



An
Bord
Pleanála

Inspector's Report

ABP-314242-22

Development	Alterations to TA160093 (An Bord Pleanála Ref PL17.247489); amendments to mixed use development
Location	Friarspark 2nd Division & Effernock, Maudlin, Trim, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22612
Applicant(s)	Glenveagh Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	DM Leavy
Observer(s)	None
Date of Site Inspection	10 th October 2023
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site extends to approximately 3.07ha and is located within a wider development site currently under construction pursuant to permission granted under PL.247489. The entrance to the residential estate Effernock Manor is from the Regional Road R-154 (Dublin Road) and leads to the main road running through the estate.
- 1.2. The appeal site is located approx. 1.2km south-east of Trim town centre. The site contains 2 distinct parcels of land, one centrally located, and one located along the southern site boundary of the application site. These are both connected via the existing road infrastructure.
 - 1.2.1. The northern parcel extends to approx. 0.6ha. It is bounded to the north and northwest by an existing access road and roundabout within the wider Crescent estate, to the east by open space, to the south and west by permitted residential 2 storey houses.
 - 1.2.2. The southern parcel extends to approx. 2.3ha. It is bounded to the north and northwest by permitted residential 2 storey houses within the wider Crescent estate, to the west by agricultural land, and to the south and east by the Knightsbrook Golf Club.
 - 1.2.3. The existing estate road which connects the two sites includes permitted two storey residential houses on both sides.

2.0 Proposed Development

- 2.1. The proposed development is located at Maudlin, Friarspark 2nd Division and Effernock, Trim, County Meath.
- 2.2. The application is for alterations to development previously approved under Reg. Ref. TA160093 (An Bord Pleanála Ref PL17.247489) comprising:
 - (i) the replacement of the centrally located three-storey building, accommodating a medical centre at ground floor level and 6 no. apartments at first and second floor level, and connecting two-storey crèche facility with

- a. 1 no. two storey building comprising crèche / medical centre uses with associated vehicular parking (20 no. spaces), bicycle parking (10 no. spaces)., set down parking areas (7 no. spaces),
 - i. 8 no. single-storey one-bedroom maisonettes
 - ii. 4 no. two-storey three-bedroom houses and
 - iii. 3 no. two-storey four-bedroom houses;
- (ii) the revised layout of the southern spur estate, previously accommodating 35 no. houses, to provide
 - a. 11 no. two-storey two-bedroom houses and
 - b. 59 no. two-storey three-bedroom houses and
- (iii) all ancillary works necessary to facilitate the development inclusive of road/footpath revisions, boundary treatment, open space provision, vehicular parking arrangements, SuDS drainage and landscaping.

2.3. A Natura Impact Statement was submitted with the application.

2.4. The application as amended provides for 85 houses and crèche/ medical centre in an amended layout.

Unit Mix:

	Houses	% of total
1 bed	8	9.4%
2 bed	11	13%
3 bed	63	74%
4 bed	3	3.5%
Total	85	100%

2.5. The planning application was accompanied by;

- Planning Report
- Engineering Services Report
- Architectural Design Statement

- Landscape Design
- Arboriculture Impact Report
- Outdoor Lighting Report
- Healthcare Infrastructure Audit
- Ecological Impact Assessment

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **grant** permission subject to 26 No. conditions.

The following conditions are of note:

- Condition No.2: Requires omission of 8 no. maisonettes and back gardens. With revised site plan to be submitted and will be subject to a revised planning application.
- Condition No.3: Crèche and medical centre building to be constructed and completed prior to any dwelling on the application site.
- Condition No.4: Mitigation measures outlined in NIS shall be implemented.
- Condition No.5: Boundary treatments as per drawing details submitted.
- Condition No.6: Public lighting requirements to be agreed.
- Condition No.7: Revised site layout plan for 28no. car parking spaces to serve crèche /medical centre, requirements for accessible car parking spaces, car park surface and layout, cycle parking, electric vehicle charging points, planting along roads and/or footpaths and Construction Stage Traffic Management Plan to be submitted.
- Condition No.8 77 no. residential units permitted.
- Condition No.9 Part V requirements
- Condition No.10 Section 47 Agreements in respect to individual purchasers

Condition No.11	Childcare building use restricted solely as a pre-school/childcare facility use.
Condition No.12	No. of children to be accommodated not exceed 69 in any session and hours of operation 8.30-17.30.
Condition No.13	Public open space and taking in charge at no cost to the PA.
Condition No.14	Taking in Charge
Condition No.15	Estate naming and numbering
Condition No.16	Construction work hours
Condition No.17	Planting and landscaping
Condition No.18	Surface Water attenuation storage and SuDS requirements.
Condition No.19	Restrictions on development over drainage and water supply infrastructure.
Condition No.20	Broadband service requirements.
Condition No.21	Service cables
Condition No.22-26	Security Bond & Development Contributions
Condition No.23	Development contribution per residential unit monitoring the construction phases
Condition No.24	Development contribution roads
Condition No.25	Development contribution social infrastructure
Condition No.26	Development contribution Surface water infrastructure

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planners Report (4th July 2022)

The report provides a summary of the proposed development which includes;

- *Medical Centre and Crèche* proposed is acceptable.
- *Maisonette type apartments* - Unacceptable due to rear garden space and general arrangement and should be omitted.

- *Residential units* – Design and layout acceptable.
- *Private/Public Open Space* – Meet requirements, is useable and acceptable.
- *Traffic Impact* – Proposed development will not significantly increase traffic volumes on what was granted previously.
- *Internal Layout* – Road widths of 5.5m and footpath widths of 2m are acceptable.
- *Residential Parking* - For mid terrace houses which have 1 in curtilage parking space and 1 adjacent on street parking acceptable.
- *Crèche and Medical Centre Parking* – The number of car parking spaces will need to be increased from 24 to 28.
- *Cycle Parking* – Provision of covered cycle parking to the front of the terraced houses acceptable. Medical Centre and Crèche - Notes absence of details on showering and changing facilities for staff who cycle to work.

3.2.2. **Other Technical Reports**

- **Transportation Dept:** No objection subject to conditions.
- **Water Services:** No objection subject to requirements.
- **Environment (Flooding):** No objection.
- **Public Lighting Dept.:** No objection subject to conditions.
- **Housing Dept.:** No objection subject to requirements.

3.3. **Prescribed Bodies**

- **Fire Service Dept:** No objection.
- **Irish Water:** No objection subject to conditions.

The application was referred to the Development Application Unit, (DAU) no report received.

3.4. **Third Party Observations**

The planning authority received two observations which generally make the points set out in the appeal received by the Board.

4.0 Planning History

Parent Permission

PA Reg. Ref. TA/160093 ABP PL 17.247489: Permission **granted** 7th March 2017 for construction of 382 no. residential dwellings comprising 367 no. houses and 15 no. apartments, a medical centre (gross floor area 259sqm) and a crèche (gross floor area 488sqm). This application was accompanied by an NIS and EIS.

A number of amendment permissions to house types were granted by the PA but none are directly relevant to the current appeal. This permission and amendment permissions appear to have been largely implemented on site.

Previous Permission

PA Reg. Ref. TA/40062 ABP PL17.214200 Permission was **granted** 17th July 2006 for 564 houses, crèche, medical centre on basically the same site at Maudlin, Effernock and Friarspark, Trim, County Meath. Condition 2 required agreement of a phasing programme but otherwise no significant changes were required by the grant of permission. This permission although granted an extension of duration permission under TA110599 was never implemented.

5.0 Policy Context

5.1. National

5.1.1. National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

The following 'National Policy Objectives' are noted in particular:

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 3C: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.

