts to affect more sensitive species at levels above 1000mg/m²/day. Whilst it is not anticipated that the proposed activities on site will generate dust emissions in this range, precautionary dust suppression measures (such as misting during dry weather) should occur.
- All ready-mixed concrete will be brought to the site by truck, with wash-down and washout of concrete transporting vehicles to take place at an appropriate off-site facility.
- There are no national mandatory noise limits relating to the construction phases of projects. The chief noise guidance document in Ireland and the UK in construction phase noise assessments is BS5228:2009+A1: 2014: Code of

Practice for Noise and Vibration Control on Construction and Open Sites Part 1: Noise (2014). Typically, a daytime L_{Aeq1hr} criterion of 65dB – 70dB(A) is specified for Irish construction projects. Similarly, as outlined in the County Meath Noise Action Plan 2019, 70dB(A) L_{Den} is proposed as an on-site level for noise mitigation. Given the baseline noise levels in the vicinity of the site and the likely habituation of species to said levels in the area, this limit will also provide mitigation against the disturbance of any of the aforementioned protected species associated with the neighbouring designated sites.

The following further mitigation measures are proposed in response to the presence of bird & bat species on site:

- A derogation will be required from the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage. This will require measures to ensure that bats are not killed or injured during the demolition and construction phases and to continue biodiversity levels without loss so that there is no net loss of roost sites following the construction.
- It is essential that the house is examined at the time of demolition to ensure that no bats are present. Should bats be noted, the bats shall be excluded from the building under the licence approved by the NPWS and, if necessary, taken into temporary care by the bat specialist and released once demolition has been completed. For proper exclusion, access shall be made available to the licensed bat specialist to the roost exit point. This may require exclusion measures or alternatively that the roof is carefully stripped back, and the bats taken into temporary containment by the bat specialist until all potential roost areas have been removed.
- Access to bats shall be provided in the new buildings by means of the following: boxes incorporated into the gable end of each house. Boxes / tubes should be no less than 2.5m above ground level and away from lighting and roads. These boxes are sealed on three sides and bats remain within the confines of the box.
- Lighting must be managed to prevent illumination of the bat access areas. This can be achieved with cowls and lights that are only on for the duration of use (non-ornamental).

- Given the requirement for a minimal amount of tree / hedgerow removal, it is important that these specific works take place outside of the period from the 1st March to the 31st August.
- To replace the leylandii trees scheduled for removal, a series of semi-mature trees should be planted on the northern boundary of the site. This will benefit bird species such as the goldcrest and compensate for the existing tree removal. A shrub layer under canopy should be incorporated to support insects (i.e. a food source for bats / birds) and provide potential refuge for species such as the Large Red Tailed Bumble Bee.

Therefore, it has been submitted that with adherence to the mitigation measures set out above, adverse residual impacts would be expected to be negligible and thus not result in any significant effects on the important ecological features / receptors within the Zone of Influence of the project or the wider Natura 2000 network.

On balance, I would accept that the implementation of best practice and adherence to the mitigation measures set out in the NIS will serve to avoid any impacts on down-gradient water quality as well as the disturbance of species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species.

7.8.18. In-Combination Effects:

Section 4.2.4 of the NIS considers the potential for in-combination / cumulative impacts with other plans or projects. In this regard, having considered the planning history of the surrounding area, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would adversely affect the integrity of any Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

7.8.19. Integrity Test:

Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the River Boyne and River Blackwater SAC (Site Code: 002299) or the River Boyne and River Blackwater SPA (Site Code: 004232) in view of the Conservation Objectives of these sites. This conclusion has been based on a

complete assessment of all implications of the project alone and in combination with plans and projects.

7.8.20. **Appropriate Assessment Conclusion:**

The residential development has 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 project, it was concluded that it may have a significant effect on two European Sites, the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC nor the River Boyne and River Blackwater SPA, or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SPA.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the land use zoning of the site in the current development plan for the area, the established use of the lands for residential purposes, to the infill nature of the site, to the design, layout and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would comply with the provisions of the development plan, would not lead to an increased risk of flooding, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of January, 2022, 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. All mitigation measures identified in the Natura Impact Statement submitted to the planning authority on 30th September, 2021, shall be implemented in full and shall be supervised by a suitably qualified ecologist.

Reason: In the interest of environmental protection, public health and orderly development.

3. All other mitigation measures identified in the:

a) 'Bat and bird assessment of Eastfield House proposed for demolition as part of planning application in Trim town' (survey date 21st – 22nd July, 2021); and

b) the 'Site Specific Flood Risk Assessment (Stage 2)' dated the 18th day of January, 2021

submitted with the application on the 30th day of September, 2021 shall be implemented in full and shall be supervised by a suitably qualified ecologist.

Reason: In the interest of environmental protection, public health and orderly development.

4. 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, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

6. Ducting shall be provided for all in-curtilage car parking spaces, to facilitate the installation of electric vehicle charging points. Details in this regard shall be submitted to, and agreed in writing with, the planning authority before making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transportation.

7. 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.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of visual amenity.

9. A comprehensive landscape and boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
- c) details of all proposed boundary treatments, including heights, materials and finishes.

The landscape and boundary treatment works shall be carried out in accordance with the agreed scheme.

Reason: In the interests of visual and residential amenity.

10.

- a) The entrance designs serving the proposed development shall comply with the detailed standards of the planning authority for such road works.
- b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. Any gates at the entrances shall be designed so that they are not capable of being opened outwards.

Reason: In the interests of pedestrian and traffic safety.

12. 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.

13. Proposals for naming and house numbering of the proposed development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all 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.

14. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. 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 noise management measures and off-site disposal of construction/demolition waste.

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

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and

construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. 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 current Development Plan for the area.

18. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act, 2000, as amended, that restricts all houses 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.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other

security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

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

Robert Speer
Planning Inspector

13th December, 2022