



An
Bord
Pleanála

S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-314550-22

Strategic Housing Development

Demolish three houses and construct 702 residential units, four retail units, two childcare facilities, a general practitioners / medical use unit and associated development

Location

Baltrasna and Milltown townlands,
Ashbourne, County Meath

Planning Authority

Meath County Council

Applicant

Arnub Ltd. & Aspect Homes (ADC)
Ltd.

Prescribed Bodies

Uisce Éireann
Transport Infrastructure Ireland
Department of Education

Observers

6th Meath Ashbourne Scouts and
Ashbourne Red Cross c/o Damian
McGrath

Aidan Cullen
Aine O'Toole
Aisling O'Neill
Alan Byrne
Alan Tobin
Alderbrook Residents' Association
Ann Marie and Stephen Raftery
Ann Marie Smith
Anne Marie Byrne
Anne Marie Dunne
Anthony Duffy
B. Finegan
Brendan and Deirdre Raftery
Brendan Lennon
Brian Gunning
Brian Jones
Brian Orrock
Catherine Ennis
Chris and Michelle Logan
Colum and Emma Gallagher
Concerned Residents of Cherry Court,
c/o John Moore
Conor and Fionnuala O'Dwyer
Conor Tormey
Darren and Tracey Hickey
David Gallagher
David Muldoon
Declan Brennan
Deirdre McEvoy

Eamonn and Carmel Hogan
Edel and Ken Gill
Edward Vance
Fiona Carragher
Francis McNeary and Catriona
McCormac
Freddie Deignan
Gary and Karen White
Geoff Geoghegan
Gill Howard
Ingrid Muldoon
Jack Holmes
Jennifer Duggan
Joanne Murray
Joe and Patricia Kirwan
Joe and Suzanne Carey
Joe Bonner
John Docherty
John Russell
John Smith
Jon and Edele Lambert
Karen and Martin McCaul
Karen Foley
Karen McLoughlin
Kate Niland
Kay Moore
Keith and Gillian Monaghan
Kieran Ennis
Lillian and Colin Murtagh

Marcella Hand Arrigan
Marguerita Doherty
Maria Bale
Maria Price
Michael and Alison Breslin
Michael and Yvette Molloy
Michael Moloney
Michael Mountaine
Michael O'Grady
Padraic Doherty and Lisa O'Brien
Padraig Hurley
Paul and Jane Raftery
Paul and Tara Munroe
Paul Wilde
Paula Watters
Peter Hendrick
Residents of Hickey's Lane c/o Sharon
Faulkner
Ronan Keegan
Shay Hogan
Simon Jeacle
Sinead Boylan
Therese Treanor
Tony McParland
Tony Tyrrell and others

Date of Site Inspection

11th September 2023

Inspector

Colm McLoughlin

Contents

1.0 Introduction	6
2.0 Site Location and Description	6
3.0 Proposed Strategic Housing Development	7
4.0 Planning History.....	9
5.0 Section 5 Pre-application Consultation	11
6.0 Planning Policy	13
7.0 Statement of Consistency	18
8.0 Material Contravention Statement	18
9.0 Observers' Submissions	19
10.0 Planning Authority Submission.....	30
11.0 Prescribed Bodies	36
12.0 Oral Hearing Request	37
13.0 Assessment.....	38
14.0 Environmental Impact Assessment	123
15.0 Appropriate Assessment	157
16.0 Conclusion and Recommendation	168
17.0 Recommended Order.....	169