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 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 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

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 densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021).

It is a multi-annual, multi-billion-euro plan which will 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 government's overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The Plan itself is underpinned by four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

5.1.3. **Climate Action Plan, 2023.**

5.1.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Design Manual for Urban Roads and Streets (DMURS) (2013).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Childcare Facilities Guidelines for Planning Authorities (2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019).

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.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

This strategic plan seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans.

5.3. Local

5.3.1. Meath County Development Plan 2021-2027

- 5.3.2. The Meath County Development Plan 2021-2027 came into effect from 3rd November 2021.

Land Use Zoning:

The proposed development site is located in an area zoned as '**A2 New Residential**' with the stated land use zoning objective '*To provide for new residential communities*

with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy’.

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 6: To strengthen the social and economic structure of rural towns and villages by supporting the re-use of existing buildings and the regeneration of under-utilised buildings and lands.

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 Donacarney, Duleek, Enfield, Athboy, Oldcastle, Stamullen.

Table 2.12: Core Strategy Table, Population and Household distribution to 2027 sets out that the Settlement of Trim had a population of 9,194 in 2016 with a growth of 11.2% in comparison to 5 years prior.

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 3.4.3 *Future Settlement Growth* - The Self-Sustaining Growth Towns have a solid employment base with capacity to accommodate further expansion. There will be a greater emphasis on achieving a greater balance between employment and population growth in these settlements.

Section 3.4.8: *Self-Sustaining Growth Towns*

'With a 'Jobs: Resident Workforce' ratio of 0.67 and 2,500 jobs in 2016, Trim is the second largest centre for employment in the County behind Navan. It is an objective of this Plan to continue to maximise the number of local job opportunities in Trim during the life of this Plan. It will also support the investment in and expansion of the tourist product in the town.'

The following Development Plan policies and objectives are relevant:

SH OBJ 5 sets out that a new local area plan will be prepared for a number of settlements, including Trim. As part of the preparation of these plans, a detailed infrastructure assessment, consistent with the methodology for a tiered approach to zoning under Appendix 3 of the NPF will be undertaken for each settlement.

SH OBJ 15 refers to the 10% social housing requirements to land zoned for residential use or for a mixture of residential and other uses, except where the development would be exempted from this requirement.

Section 3.8.3 Meath County Housing Strategy

SH POL 5 seeks to secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households. (non-compliance with this is raised in the grounds of appeal).

SH POL 6 aims to support the provision of accommodation for older people and for people with disabilities that would allow for independent and semi-independent living in locations that are proximate to town and village centres and services and amenities such as shops local healthcare facilities, parks and community centres. (non-compliance with this is raised in the grounds of appeal).

Section 3.8.9 Design Criteria for Residential Development

Section 3.8.10 Densities

In the Self-Sustaining Growth Towns and Self-Sustaining Towns a density of up to 35 units/ha on all lands will normally be required.

Chapter 7 Community Building Strategy

Section 7.7.2 refers to *Social Infrastructure Assessments*

SOC POL 6 which requires that all new residential development applications of 50 units or more on zoned lands are accompanied by a Social Infrastructure Assessment (SIA) to determine if social and community facilities in the area are sufficient to provide for the needs of future residents. The policy also sets out what details should be included. (non compliance with this is raised in the grounds of appeal).

SH POL 7 To encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities, and services that meet the needs of the entire communities and accord with the principles of universal design, in so far as practicable.

SH POL 11 To encourage improvements in the environmental performance of buildings by promoting energy efficiency and energy conservation in existing and new developments in line with best practice.

SOC OBJ 1 To assist in the provision of community and resource centres and youth clubs/cafes and other facilities for younger people by the identification and reservation of suitably located sites within the landbanks of the Local Authorities and by assisting in the provision of finance, where possible. A centrally located youth premises (to accommodate various youth agencies/organisations and services) should be considered, and where viable outreach support centres should also be considered.

SOC POL 25 To encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children.

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

This chapter contains the Development Management Standards, the list is extensive, and I do not propose to set them all out in detail. Below is a summary of ones of note, these include inter alia:

DM OBJ 11: Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible.

11.5.1 Residential Development

DM OBJ 13: A detailed Design Statement shall accompany all planning applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units.

11.5.2 Urban Design

DM POL 4: To require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009) and the Urban Design Manual-A Best Practice Guide, 2009 or any updates thereof.

11.5.3 Density

DM POL 5: To promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged.

DM OBJ 14: refers to densities which shall be encouraged when considering planning applications for residential development:

- **Self-Sustaining Growth Towns:** (Dunboyne, Ashbourne, **Trim**, Kells): greater than 35uph

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

11.5.8 Dwelling Design, Size and Mix

DM POL 6 To require that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends. The design statement required at DM OBJ 13 shall set out how the proposed scheme is compliant with same.

DM OBJ 22 The design of any housing scheme shall have regard to the requirement for connectivity between residential areas, community facilities etc. The design of any walkways, lanes or paths connecting housing estates or within housing estates shall be of sufficient width to allow for the safe movement of pedestrians and cyclists. They shall be adequately overlooked and lit and not be excessive in length.

DM OBJ 23 To require that all applications for residential development shall be accompanied by a detailed phasing plan which demonstrates the early delivery of key infrastructure associated with that scheme.

DM OBJ 24 To require the provision of EV charging points to serve residential development.

11.5.11 Public Open Space

DM OBJ 26 Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the

15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.

11.5.12 Private Open Space

DM POL 7: Residential development shall provide private open space. Apartment schemes shall in accordance with the requirements set out in Table 11.1. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with the requirements set out in Table 11.1.

House Type	Minimum Area of Private Open Space to be Provided
One/two bedroom	55sq.m.
Three Bedroom	60sq.m.
Four bedrooms or more	75sq.m.

Table 11.1 Minimum Private Open Space Standards for Houses

11.5.13 refers to **boundary treatments**.

11.5.15 refers to the requirement for **public art work** for proposals for residential developments over 75 units or a development contribution in lieu.

11.5.16 Light and Overshadowing

Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof.

DM POL 11: New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources will be encouraged.

11.9.1 Parking Standards

DM OBJ 89: Car parking shall be provided in accordance with Table 11.2 and associated guidance notes.

Table 11.2 Car Parking

Land Use – Residential	Car Spaces
Dwellings	2 per conventional dwelling

DM OBJ 93: New residential development should take account of the following regarding car parking:

- Vehicular parking for detached and semi-detached housing should be within the curtilage of the house;
- Vehicular parking for apartments, where appropriate, should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in small scale informal groups overlooked by residential units;
- The visual impact of large areas of parking should be reduced by the use of screen planting, low walls and the use of different textured or coloured paving for car parking bays;
- Consideration needs to be given to parking for visitors and people with disabilities; and
- Provision of EV Charging points.

11.9.3 Cycling Parking

DM OBJ 97: Cycle parking facilities shall be conveniently located, secure, easy to use, adequately lit and well sign posted. All long-term (more than three hours) cycle racks shall be protected from the weather.

DM OBJ 98: To establish and implement Cycle Parking Standards for new Developments in the County.

Table 11.4 Cycle Parking Standards

Type of Development	Cycle Parking Standard
Other Developments	1 bike space per car space, or 10% of employee numbers in general

Volume 2 Written Statement & Maps for Settlements

This contains the written statements and maps for identified settlements in the County.

The stated vision is ‘For Trim to be an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant cultural heritage and picturesque setting adjacent to the historically significant Trim Castle and the River Boyne.’