1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Measuring a stated gross area of 20 hectares, the application site is irregular in shape and is situated on the southern periphery of Ashbourne in southeast County Meath. It primarily comprises agricultural fields lined by mature hedgerows and is located within the townlands of Baltrasna and Milltown, approximately 800m to the south of Ashbourne town centre. Alderbrook residential estate and Cherry Lane are situated along the northern boundaries to the site. Cherry Court, a residential cul de sac, The Briars residential estate, the Dublin Road (R135 regional road) and a residence on extensive grounds known as Clovelly are situated along the eastern boundaries of the site. Along the western boundary of the site there are open agricultural fields, as well as Tara Court and Tara Close in Killelland residential estate. The southern boundary is formed by open agricultural lands and detached housing generally on half acre sites situated along Hickey’s Lane (L-50193 local road). This lane connects with the Ratoath Road (R125 regional road) approximately 350m to the south of the application site. Ratoath Road connects Ashbourne with the town of Ratoath, which is approximately 3.5km to the west of the application site. The closest junction to the M2 motorway (Ashbourne south) is located approximately 1.1km to the south of the application site.
- 2.2. Overhead electrical powerlines traverse the northwest and southeast corners of the site. Based on the applicant’s survey details, there is a gradual rise of approximately between 3m to 7m in ground levels towards the centre of the site. The 50km/hr urban speed limit signs are situated along Dublin Road close to the junction with Hickey’s Lane.
- 2.3. The immediate area to the south and west of the site is generally characterised by agricultural fields, equine paddocks and detached housing on large plots, whereas the immediate area to the north and east is generally characterised by residential

estates, schools and recreational grounds. The application site includes a 300m stretch of Hickey's Lane and it excludes a residential property measuring approximately 0.2ha located off Cherry Lane.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- the demolition of all existing structures on site, comprising three single-storey houses and their associated outbuildings with a total demolition floor area of c.659sq.m;
- the construction of 702 residential units comprising 420 two to three-storey detached, semi-detached and terraced houses, 38 duplex units in three-storey buildings and 244 apartments in 20 blocks ranging from three to six storeys;
- the construction of two childcare facilities located in blocks A and A1 (c. 289sq.m and c.384sq.m respectively), two retail units in block A (c.106sq.m and c.174sq.m), a retail unit in block A1 (c.191sq.m), a retail unit in block B1 (c.469sq.m), and a general practitioners / medical use unit located in block A1 (c.186sq.m);
- provision of a basement-level car park to block A1 (c.4,095sq.m) and two undercroft car parks to block A (c.466sq.m) and Block B1 (c.1,466sq.m);
- provision of vehicular accesses and road upgrade / improvements to the development from Cherry Lane and Hickey's Lane, both connecting with the Dublin Road (R135), future road connections to adjoining lands and pedestrian connections to the north into The Rise off Alderbrook Road and to the west into Tara Close / Tara Court, all ancillary / associated site development works, public open spaces (2.9ha), landscaping, play equipment and boundary treatments, communal open spaces (0.32ha), car and cycle parking, bin storage, lighting, signage, plant and utility services, including six standalone electricity substations, photovoltaic panels and green roofs to apartment buildings;
- reserving of a one hectare site for a future school with playing pitch area.

3.2. The following tables set out the key features for the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area (gross / net)	20ha / 17.7ha
No. of units	702
Part V units (%)	70 (10%)
Residential GFA	78,022sq.m
Non-residential GFA (% total GFA)	1,799sq.m (2.3%)
Total GFA	79,821sq.m
Residential Density (net)	40 units per ha
Public Open Space (% of net site area)	2.9ha (16.3%)
Communal Open Space (% of net site area)	0.3ha (1.7%)
Plot Ratio (gross site area)	0.40:1
Site Coverage (gross site area)	41%

Table 2. Unit Mix

	1-bed	2-bed	3-bed	4-bed	5-bed	Total
Apartments (%)	47 (7%)	170 (24%)	27 (4%)	-	-	244 (35%)
Duplexes	-	19 (3%)	19 (3%)	-	-	38 (5%)
Houses	-	48 (7%)	241 (34%)	119 (17%)	12 (2%)	420 (60%)
Total (%)	47 (7%)	237 (34%)	287 (41%)	119 (17%)	12 (2%)	702 (100%)

Table 3. Parking Spaces

Car parking – cars	1,262
Car parking – bicycles	869

3.3. In addition to the standard contents, the application was accompanied by various technical reports with schedules, appendices and drawings, including the following:

- Planning Statement;
- Statement of Consistency;
- Statement of Response to An Bord Pleanála's Notice;
- Social Infrastructure Assessment;
- Material Contravention Statement;
- Environmental Impact Assessment Report (EIAR) (Volumes I, II and III);
- Architectural Design Statement;

- Master Plan;
- Part V Proposals;
- Infrastructure Design Report;
- Appropriate Assessment Screening Report;
- Verified Views and Computer-generated Images (CGIs);
- Housing Quality Assessment;
- Daylight and Sunlight Assessment Report;
- Landscape Design Report Planning Stage;
- Site Specific Flood Risk Assessment;
- Traffic and Transport Assessment;
- Mobility Management Plan;
- Design Manual for Urban Roads and Streets (DMURS) Design Statement;
- Quality Audit Report;
- Arboricultural Assessment;
- Building Life Cycle Report;
- Universal Design Statement;
- Hydrological & Hydrogeological Qualitative Risk Assessment;
- Construction and Environmental Management Plan (CEMP);
- Energy and Sustainability Report;
- Outdoor Lighting Report.

4.0 Planning History

4.1. Application Site

4.1.1. The following planning application directly relates to the application site;

- An Bord Pleanála (ABP) reference (ref.) PL17.243223 / Meath County Council (MCC) ref. DA/140010 - in October 2014 the Board refused to grant planning permission to construct 188 houses and a childcare facility over a ten-year period on the southern half of the application site due to the 'residential phase II' statutory zoning objectives relating to the lands, as well as concerns regarding the low density of the development, the unit mix and issues relating to the proposed parking and road layout. The Board also refused permission as they were not satisfied that the application had been made by a person who had sufficient legal estate or interest in the land the subject of the

application to provide an adequate roads access along Hickey's Lane to serve the proposed development.

4.2. Surrounding Area

4.2.1. The following applications relate to sites on Hickey's Lane to the southeast of the subject site:

- MCC ref. 22/23 – in October 2022 permission was granted by the Planning Authority for seven houses on individual wastewater treatment systems approximately 200m to the southeast of the subject site along Hickey's Lane;
- MCC ref. AA191184 – in January 2020 permission was granted by the Planning Authority for the demolition of a domestic shed and the construction of a bungalow-type house with rooms in the room space. An amendment to this permission comprising omission of the wastewater connection to the public mains and replacement with an individual wastewater treatment plant was granted in September 2021 by the Planning Authority under MCC ref. AA211437.

4.2.2. The following Part 8 planning application relates to the Dublin Road (R135) running along the eastern boundary of the application site:

- MCC ref. P8/13010 – permission was granted by the Planning Authority for Phase II of the Ashbourne Main Street Refurbishment Scheme, including cycle track/lanes on both sides of the R135 and a reduction in width of the existing road carriageway in order to facilitate new cycle tracks, provision of improved signage, road markings, surfacing and public lighting.

4.2.3. The closest application sites for strategic or large-scale residential developments comprise the following located approximately 4km to 5km to the west of the site on the southern side of Ratoath;

- ABP ref. 313658-22 – in September 2023 the Board refused permission for a strategic housing development comprising the construction of 150 houses and 302 apartments, a childcare facility, four local retail/commercial units and a 1km stretch of the Ratoath outer relief-road extension. Permission was refused due to the poor design and layout of the development, and as the

applicant had not demonstrated that all of the proposed housing would be located on lands zoned for such purposes;

- ABP ref. 305196-19 – in December 2019 planning permission was granted by the Board for a strategic housing development comprising the construction of 114 houses and 114 apartments in a mix of two to five-storey buildings and the provision of a temporary shared-pedestrian/cycle path.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 10th day of May, 2022, in respect of a development comprising 694 residential units, a childcare facility and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- masterplan and overall phasing strategy relative to lands in control, Department of Education requirements, density allocation and services;
- design and layout, including pedestrian permeability, low density, visual dominance of car parking along link road, open space layout and visual impacts along Dublin Road;
- impacts on residential amenities, including hedgerow maintenance and boundary treatment;
- traffic and transport, including the capacity of the link road to cater for a childcare facility drop-off, the signalised junction arrangements along Dublin Road, the roads hierarchy, omission of turning circles, traffic volumes along Hickey's Lane and cycle infrastructure proposals;
- upgrade works to Uisce Éireann infrastructure and the provision of overland flood routes;
- Part V proposals.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 312246-21) dated the 19th day of May, 2022, An Bord Pleanála stated that it was of the opinion that the documents submitted constitute a reasonable basis for an application for a strategic housing development under section 4 of the Act of 2016 and that the following specific information should be submitted with any application for permission arising:

- a detailed phasing and delivery plan, including further consideration / justification regarding the density proposed and the public open space provision and layout;
- road upgrade details;
- travel plan / mobility management plan;
- report addressing DMURS and National Cycle Manual standards;
- a Quality Audit;
- a report addressing matters raised by the Transportation Planning Section of the Planning Authority;
- a visual impact assessment;
- Part V proposals;
- boundary treatment details;
- cross-section details;
- a Sunlight/Daylight/Overshadowing analysis report;
- a planning consistency statement;
- information referred to in articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations 2001, as revised (hereinafter 'the Planning Regulations'), unless it is proposed to submit an EIAR at application stage.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Uisce Éireann;

- Transport Infrastructure Ireland;
- the National Transport Authority;
- the Department of Education;
- Meath County Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a 'Statement of Response to An Bord Pleanála's Notice', with section 2 of this report setting out the specific information that has been submitted with the application to address the Board's opinion. The applicant considers all matters raised in the Board's opinion to be fully and satisfactorily addressed in the planning application and they state that all requested bodies were notified of the application.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan to shape the future growth and development of Ireland up to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.
- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location. NPO 35 provides for increased residential densities in settlements through a range of measures, including increased building heights. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (hereinafter ‘the New Apartment Guidelines’);
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- DMURS (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter ‘the Building Heights Guidelines’);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (hereinafter ‘the Sustainable Residential Development Guidelines’);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);
- Climate Action Plan (2023);
- Transport Strategy for the Greater Dublin Area 2022-2042;
- Places for People – National Policy on Architecture (2022);
- Housing for All – A New Housing Plan for Ireland (2021);
- Circular Letter – NRUP 02/2021 Residential Densities in Towns and Villages;

- Water Services – Guidelines for Planning Authorities - Draft 2018;
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (Transport Infrastructure Ireland, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Retail Planning Guidelines for Planning Authorities (2012)
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007);
- Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume Two New Development (2005);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. Regional Planning Policy

- 6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 6.2.2. Ashbourne is identified in the RSES as a 'self-sustaining town' situated in the 'core region' for the eastern and midland regional authority (EMRA) area. Within the RSES-EMRA the core region is described as being home to over 550,000 people and includes the peri-urban hinterlands within the commuter catchment of the Dublin metropolitan area. Ashbourne is noted as one of the towns in the region to have recorded the highest population growth rates in the country in the previous decade (2009-2019), with scope to potentially strengthen as an employment centre, particularly given its strategic location, connectivity with surrounding settlements and the availability of a skilled workforce. The RSES proposes the provision of Local Transport Plans for Ashbourne and 13 other settlements in the region.
- 6.2.3. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;
 - RPO 3.3 – regeneration areas and increasing of densities in line with the Sustainable Residential Development Guidelines, the New Apartment Guidelines and the Building Heights Guidelines.

6.3. Local Planning Policy

Meath County Development Plan 2021-2027

- 6.3.1. Based on its high levels of population growth with capacity for continued commensurate growth, as well as its important, moderate service and employment base and good transport links, Ashbourne is identified as a self-sustaining growth town within the third tier of the County Development Plan settlement strategy, with

potential additional capacity for 1,349 residential units on 31.5 hectares of zoned land, inclusive of 209 permitted units.