The Plan states that it will have regard to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009) when considering planning applications.

5.4. Natural Heritage Designations

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).
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232).
- The Trim Proposed Natural Heritage Area (Site Code: 001357)

5.5. Environmental Impact Assessment Screening

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. Alterations to a previously permitted residential scheme is not listed in Schedule 5 and therefore a mandatory EIA is not required.
- 5.5.3. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001, as amended, provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.5.4. The proposal comprises alterations to a larger development previously approved under PA Reg.Ref.TA160093 (ABP Ref. No. PL17.247489).
- 5.5.5. The appeal site has an overall area of 3.07ha 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.

- 5.5.6. 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.
- 5.5.7. 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.
- 5.5.8. 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 '*A2: New Residential*' with the stated land use zoning objective '*To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy*' where residential development is '*Permitted in Principle*' under the provisions of the Meath County Development Plan 2021-2027, and the results of the strategic environmental assessment of the Meath County Development Plan 2021-2027, undertaken in accordance with the SEA Directive (2001/42/EC),
 - The planning history of the site.
 - 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);

5.5.9. 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

There is one third party appeal from DM Leavy, Proudstown Road, Navan, Co. Meath. The grounds of appeal can be summarised as follows;

- Description of the proposed development in the public notices is misleading as it does not state the total no. of units proposed compared to that previously approved.
- Proposed development should be subject to an environmental impact assessment. Proposed scheme would amount to 426 no. dwelling units on an overall site greater than 20 hectares. Request the Board undertake EIAR screening.
- NIS submitted is not based on best scientific data (as it does not include a construction management plan or a demolition plan).
- Revised site layout plan proposing 3 no. dwellings with dedicated access off a roundabout, will result in a traffic hazard. (do not have sufficient room to turn a car within the front garden and exit the property in a forwards gear).
- Proposed development fails to comply with SOC POL 6 and is contrary to SH POL 5 and SH POL 6.

6.2. Applicant Response

The applicant response to the third party appeal can be summarised as follows;

- The applicant states there is a strong case to have the appeal dismissed under Section 138(1)(a) and (b) of the Planning and Development Act, 2000 (as amended).
- Notes address of appellant located over 18km from the appeal site, with no direct connection between the appellant and the subject site.
- The same appellant has made 8 no. similar submissions/ observations to various planning authorities and a number of appeals against other Glenveagh developments which the appellant has no obvious connection.
- The appeal is without substance and foundation.
 - The appeal will only delay the development approved by the planning authority. In *Finnegan Vs An Bord Pleanála* (1979) it was said the purpose of the Act is to prevent appeals without reality or substance, and the applicant believes Mr. Leavy's appeal is lacking both in reality or substance and should be dismissed by the Board.
- Multiple submissions made by the appellant against developments which are remote for the appellants place of residence.
 - The following is a list of submissions made by the appellant against developments which are remote from the appellants place of residence:
 - (i) ABP Ref. 310884, and Ref. 21/1757 for 26 no. Dwellings at Rathmullen Road, Drogheda, Co. Meath.
 - (ii) Ref. 21/97 98 no. dwellings at Rathgowan, Mullingar, Co. Westmeath.
 - (iii) Ref. 21/2161 boundary alterations and change of house type at Trim, Co. Meath.
 - (iv) Ref. F21A/0113 76 no. dwellings Donabate, Co. Dublin.
 - (v) Ref. 21/1028 Extension to existing Heinz Customs Food building at Dundalk, Co. Louth.
 - (vi) Ref. 21/370 mixed development Maynooth, Co. Kildare.

(vii) ABP Ref. 313091 Ref.21/139 for 83 no. residential units at Mullingar, Co. Westmeath.

- Ask the Board to consider the validity of the appeal and to dismiss it under Section 138(1)(b)(i) of the Act.
- The Appeal will only delay the development approved by the PA.
 - Proposed development comprises Phase 2 of a two-phase development (where Mr. Leavy did not appeal Phase 1). It makes no sense that the appellant would object to one Phase of a development. In this context the appeal is considered vexatious and fails to comply with Section 138(1)(b)(ii) of the Planning and Development Act 2000 (as amended).
 - Request for an Oral Hearing refer to ABP PL04.243695 and ABP-302403-18 where the Board facilitated an oral hearing to determine the appeals which resulted in the appeals being withdrawn and dismissed.
- *Site Notice Validation* - Contend that the notice wording provides an accurate description of the proposed development and note the public notices were validated by the PA.
- *Environmental Impact Assessment Report* - Submit that the proposal is not required to present an EIAR as per the Planning and Development Regulations (PDR) 2001 (as amended).
 - Note that a comprehensive Environmental Impact Statement (EIS) was prepared in respect of the parent permission ABP Ref.PL.247489.
 - Given that the subject proposal does not extend outside the lands associated with the head permission. The findings of the of the previously prepared EIS confirm that the proposed development would not be likely to have significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) or on any other European sites in view of the site's conservation objectives.
- *Natura Impact Statement* - Note that a Natura Impact Statement (NIS) was prepared by a competent ecological consultancy, NMEcology and that neither a construction management plan nor a demolition and construction waste management plan is a pre-requisite report needed for preparation of an NIS.

- *Site Layout* - Submit that the 3 no. dwellings accessed directly from the roundabout were previously permitted and were acceptable to the Transport Section of the PA.
- *Infrastructure* - Contend that the town of Trim and its environs contain an adequate supply of Social and Community infrastructure, including the capacity of local schools and childcare services.
 - *School Capacity* – Contend there is sufficient capacity in the existing schools to cater for the demand.
- *Unit Typology* - Notes that proposed development is an alteration case with changes in unit typology, should be seen in the context of the overall development. Submit that the units formulate a sustainable mix providing 2 bed, 3 bed, 4 bed and 5 bed units with a mix of unit typologies. Notes also the omission by way of Condition no 2 of the 8 no 1 bed maisonettes, which if not omitted would provide for a mix of 1-5 bed units.
 - Request the Board omit Condition No.2 of the PA decision. PA have failed to reference the standards to which they consider the maisonette units to be incompliant with.

6.3. **Planning Authority Response**

The planning authority dealt with all the issues raised in the appeal in its consideration of the appeal.

6.4. **Observations**

None received.

6.5. **Further Responses**

None.

7.0 Assessment

The main issues in this appeal case are those raised by the Third Party in their grounds of appeal submission. I am satisfied that no other substantive issues arise. I proposed to address these issues under the following broad headings:

- Principle of Development
- Layout Scale and Design
- Unit Mix
- Access and Parking
- Social Infrastructure
- Other Issues

I draw the Boards attention to the site's planning history. The 3.07ha appeal site subject of this application previously formed part of a larger development site that was granted planning permission in 2017 for its development under PA Reg. Ref. TA/160093 ABP PL 17.247489. Under this grant of permission 382 no. residential dwellings a medical centre and a crèche were permitted together with their works and services, subject to conditions.

In relation to this appeal the permitted development included but was not limited to a medical centre/ crèche and 41 no. residential units. Table 1 below illustrates the permitted development relative to the proposed development.

On the northern parcel of the appeal site this application seeks to replace the permitted three-storey building, accommodating a medical centre and 6 no. apartments over, and connecting two-storey crèche facility, with the proposed two-storey building comprising crèche / medical centre uses with associated parking and 15 no. residential units.

On the southern parcel of the appeal site this application seeks to replace the permitted 35 no. houses, with the proposed 70 no. residential units. The proposed uses were therefore previously permitted on the site. Under the current proposal the commercial element has been reduced in area and the residential element has been roughly doubled. I would also note that the current proposal provides for a more compact layout it also provides for a centrally located landscaped area of public

open space approx. 0.35ha (which represents 14% of the site area) not proposed previously.