- 6.3.2. Based on land-use zoning objective map sheet no.1(a) accompanying the Development Plan, the application lands primarily feature an 'A2 New Residential' land-use zoning with an objective 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate'. The site also features an 'A1 – Existing Residential' zoning with an objective 'to protect and enhance the amenity and character of existing residential communities' and a 'G1 – Community Infrastructure' zoning with an objective 'to provide for necessary community, social, and educational facilities'.
- 6.3.3. Objective SH OBJ 11 of the Development Plan aims to support the development of Ashbourne as an enterprise and employment hub with strengthened links and connectivity with Dublin Airport, Dublin city centre and the wider metropolitan area. Objective SH OBJ 16 of the Development Plan aims to support an increased supply of social housing in Ashbourne and other settlements. The Development Plan also includes objectives SH OBJ 5 and CS OBJ 9 aiming to prepare local area plans for several larger settlements within the lifetime of the Development Plan, including Ashbourne. In conjunction with the National Transport Authority (NTA) and others, following on from objectives of the RSES, objectives ASH OBJ 17 and MOV OBJ 1 of the Development Plan aim to prepare and implement local transport plans for several towns, including Ashbourne.
- 6.3.4. Policy ASH POL 1 and objective ASH OBJ 1 support consolidated development of Ashbourne in line with the core strategy to create a more compact and self-sufficient settlement. ASH OBJ 2 of the Development Plan aims to facilitate the development of the subject application lands identified as 'MP18' on the Development Plan zoning maps, subject to the preparation of a Master Plan. Other relevant objectives include ASH OBJ 11 (cycling and walking upgrades to Baltrasna Road), ASH OBJ 13 (new junction on R135 to serve lands on Hickey's Lane), ASH OBJ 19 (zoned land not to be landlocked) and ASH OBJ 24 (sustainable design of residential schemes). Section 7.7.3.1 of the Development Plan identifies the need for new primary and post-primate schools in Ashbourne based on Department of Education requirements with objective ASH OBJ 21 aims to facilitate the development of a primary school in Ashbourne.

- 6.3.5. Chapter 3 of the Development Plan outlines the Council's approach to housing and settlement, including design criteria, densities and categories of lands applicable for housing. Chapter 11 of the Development Plan comprises development management standards for various forms of development.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency with planning policy, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 4.2 of the Statement refers to the provisions of 'Project Ireland 2040', 'Rebuilding Ireland – Action Plan for Housing and Homelessness', 'Housing for All, A New Housing Plan for Ireland' and Ministerial Guidelines, including those referenced in section 6.1 above. Section 4.3 of this Statement refers to the RSES for the EMRA, while section 4.4 of the Statement addresses local planning policy comprising the Meath County Development Plan 2021-2027. The statement asserts that the proposed development would be consistent with national and regional planning policy, as well as the policies and provisions of the Development Plan.

8.0 Material Contravention Statement

- 8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála potentially consider the proposed development to materially contravene the provisions of Meath County Development Plan 2021-2027 with respect to the proposed general practitioners / medical use unit on lands with an 'A2' land-use zoning objective and the proposed car parking provision relative to the provisions of objectives DM OBJ 89 (car parking standards) and DM OBJ 93 (new residential development car parking criteria) of the Development Plan.
- 8.2. Within this statement the applicant sets out their rationale to justify granting permission, including:
- a 'healthcare practitioner' use being listed as an 'open for consideration' use in the Development Plan on lands with an 'A2' land-use zoning objective;

- the quantum of non-residential car parking spaces can be below the maximum Development Plan standards;
- the quantum of car parking spaces would be appropriate given the potential for dual use of spaces, the findings of the Traffic and Transport Assessment report submitted and the provisions of the New Apartment Guidelines supporting reduced car parking in locations such as the application site.

8.3. In conclusion, the applicant asserts that the Board may grant permission for this strategic housing development having regard to the provisions under subsection 37(2)(b) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

9.1. Submissions were received within the statutory period from local elected representatives, neighbouring residents and property owners of the area immediate to the application site. The submissions included extracts of the application documentation and planning documents, images of the area, land registry details, and a copy of correspondence from the Planning Authority addressing local services and roads matters. The issues raised in these submissions can be collectively summarised as follows:

Development Principles and Tenure

- there is substantive demand and need for housing in Ashbourne;
- the site has been zoned residential since 2013 and it is within walking distance of a proposed 33ha park and 50ha strategic enterprise lands;
- the application is absent of a retail impact assessment with scope for the proposals to impact on the vitality and viability of Ashbourne town centre;
- the scale of the retail units would be incapable of dealing with the demand arising;
- there would be potential for the retail units not to be occupied;

- an overall masterplan for masterplan areas 18, 20 and 21 along the south of Ashbourne should be prepared, particularly with respect to wider access arrangements;
- the Board does not have to have regard to the Masterplan as it is non-statutory;
- proposals feature an excessive development density based on Development Plan provisions and neighbouring densities;
- residential unit occupancy rates have been underestimated in the proposals;
- removing blocks A and B would allow the net density to reduce to a more appropriate density of 35 units per hectare;
- the application is absent of phasing details;
- only private housing should be provided on the site;

Designs

- the housing density on the northern side would be excessive;
- the very limited palette of materials proposed would impact on placemaking;
- there would be a lack of green space proposed to serve the development and the expanding town, and the school site playing pitch and green roofs should not be included in the open space calculations;
- much of the public open space would not be useable;
- the proposed layout is dominated by roads and on-street car parking contrary to DMURS, with the phase 1 green area surrounded on three sides by roads;
- the absence of vertical and horizontal deflections in the proposals would not encourage cycling and walking throughout the development;
- poor quality boundary treatments are proposed;
- revisions to the layout, setback distances and building types, as well as increased maintenance of trees would be necessary;

Building Heights and Scale

- building heights would be excessive and out of character and scale for the area, with significant adverse visual impacts, particularly the six-storey building onto Dublin Road, setting a poor precedent;
- the proposed apartment blocks comprise an inappropriate and incongruous scale of development for this edge of town centre location, as well as breaking the established building line along the Dublin Road;
- the proposed apartment blocks would not be adequately screened by existing buildings or the proposed landscaping, resulting in a physically discordant and visually-intrusive development protruding well above the established building heights;
- various proposed building heights should be reduced;
- proposals feature an excessively, bulky scale for the apartment blocks and houses relative to neighbouring buildings;

Visual Impact

- the proposals fail to preserve the visual amenities of the area;
- the visual impacts of the development during winter months are not accurately portrayed in the CGIs submitted due to the seasonality of planting;
- the application features a lack of CGIs and visual assessment from neighbouring residential areas, including Alderbrook Rise, Cherry Court, Tara Court, Tara Close and neighbouring gardens;
- photomontage viewpoint 4 is inaccurate and the likely impact would be worse than that suggested;
- screening by tree planting would not sufficiently address the visual impacts and local residents would have to undertake their own additional screening;
- the cumulative impact of the proposed buildings would be excessive;

Impacts on Neighbouring Amenities

- the amenities of residents of this area should not be compromised by the proposed development and additional measures should be undertaken to address the impacts on residential amenities likely to arise;
- proposals would be contrary to the provisions of the Development Plan with respect to safeguarding residential amenities;
- an alternative site should be sought away from existing residents;
- differences in ground levels between the existing and proposed residences need to be considered;
- overshadowing and loss of sunlight to properties, including gardens;
- proposed houses and apartment blocks A and B would overlook existing residences and would have overbearing impacts where visible;
- overshadowing of neighbouring properties would be substantive and would require increased building setbacks;
- increased disturbance, loss of privacy, well-being and ambient daylight, reduced property security and personal safety would arise;
- positioning of surface car parks, bicycle stores and water tanks would impact on neighbouring residences and should be revised;
- more comprehensive sunlight and daylight assessment should have been undertaken, including Autumn equinox shadow images and lighting studies for Alderbrook Rise and Cherry Lane Mews;
- tree planting would impact on lighting to neighbouring gardens;
- the development scale would impact on lighting to neighbouring properties, thus necessitating neighbours to be more reliant on their heating systems;
- residents would no longer be able to enjoy views of the countryside;
- a 2m-high boundary wall safeguarding existing hedgerows is required with the adjoining residential properties and along the southern boundary of the development to protect residential amenities and livestock on adjoining lands;