Table 1

	Permitted under ABP PL 17.247489	Current Proposal ABP-314242-22
Crèche / Medical Centre	Crèche 488 sqm + Medical Centre 259sqm = 747sqm	579sqm
Northern Parcel	6 no. apartments	7 houses + 8 maisonnettes = 15
Southern Parcel	35 no. houses	70 no. houses
Residential Units Total	41 no. units	85 no. units

7.1. Principle of Development

- 7.1.1. The Meath County Development Plan 2021-2027 sets out a settlement strategy as part of the Core Strategy for the county. Trim is classified as a 'Self Sustaining Growth Town' in the plan. In respect of future settlement growth Section 3.4.3 of the plan states that 'the Self-Sustaining Growth Towns have a solid employment base with capacity to accommodate further expansion. There will be a greater emphasis on achieving a greater balance between employment and population growth in these settlements.'
- 7.1.2. The Trim Town Development Plan incorporates a zoning map and the application site is zoned A2 for 'new residential' on the map. The stated A2 land use zoning objective seeks *'To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy'*.
- 7.1.3. Residential and childcare facility uses are a 'Permitted Use', while health centre, healthcare practitioner, are 'Open for Consideration' within such areas pursuant to Section 11.14.6: '*Land Use Zoning Categories*' of the Meath County Development Plan, 2021-2027.
- 7.1.4. The county development plan states in relation to Self-Sustaining Growth Towns and Self-Sustaining Towns a density of up to 35 units/ha on all lands will normally be required. This reflects the advice set out in the Sustainable Residential Development

in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009) that densities of 50 units per ha should be achieved in larger towns close to public transport infrastructure, but densities less than 30 units/ha should be discouraged on greenfield sites.

- 7.1.5. The application makes the case that the proposed development provides a total of 85 no. dwellings in place of 42 no. dwellings permitted under ABP PL 17.247489, with an increased residential density from 13.3 units/ha to 28 units/ha. Having regard to the Meath County Development Plan and Trim Town Development Plan, the site location on the edge of the development boundary and the existing residential development in the surrounding area, which is part of an overall development scheme, the applicant contends that the proposed residential density is justified.
- 7.1.6. The need for sustainable and compact urban growth is supported by CS OBJ 4 which seeks '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.'
- 7.1.7. I consider that the proposed density is at the lower limit of that which is acceptable but balancing the zoning provisions for the site and the related objective in terms of housing provision set out in the Town Development Plan, the pattern of residential development in the area and the access through an existing housing development I do not recommend refusal on this point.
- 7.1.8. Accordingly, I would suggest that the subject site situated within an established residential area where public services are available, and that the development of appropriately designed 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'.

- 7.1.9. Therefore, having considered the available information, including the site planning history, 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/land uses.

7.2. Layout Scale and Design

- 7.2.1. The Design Statement prepared in April 2022 by Doran Cray Architect is noted by this inspector.
- 7.2.2. The layout of the northern parcel of the appeal site reflects the existing public road layout of the area and permitted residential development on the adjoining lands. The creche and medical centre and associated external play area are located along the eastern boundary adjoining an existing linear area of public open space. The associated surface car park is located in the centre of the site with proposed housing units located along the existing estate road running east west and where it connects with the roundabout. The northern parcel extends to the south where it addresses and includes an existing estate road. This section adjoins existing 2 storey housing to the west and the linear area of open space to the east.
- 7.2.3. The layout of the southern parcel of the appeal site includes a range of house types laid out in 6 separate blocks. Four blocks are arranged in rows running north south and east west along the western, southern, and eastern boundaries. A tree protection area runs along the eastern boundary.
- 7.2.4. A generous area of open space is proposed in the centre of the site. This is addressed by housing on three sides including a row of terraced houses with backs onto another block of terraced houses to the rear.
- 7.2.5. There are 20 no carparking spaces, two separate set down areas and 10 no. cycle spaces proposed to cater for the creche and medical centre. Each of the 77 No. two storey dwellings, are provided with two off street parking spaces, while the 8 No. 1

bed maisonettes are provided with one off street car parking space each. There are 13 No. house types which are designed with energy efficiency as a priority including maisonettes.

Open Space

- 7.2.6. The open space and shared areas are situated in visible areas with ample passive surveillance. The quantum of public open space area ensures the development plan standards are met because there is 14% of the net site area devoted to public open space. These have the benefit of passive surveillance from the proposed dwellings and provide a variety of public open space areas. The areas of open space proposed are also linked and dissected by pathways to existing areas of open space.
- 7.2.7. The applicant in their response to the third-party appeal notes Condition no. 2 of the PA notification of grant of permission which omits 8 no 1 bed maisonettes. The applicant contends that the PA have failed to reference the standards to which they consider the maisonette units to be incompliant with. The applicants in their response to the third-party appeal have requested the Board omit Condition No.2 of the PA permission to grant.
- 7.2.8. I have considered the layout and configuration of the proposed maisonettes and in my opinion these units would provide a poor level of amenity for future occupants, primarily as a result of the unsatisfactory layout / configuration of private amenity space. The functional relationship of the private open space proposed to serve the first-floor units is seriously compromised given the access arrangements. I would concur with the planning authority in terms concerns regarding the quality of private open space afforded to both the ground floor and first floor units particularly given the configuration of the four no. private amenity spaces which does not allow for privacy or adequate separation.
- 7.2.9. I have considered alternatives to the layout /configuration in favour of the omission of these units, however this is not easily achievable given the proposed configuration. In my opinion the 8 no. maisonettes should be omitted and if the Board are minded granting planning permission a suitably worded condition can be attached, similar to the PA requiring an alternative design proposal for this part of the northern parcel of the appeal site.

7.2.10. I accept that the omission of these units will result in a reduction in the overall residential density, however I am satisfied that in this instance it is desirable that an alternative design which integrates with the completed residential development, road layout and open space would potentially provide for a superior arrangement.

7.3. Unit Mix

7.3.1. The appellant submits that the proposed development is contrary to SH POL 5 and SH POL 6 in the Meath County Development Plan 2021-2027.

7.3.2. In this regard SH POL 5 seeks to secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households. SH POL 6 aims to support the provision of accommodation for older people and for people with disabilities that would allow for independent and semi-independent living in locations that are proximate to town and village centres and services and amenities such as shops local healthcare facilities, parks and community centres.

7.3.3. Meath County Development Plan DM POL 6 requires that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends. The design statement required at DM OBJ 13 shall set out how the proposed scheme is compliant with same.

7.3.4. The Development Plan as noted above does not prescribe or quantify unit mix. I also note that the planning authority considered the mix acceptable. The concerns raised by the planning authority in respect of the 1 bed units as outlined above in section 7.2 resulted in the omission of these units by way of condition no.2.