- a 2m-high boundary wall in the northeast corner would be unnecessary given the present boundary treatment and it would not address privacy or security concerns;

Construction Impacts

- construction hours should be limited to 0800 to 1700 hours Monday to Friday and 0900 to 1300 hours on Saturdays;
- a community liaison contact should be appointed for the entire construction period;
- the construction works would be likely to require a five to ten-year period;
- conditions to address construction impacts would be unlikely to be complied with by the developer;
- works should be limited to at least 80m from neighbouring residential houses to address the construction impacts and more details of the construction hoarding should be provided;
- the 2.4m-high construction site hoarding is not permitted and the development could lead to overlooking during the construction phase;
- Hickey's Lane should not be used as a construction access, which would appear necessary given the phasing strategy;

Noise, Air and Light Pollution

- noise and air pollution would arise for local residents and the mitigation measures, such as construction site hoarding, would not decrease the noise levels below the recommended minimum levels;
- proposals feature a lack of noise attenuation along the road access and car parks adjoining residences;
- the air and noise studies contain no baseline information from actual monitoring;
- the noise arising from children using recreational space would be problematic for neighbouring residents;

- dust mitigation measures would not address concerns regarding the use of outdoor areas during the construction period;
- the fuel fumes from car parks and increased traffic would impact on local residents;
- the public lighting and car park lighting proposed would lead to light pollution and it is unclear if the lighting would extend along Hickey's Lane;
- structural concerns for neighbouring houses and boundary walls would arise during the construction phase with no ground investigations submitted;

Residents' Amenities

- several of the proposed apartments would fall short of the appropriate standard levels for sunlight;
- proposals feature a poor mix of units with an excessive proportion of one and two-bedroom units for a rural settlement;
- there would be poor privacy for future ground-floor residents of proposed block B;
- the poor configuration of gardens would limit the private amenity space for houses E-0 AS160, B AS154, E AS104 and E AS121;
- the proposals feature limited garden depths for houses relative to standards;

Supporting Infrastructure

- a social infrastructure audit should be provided;
- it is unrealistic to refer to services in the neighbouring town of Ratoath as infrastructures that would potentially serve the proposed development;
- currently there is poor provision of recreation and green space in Ashbourne with substantive additional space is required, including recreational playing fields;
- childcare facilities in Ashbourne are at capacity and the proposed childcare facility should be provided in stage 1 of the development;
- existing schools, with the exception of the Gaelscoil, are at capacity;

- the developer should be required to engage with the Department of Education to identify if there is a need for a school site to be reserved;
- the development is supported by some parties and green space could be reserved to serve a local scout and red cross group, as well as other youth-orientated groups;
- a site could be provided for a local football club, as these facilities are needed at present to serve the expanding town;
- existing medical practices are limited and at capacity, and the proposed medical unit would not be available immediately for residents;
- the nearest recycling facility is in Dunboyne;
- proposals would place additional pressure on local policing resources;

Traffic and Access

- increased traffic congestion in the area along Dublin Road would arise, particularly via the new junction close to existing schools to facilitate the access to Cherry Lane;
- the link road running through the development should be realigned to address the context relative to the regional roads and to cater for public transport;
- the link road element north of the school site would not be necessary as it would only serve a future public park;
- an alternative access should be provided possibly from the west and a revised junction arrangement comprising a roundabout on Dublin Road should be undertaken given the proximity to another road junction;
- more pedestrian crossings and safer pedestrian routes are needed in the area, including along the Dublin Road;
- shared road surfaces should be provided along the R125 and R135 regional roads;
- limited details are provided for the Hickey's Lane and Cherry Lane accesses, which are of limited capacity, including narrow width and an absence of paths, poor visibility, extensive access points, limited stacking space and poor

junctions, with these lanes extensively used and not suitable to serve the development;