7.3.5. The development includes the construction of 85 no. new residential dwellings comprises the following:

On the northern parcel -

- 8 no. single-storey one-bedroom maisonettes (4 at ground floor and 4 at first floor)
- 4 no. two-storey three-bedroom houses (semidetached)
- 3 no. two-storey four-bedroom houses (detached)

On the southern parcel -

- 11 no. two-storey two-bedroom houses (mid terrace)
- 59 no. two-storey three-bedroom houses (38 semidetached) (16 terraced) (4 end of terrace) and (1 detached)

The unit mix breakdown is:

Unit Mix:

	Houses	% of total
1 bed	8	9.4%
2 bed	11	13%
3 bed	63	74%
4 bed	3	3.5%
Total	85	100%

- 7.3.6. As set out in the table above the proposed unit mix for the overall development is good. It equates to 9.4% 1 bed, 13% 2 bed, 74% 3 bed and 3.5% 4 bed overall. The development offers a good mix of unit types which would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. In my opinion the proposed unit types will improve the range of housing types available in the area which is predominately characterised by low density suburban housing.
- 7.3.7. I am satisfied that the proposed housing mix which offers a good variety within the development and contributes to the housing mix in the general area. The proposed mix complies with the County Development Plan requirements and is in line with national guidance.
- 7.3.8. I note the s.28 Guidelines for Planning Authorities on the Regulation of Commercial Institutional Investment in Housing May 2021. This includes requirements in relation to housing units, to restrict occupation of these units under section 47 of the Planning and Development Act 2000 (as amended). Condition No.10 of the PA decision refers. If the Board are minded granting planning permission a similarly worded condition could be attached.

- 7.3.9. National planning policy supports the provision of new housing as a priority on appropriate sites and recognises the importance of apartments as part of the efficient delivery of much needed housing in the State. The proposed development is a mix of houses and 1 bed units. Overall, I do not consider there to be any in principle objection to the provision 1 bed, 2 bed, 3 bed, 4 bed and 5 bed units with a mix of unit typologies as part of a wider housing scheme on this site.
- 7.3.10. I note as outlined above the proposed 1 bed maisonettes, which have been omitted by the PA by way of condition no. 2. I concur with the applicant that the proposed alterations and unit typology should be seen in the context of the overall development. I do accept the point made by the applicant in response to the third party appeal that they serve to provide for a mix of 1-5 bed units.
- 7.3.11. Notwithstanding it may be still possible to provide 1 bed units but in a different configuration which as outlined above can be dealt with under a redesign and future planning application. If the Board are minded to grant planning permission this can be dealt with by way of a suitable worded condition.
- 7.3.12. Having regard to the foregoing I consider the unit mix and typologies proposed acceptable and in accordance with local and national policy requirements, as such the grounds of appeal relating to this matter should be dismissed.

7.4. **Social Infrastructure**

- 7.4.1. The appellant submits that the proposed development fails to comply with SOC POL 6 of the current Meath County Development Plan as no Social Infrastructure Assessment (SIA) is submitted.
- 7.4.2. **SOC POL 6** of the current County Development Plan requires that all new residential development applications of 50 units or more on zoned lands are accompanied by a Social Infrastructure Assessment (SIA) to determine if social and community facilities in the area are sufficient to provide for the needs of future residents. The policy also sets out what details should be included.
- 7.4.3. The applicant contends that the town of Trim and its environs contain an adequate supply of Social and Community infrastructure, including the capacity of local schools and childcare services.

- 7.4.4. I note the requirement for a SIA under SOC POL 6, I have reviewed the documentation submitted with the application to Meath County Council and as set out previously note that this includes a 'Healthcare Infrastructure Audit'. While I recognise that there is no document submitted entitled 'Social Infrastructure Assessment' I am of the view that that the information that would form part of an SIA is provided within other documentation submitted by the applicant to Meath County Council as part of the application.
- 7.4.5. In this regard I also note the 'Architectural Design Statement' which identifies the location of various social infrastructure in terms of education, community, and retail leisure/recreation.
- 7.4.6. I am satisfied that there is sufficient information provided in the documentation for an assessment of the Social infrastructure to be carried out.
- 7.4.7. The site is located on the south eastern fringe of Trim town within a residential area adjoining a golf club. The proposed development represents a natural progression of the residential component of the overall estate and of the town. There is existing infrastructure in situ, including vehicular access off the Regional Road R-154 (Dublin Road) main estate road and southern spur estate road. There are existing footpaths within the estate and along the R-154. There are schools in close proximity to the site. There are also other community and social facilities within walking distance of the site.
- 7.4.8. Having regard to the foregoing I do not consider the absence of a standalone document entitled 'Social Infrastructure Assessment' as non-compliance with SOC POL 6 notwithstanding that it states "the policy also sets out what details should be included" as this refers to an 'assessment' which I am satisfied has been carried out by the applicant. Therefore, I am of the view that the grounds of appeal relating to this matter should be dismissed.

7.5. Access and Parking

- 7.5.1. The proposed crèche and medical centre are accessed from the existing internal estate road. It is proposed to provide a surface car park with 20 no. spaces located within the centre of the site. A set down area with 3 no. parallel parking spaces are proposed within the site and adjacent to the creche and medical centre with cycle parking (10 no.) proposed adjacent to the northern elevation of the block. Another

set down area with 4 no. parallel car parking spaces is also proposed along the public road to the northeast of the block.

- 7.5.2. The PA had concerns in relation to the quantum/provision of car parking noting that the number of car parking spaces required should be increased from 24 to 28. In relation to the cycle parking MCC Transportation Section noted the absence of details submitted, and details regarding showering and changing facilities for staff to encourage staff to cycle to work. Condition no. 7 of the grant of permission seeks a revised site layout plan indicating 28 no. car parking spaces along with details on the provision of cycle parking and facilities for cyclists.
- 7.5.3. Objective DM **OBJ 89** of the Meath County Development Plan 2021-2027 requires that car parking be provided in accordance with Table 11.2 and associated guidance notes.
- 7.5.4. Table 11.2 requires 1 parking space per employee and a dedicated set down area and 1 space per 4 children plus a dedicated set down area. On the basis of information provided with the application which states there will be 56 children attending the childcare facility in addition to 12 staff, this would result in a requirement for 26 no. car parking spaces and 2 no. dedicated set down areas. In respect to the medical centre drawings submitted indicate the provision of 2 no. consultation rooms which would result in a requirement for 4 no. car parking spaces.
- 7.5.5. I note in Section 11.9.1 of the CDP that where development is proposed in areas with good access to services and strong public transport links and non-residential car parking standards are set down as 'maxima' standards. The subject site is located c. 1.2km from the town centre and while served by good pedestrian and cycle links to the adjoining areas, it is located on the edge of Trim town.
- 7.5.6. Given the nature of the childcare facility and medical centre uses, I consider the proposed shortfall in parking which does not currently comply with the Meath County Development Plan standards can be adequately addressed by the developer. If the Board are minded granting permission this can be dealt with by way of condition with details to be agreed with the PA.
- 7.5.7. In respect to the proposed residential units each housing unit is provided with 2 no. in curtilage car parking spaces, while the 8 no. 1 bed maisonettes are provided with 1 no. car parking spaces each. The car parking proposed is in accordance with

Table 11.2 of the Meath County Development Plan and therefore complies with DM OBJ 89 and DM OBJ 93.

- 7.5.8. In relation to traffic safety the appellant submits that the 3 no. dwellings with dedicated access off a roundabout, will result in a traffic hazard. Specifically, the appellant notes that there is insufficient room to turn a car within the front garden and exit the property in a forward's gear.
- 7.5.9. In this regard site layout plan drawings submitted indicate the provision of 3 no. detached houses on the northwestern part of the northern parcel of the appeal site which are accessed from the roundabout. There are also 2 pairs of semidetached houses located to the east and accessed from the internal estate road to the east of the roundabout. Each house is provided with 2 in curtilage car parking spaces to the front.
- 7.5.10. I can confirm from my site visit that precedent already exists with 3 no. existing detached houses (no's 15,16,&17) located along the western side of the roundabout which already have direct access to and from the roundabout.
- 7.5.11. I note the auto track analysis for private cars and trucks submitted, the width and alignment of the approach road to and that of the roundabout, clear lines of visibility, traffic speeds, road signs and road markings, and am satisfied that the proposed access arrangements for these 3 no. properties will not result in a traffic hazard. I also note that MCC Transportation Section had no objection.
- 7.5.12. I also note in terms of traffic volumes that there is no through traffic, and that the proposed development will not significantly increase traffic volumes on what was granted previously.
- 7.5.13. I am therefore, satisfied that the proposed access arrangement (serving these 3 no. houses) off the roundabout, is acceptable in traffic safety terms and will not result in a traffic hazard.

7.6. Drainage

- 7.6.1. It is proposed to connect to the public watermain and public sewer. The water connection points will be into an existing 150mm watermain pipe located at Drumacon Road. The applicant must sign a connection agreement with Irish Water prior to the commencement of the development.

- 7.6.2. Surface/storm water management via oil/ petrol interceptor and attenuation tanks are proposed under the central area of open space area. The Water Services Section of Meath County Council had no objections subject to requirement.

7.7. Validity of Application

- 7.7.1. The appellant has raised concern in relation to the description of the proposed development in the public notices. The appellant submits that notices are misleading as it does not state the total no. of units proposed compared to that previously approved.
- 7.7.2. I have examined the public notices and am satisfied that the wording clearly distinguishes between the development as permitted and as proposed.
- 7.7.3. In this regard it may be noted that that the Board will consider and decide upon the application de novo and has no supervisory function in relation to how the planning authority carries out its planning functions. These are not matters on which the Board can adjudicate. The appeal before the Board is valid and the third party's right to participate is given full effect.

7.8. Other

- 7.8.1. The applicants in their response to the third party appeal requested that the appeal be dismissed under section 138 (1) (a) and (b) of the Planning and Development Act 2000 (as amended) on the basis that the grounds of appeal are similar in nature and content to a number of observations and appeals made by the appellant in respect of applications lodged by the applicants in a number of counties (Meath, Kildare, Westmeath & Fingal). To support this the applicant has included a list of planning application reference numbers (planning authority and An Bord Pleanála) of applications/appeals where the appellant has lodged observations/appeals.
- 7.8.2. The applicants have not submitted a request for an oral hearing.
- 7.8.3. Their response refers to the provisions of section 138 (3) and section 134 of the Planning and Development Act and submit that there is precedent for the Board to use its powers under s.138 to request an oral hearing to assist the Board in its Determination. Reference to two appeals (ABP PL04.243695 and ABP-302403-18) where the Board facilitated oral hearings under s.138 resulting in the appeals being withdrawn and dismissed respectively.

- 7.8.4. I acknowledge the concerns raised by the applicant however I note that there is nowhere in the legislation that set out that a third party is restricted in making submissions/appeals in terms of who the applicant is. In this regard I further note that both planning authorities and An Bord Pleanála considered the submissions/observations/grounds of appeal to be valid. Having regard to the foregoing I do not consider that an oral hearing is warranted in this instance under section 138 of the Planning and Development Act 2000 (as amended).
- 7.8.5. I am satisfied that the name and address of the third party appellant are clearly stated and the letter of appeal is clearly signed by the third party. In this regard I am satisfied that the case ABP Ref. 302403-18 referred to in the rebuttal to the appeal does not apply. In the case of ABP Ref. PL04.243695 the appeal was withdrawn under S.140(1)(a).
- 7.8.6. I have reviewed the grounds of appeal and consider them valid. I do not consider the grounds to appear vexatious, frivolous or without substance or foundation. I also note that the appellant has given as his address one that is in County Meath. I note that the appellant has lodged appeals against the applicant on other lands, in other counties and areas not connected to his Co. Meath location.
- 7.8.7. With regard to the applications in Westmeath, Kildare and Fingal I note no supporting evidence has been submitted to support the applicant claims that the appellant only considers applications lodged by Glenveagh Homes Ltd. Furthermore, I have no evidence before me to support the claim that the sole intention of the appeal is to delay the development or the intention of securing the payment of money, gifts, consideration or other inducement.
- 7.8.8. There are other appeals which the appellant was involved in and are located within Co. Meath where he resides and Co. Westmeath. I mention these as reference only but worth noting as the same applicant in both cases, Glenveagh Homes Ltd is the applicant of this current case. I note that in the case of ABP Ref. 314744-22 and ABP Ref. 310884-21 both developments are located close to the applicants place of residence, while ABP Ref. 313091 is in Co. Westmeath. In none of these cases was an oral hearing facilitated by the Board.
- ABP Ref. 314744-22 P.A .Reg. Ref. 22924: Lands north of Windtown/Proudstown link road, Clonmagadden, Navan, Co. Meath. (www.cluainadainIrd.ie) 138 no.

residential units (100 no. houses and 38 no. apartments) and associated site works. Permission **granted** 30th January 2023.

- ABP Ref. 310884-21 PA. Reg. Ref 21/304: Lands north of the Windtown/Proudstown link road, Clonmagadden, Navan, Co. Meath. Amendments to residential development permitted under PA. Reg. Ref. 181326. Permission **refused** 11th March 2022.

- ABP Ref. 313091 P.A. Ref.21/139: Construction of 83 no. residential units at Rathgowan, Mullingar, Co. Westmeath. Permission granted 31st July 2023.

7.8.9. In respect to the parent permission granted under **ABP Ref. PL17.247489** PA Reg. Ref. TA160093 and the earlier permission granted under **ABP Ref. PL17.214200** which both included the appeal site, I note the applicant in both cases were two different developers, and that the appellant in the current appeal was not listed as an appellant or an observer to the appeal.

7.8.10. In my opinion, there are no grounds on which the Board should concede to the request for an oral hearing in this case.

8.0 Appropriate Assessment

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.

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 Alteration to an Approved Residential Development at Efferknock, Trim, Co. Meath*' dated 20th January 2022 and prepared by NM Ecology Ltd Consultant Ecologists.

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 that the proposed development will not cause

any significant negative impacts upon the integrity of any Natura 2000 sites. These include;

- The River Boyne and River Blackwater Special Area of Conservation (Site Code:002299)
- The River Boyne and River Blackwater Special Protection Area (Site Code:004323)

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.

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 is likely to have significant effects on a European site(s).

The proposal 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.

8.4. Brief Description of the development:

The applicant provides a description of the project in section 2.2 of the NIS. I refer the Board to section 2 of this report.

8.5. Designated sites within Zone of Influence

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the site to the European Sites, and any potential pathways which may exist from the site to a European Site. The site is not within or directly adjacent to any European Site.

The proposed development is in a suburban setting on the southern edge of Trim. It is currently under construction, forming part of the previously approved 'Efferknock' development. The northern parcel of land is within the footprint of the contractor's compound and has been surfaced with gravel and fill. The southern parcel of land is being used for storage of fill from elsewhere in the construction site.

The closest major watercourse is the River Boyne, which is located 600m north-west of the northern parcel and 700m from the southern parcel. The Knightsbrook River (a tributary of the Boyne) is located approx. 900m south-east of both parcels of land. There are no other substantial watercourses (as per the EPA database of rivers and streams) in the vicinity of the site.

There is an agricultural drainage ditch along the western side of the southern parcel of land that is connected to a similar drainage ditch in the Knightsbrook golf course to the south of the site. The drainage network of the golf course is not known but it is possible that it may provide an indirect connection between the Site and the Knightsbrook River.

There is a hydrological connection between the Site and the Knightsbrook River. Under the Water Framework Directive Status Assessments 2013-2018, the Knightsbrook River is of Poor status, and the River Boyne is of Moderate status in the vicinity of Trim.

Having regard to the above, I would concur with the applicants and consider the following Natura 2000 sites to be within the Zone of Influence are River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232).

8.6. 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.

8.7. European Sites:

The development site is located approx. 600m from the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) to the north. 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 (site code 002299)	Alluvial forest (91E0), Alkaline fens (7230), Atlantic salmon <i>Salmo salar</i> (1106), River lamprey <i>Lampetra fluviatilis</i> (1099), Otter <i>Lutra</i> (1355)	c. 0.6km North West	Hydrological – surface water runoff/discharge	Yes
River Boyne and River Blackwater SPA (site code 004232)	Kingfisher <i>Alcedo atthis</i> (A229)	c.0.6km North West	Hydrological – surface water 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.

8.8. Identification of Likely Effects:

The proposed development is on a site with hydrological connections to River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232) via land drains and streams. The conservation objective for these Natura 2000 sites is to maintain or restore the favourable conservation condition of Atlantic Salmon (QI), River Lamprey (QI), Otter (QI) and

the Kingfisher (SCI) and habitats as listed as Qualifying Interest (QI) or Special Conservation Interests (SCI) above.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, there is potential for significant effects upon these Natura 2000 sites arising from construction activities associated with the proposed development, as well as during operation. The following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction related pollution: Possibility that the release of sediment and pollutants from the proposed development into the streams and transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself.

Habitat loss/fragmentation: With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation.

Habitat disturbance / species disturbance: The site does not support suitable habitats for protected species associated with the SPA and SAC, therefore no ex situ impacts arise.

Operational use: There is no direct pathway via groundwater, air or land to Natura 2000 sites and the nearest European site is c.0.6km from the proposed development. There is a potential direct pathway to both SPA and SAC via land drains and streams in the proximity of the site. In the absence of mitigation, an accidental pollution event could occur during the construction phase of the proposed development arising from polluting materials, such as accidental spillage of oil, sediments and concrete, entering the streams via land drains and being transported downstream could have detrimental impacts on the Otter and two other QIs (Atlantic Salmon and River Lamprey) for the River Boyne and River Blackwater SAC. Similarly, by causing a deterioration in water quality such pollution could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways

which may exist from the development site to a European site. See also Table 1 and Figure 2 of the applicant's NIS in relation to Screening, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, and I have also visited the site.

8.9. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Act 2000 as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the potential for significant effects on two European Site, the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of that site, and Appropriate Assessment is therefore required.

8.10. 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 200 (as amended) are considered fully in this section. The areas address 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 Statements and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

8.11. 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 on the southern edge of Trim town, a mixed-use development comprising 85 residential units creche and medical centre is not directly connected to or necessary to the managements of any European site and therefore is subject to the provisions of Article 6(3).

8.12. 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 Protection Areas (SPA's) to assess whether the development may give rise to significant effects on any European site(s).

8.13. 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 (ie 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:004323)

8.14. The Natura Impact Statement

The application has been accompanied by a 'Natura Impact Statement: Alteration to an Approved Residential Development at Efferknock, Trim, Co. Meath (dated 20th January 2022 and prepared by NM Ecology Ltd – Consultant Ecologists which examines and assesses the 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 an Ecological Assessment.

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),
- OPR Practice Note PN01: Appropriate Assessment Screening for Development Management (Office of the Planning Regulator 2021)
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4), E.E.2002
- Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal (CIEEM 2018)

It outlines the characteristics of the relevant designated sites while Section 4 sets out the potential impacts arising from the construction and operational phases of the development on the two European Sites. Based on changes to the design of the proposed development that in the absence of mitigation the proposed development and the original planning permission may act in combination to increase the scale on the downstream River Boyne and River Blackwater SAC/SPA, and mitigation is therefore required.

The NIS thus concludes as follows:

‘The proposed mitigation measures have been selected to prevent pollutants reaching the Knightsbrook River in sufficient quantities to cause significant impacts on habitats or species in the SAC or SPA. The site foreman will be responsible and liable for the implementation and monitoring of the proposed mitigation measures. These measures will reduce the likelihood and magnitude of pollution events to negligible levels, thus preventing a significant negative impact on the conservation status of the qualifying interests (aquatic and habitats) on the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, or any other Natura 2000 sites. As a result, we conclude that the proposed development will not cause any significant negative impacts upon the integrity of any Natura 2000 sites.’

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.

8.15. Appropriate Assessment of implications of the proposed development

The following is a summary of the detailed scientific assessment of the implications of the project on the qualifying interest features of River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232). 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:

- DoEHLG (2009). 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.
- 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.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

8.16. 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:004323)

A description of the sites and their Conservation and Qualifying Interests /Special Conservation Interests is set out in Section 3.1 of the NIS 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.

8.17. Evaluation of Likely Effects

Potential for Direct Impacts:

Given the site location outside 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.

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:

River Boyne and River Blackwater SAC (002299):

The River Boyne and River Blackwater SAC has been designated for the protection of a range of habitats and species associated with the River Boyne and River Blackwater and tributaries. NPWS publications highlight the specific attributes and targets for the various qualifying interests in the SAC. This SAC is located c.0.6km from the proposed site at its closest point. The proposed development is connected to the River Boyne and River Blackwater SAC via surface water that drains from the site and discharges of surface water from the site via land drains that feed into streams that feed into the River Blackwater. Therefore, potential pathways via surface water cannot be screened out of the assessment given the potential of polluting materials from the proposed development being transported downstream.

Extensive surveys and research undertaken in the preparation of the NIS submitted with the application are noted.

The appeal site does not support populations of any fauna species linked with the QI populations of the River Boyne and River Blackwater SAC.

River Boyne and River Black Water SPA (site code 004232):

The River Boyne and River Blackwater SPA has been designated for the protection of the Kingfisher. The SPA is located c.0.6km from the proposed site.

The proposed development is connected to the River Boyne and River Blackwater SPA via surface water that drains from the site and discharges of surface water from the site via land drains that feed into streams that feed into the River Blackwater. Therefore, potential pathways via surface water cannot be screened out of the assessment given the potential of polluting materials from the proposed development being transported downstream causing a deterioration in water quality which could detrimentally affect the Kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

Potential pathways via air and land are screened out due to the distance.

Potential impacts via groundwater are not likely to be significant based on the nature of the QI of the SPA and the sensitivity of the Kingfisher and their supporting habitats to groundwater water pollution. The habitat suitability of the application site for SPA bird species is also ruled out.

To address potential indirect effects due to surface water pollution (construction phase) pollution-prevention measures will be employed during construction works, in order to avoid or minimise the risk of impacts on the SAC and SPA.

8.18. Proposed Mitigation

Section 5.1 of the submitted NIS describes protective measures to be implemented during the construction of the proposed development to avoid adverse effects on the SAC and SPA. This sets out that measures/actions have either avoided or reduced the potential for the proposed development to affect the conservation objectives of the identified European sites:

- All works to be carried out in accordance with the submitted NIS.

Concrete and Cement

- Pouring of cement-based materials for works to be only carried out in dry conditions. If any on-site mixing of concrete is required, it will be carried out at least 20m from the drainage ditch in the west of the site. If any cement-based products will be stored onsite, they will be kept in a sheltered area at least 20m from the drainage ditch to the west of the site and will be covered to prevent spread by wind.

- Any on-site cleaning of tools or concrete-batching plant will take place at least 20m from the drainage ditch in the west of the site. Washwaters will be discharged to a soakaway.

Suspended Sediments

- Excavation works will be suspended if high intensity local rainfall events are forecast.
- If any excavations need to be dewatered, the SS-contaminated water will be retained and treated within the boundary of the site. It will be collected and pumped into a settlement tank/pond, left undisturbed until sediments have settled, and then discharged via a buffered outflow to a soakaway that is at least 20m from the drainage ditch in the west of the site.
- Stockpiles of mud, sand or other fine sediments will be stored at least 20m from the drainage ditch in the west of the site. Stockpiles will be levelled and compacted and will be covered with secured plastic membranes in order to limit wind/rainwater erosion.
- Dust suppression and road cleaning measures will be implemented as outlined in Section 8 of the IFI guidelines.

Hydrocarbons and chemicals

- Any fuel, oil or chemical containers will be kept at least 20m from the drainage ditch in the west of the site. These pollutants are hazardous and must be stored in a designated bunded area that has sufficient capacity to retain any spills.
- All machinery will be protected from vandalism and unauthorised interference and will be turned off and securely locked overnight.
- Any on-site re-fuelling will take place at least 20m from the drainage ditch in the west of the site. Immobile plant will be refuelled over drip-trays.
- While in operation, diesel pumps, generators or other similar equipment will be placed on drip trays to catch any leaks.
- A spill will be kept on-site. If any spills occur, appropriate measures will be taken to intercept hydrocarbons or chemicals before they can leave the site.

The site foreman will be responsible and liable for the implementation and monitoring of the proposed mitigation measures. An appropriate condition in this regard should be attached to any grant of permission if it is forthcoming. These measures will reduce the likelihood and magnitude of pollution events to negligible levels, thus preventing a significant negative impact on the conservation status of the qualifying interests (aquatic and habitats) of the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA or any other Natura 2000 sites. It is considered that the implementation these measures ensures that any direct or indirect impacts to the conservation objectives supporting the QI/SCI species of the River Boyne and River Blackwater SPA, River Boyne and River Blackwater SAC will not arise and will ensure that adverse effects on site integrity are avoided.

Having regard to the measures outlined as well as the application of best practice construction methods and operational practices I am satisfied that direct or indirect effects on the SAC and SPA can be ruled out with confidence.

I consider that the proposed mitigation measures set out in the NIS, are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not have an adverse effect on the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 04232).

8.19. In-Combination Effects

The site is located in an urban environment on the edge of Trim town. Construction on this site will create localised light, dust and noise disturbance. The site is the remaining phase of development on lands at this location. The overall development was subject to appropriate assessment. A review of permitted and constructed development in the vicinity has been carried out and I conclude:

- The principal sources of in-combination effect arises from run off of contaminated surface water to the local drains during the construction phase. With mitigation measures to prevent and minimise this there is no potential for a significant adverse effect due to in combination effects with other phases of development.

- The surface water drainage has been designed to cater for the entire development and there is no potential for a significant adverse effect due to in combination effects with other phases of development.

8.20. 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.

8.21. Appropriate Assessment Conclusion

The proposed residential, crèche and medical centre development at lands at Maudlin, Friarspark 2nd Division and Effernock, Trim, Co. Meath. 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 a Stage 1 Appropriate Assessment Screening of the project, it was concluded that it may have a significant effect on River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation (which is known to be effective) the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) 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 River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232).

- 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 River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232).

9.0 Recommendation

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:

10.0 Reasons and Considerations

Having regard to the following:

- (a) The policies and objectives set out in the National Planning Framework,
- (b) The policies and objectives set out in the Meath County Development Plan 2021-2027,
- (c) The designation of Trim town as a self-sustaining growth town in the settlement hierarchy established in the Meath County Development Plan 2021-2027,
- (d) The zoning of the site for residential development in the Trim Town Development Plan,
- (e) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (f) The Design Manual for Urban Roads and Streets (DMURS) 2023 as amended,
- (g) The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.,
- (h) The nature, scale and design of the proposed development,

(i) The availability in the area of a range of social, community and transport infrastructure,

(j) The pattern of existing and permitted development in the area,

(k) The planning history in the area,

(l) The submissions and observations received,

it is considered, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this urban location close to the town centre, would be acceptable in terms of pedestrian and traffic safety, and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report in respect of the identification of European sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives.

The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to a significant effect on any European sites, in view of the site's conservation objectives, other than the following, for which Appropriate Assessment is required:

- River Boyne and River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232).

Appropriate Assessment

The Board considered the Natura Impact Statement submitted with the planning application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on European Sites:

River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232).

The Board considered the information before it was adequate to carry out the Appropriate Assessment. In completing the Appropriate Assessment, the Board considered in particular, the following:

- (a) The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) The mitigation measures which were included as part of the current proposal and
- (c) The conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the inspector's report in respect of the potential effects of the proposed development River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) having regard to the sites conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development subject to identifiable mitigation measures, by itself or in combination with other plans or projects, would not adversely affect the integrity of the sites listed above, or any other European Site, in view of the sites conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below including those permitting a total of 77 residential units, the proposed development would constitute an acceptable quantum and density of development in this outer-urban greenfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants, would not be at risk of flooding, or increase the risk of flooding to other lands and would be capable of being adequately served by wastewater and water supply networks. The Board considered that the proposed development would be compliant with the provisions of the County Development Plan and Trim

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

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 12th May 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(i) Planning permission is granted for 77 number dwellings units only.</p> <p>(ii) The 8 no. maisonettes and associated back gardens shall be omitted. Within three months of this decision, the applicant shall submit to and agree with the planning authority in writing a revised site layout plan indicating the omission of these units.</p> <p>(iii) A separate planning application shall be lodged on that part of the site thereby released in order to complete this section of the development</p> <p>Reason: In the interests of clarity.</p>
3.	<p>The number of children to be accommodated within the creche shall not exceed 69 no. at any time on any day.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>The proposed childcare facility shall not operate outside the period 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate Saturday, Sunday or public holidays.</p> <p>Reason: In the interest of residential amenity.</p>

5.	<p>The proposed medical centre facility shall not operate outside the period 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate Saturday, Sunday or public holidays.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of any development. The creche and medical centre building shall be constructed and completed prior to the commencement of any dwelling on the application site.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
7.	<p>The mitigation measures detailed in Section 5 of the Natural Impact Statement shall be implemented in full.</p> <p>Reason: In the interest of clarity and to ensure the protection of the European sites.</p>
8.	<p>The areas of public open space shown on the lodged plans (12th May 2022) shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals received by the planning authority and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
9.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p>

	<p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
10.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and the public park, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interest of amenity and public safety.</p>

12.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
14.	<p>Revised plans indicating proposals for the provision of 28 no. car parking spaces, cycle racks and details of shower and changing facilities for employees, to serve the creche and medical centre shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
15.	<p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>(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.</p> <p>(c) The materials used, including tactile paving, in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety.</p>
16.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning</p>

	<p>authority for such works and design standards outlined in Design Manual for Urban Areas.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
17.	<p>A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
18.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
19.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>

20.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, submitted with the planning application.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
21.	<p>Prior to the commencement of development, the developer or nay agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measures and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
22.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 ours o Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
23.	<p>Proposals for an estate/street name, house numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage</p>

	<p>relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
24.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 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.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
25.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), 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.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>

26.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
27.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions*** of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan McHugh
Senior Planning Inspector

16th October 2023

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	314242-22		
Proposed Development Summary	Alterations to TA160093 (An Bord Pleanála Ref PL17.247489); amendments to mixed use development		
Development Address	Friarspark 2nd Division & Effernock, Maudlin, Trim, Co. Meath.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____