- the application is lacking in cumulative assessment having regard to the traffic likely to arise from other neighbouring zoned lands and permitted or constructed residential developments;
- a future school development would also add to traffic safety and congestion concerns for the immediate areas;
- there is a lack of clarity regarding the expected traffic distribution in the applicant's modelling and overall traffic studies, with an underestimation of the traffic likely to arise;
- the rationale for the 80%:20% traffic split between the Cherry Lane and Hickey's Lane accesses is not based on material evidence and the applicant has underplayed the likely traffic volumes on Hickey's Lane due to the likely high volume of commuter traffic that use this route;
- the traffic surveys cannot be relied on as they were undertaken during Covid-19 restrictions when limited traffic was on the roads;
- other parties would be likely to use the non-residential units in the development, thus increasing traffic further;

Hickey's Lane

- access to Hickey's Lane should be omitted in full for numerous reasons including the impact on existing residences along the lane;
- following initial consideration of the junction at Hickey's Lane / Ratoath Road (R125 regional road) there was no additional consideration despite the likelihood of a rat run being created along Hickey's Lane and safety concerns for other road users, including cyclists;
- Hickey's Lane only accommodates limited through traffic at present due to the nature of the road,
- the traffic-calming measures along Hickey's Lane, including narrow carriageway, would be inappropriate with the funnelling of traffic from wider streets likely to prove unsustainable;

- safety issues and a rat run may arise if Hickey's Lane is to serve two-way traffic;
- the access to the house permitted under MCC ref. AA191184 and other accesses off Hickey's Lane have not been detailed in the plans submitted;
- details of the Hickey's Lane / Ratoath Road (R125 regional road) are needed;
- previous ownership issues regarding lands along Hickey's Lane, as raised in the decision to refuse planning permission under ABP ref. PL17.243223, have not been resolved;
- consent from Meath County Council would not be sufficient to extend to the potential of compulsory purchase of the private lands needed to facilitate the provision of a road-widening programme to facilitate access to the development along Hickey's Lane;
- the works required along Hickey's Lane would require a Part 8 application and compulsory purchase of the lands;
- grass verges and planting along Hickey's Lane is in ownership of others;

Parking

- shortfall in car parking to serve the development, including the general practitioner's / medical use unit, with potential to lead to overspill parking in neighbouring areas and during the construction period;
- the proposed perpendicular parking spaces in bays of more than six would be contrary to DMURS;
- measures would be necessary to address car parking management, as the shortfall of parking could lead to restricted access for emergency vehicles;
- poor provision of parking and setdown areas would lead to safety concerns;

Pedestrian and Cyclist Access

- proposals lack specific information regarding the potential pedestrian connections;

- the provision of a link into Alderbrook Rise would be contrary to the zoning objective to protect and enhance the adjoining lands for 'A1' existing residential purposes;
- pedestrian and cyclist access to Alderbrook Rise and Tara Close / Tara Court should be omitted, as these accesses would be unnecessary, they would present concerns in relation to anti-social behaviour, noise, litter, disturbance disruption, crime, security for the vulnerable and safety, and as they would result in excessive funnelling of cycle and pedestrian traffic through neighbouring areas, particularly when the future school and proposed non-residential uses are in operation;
- the pedestrian and cyclist accesses would require lighting and greater consideration with regards to the likely impacts, including road safety and impacts on existing car parking;
- pedestrian and cycle access into Alderbrook Rise and Tara Close / Tara Court may require works and access through third-party lands;
- a necessary section of footpath is omitted from the neighbouring Part 8 proposals and the subject proposals on the R125, as well as on Hickey's Lane;

Public Transport

- the development would require DART or Luas services and it would be reliant on private motor vehicles for commutes to the city;
- the proposals fail to demonstrate sufficient public transport capacity to cater for the proposed development, therefore, it would like to be overly reliant on cars;
- Ashbourne features limited and unreliable private bus services and public bus services from Ashbourne are often oversubscribed;
- cycling to Dublin city centre is not an option;

Services

- there would be a lack of capacity to treat wastewater from the proposed development, including in Kilbride sewerage plant, as Uisce Éireann has no plans to upgrade the infrastructure;
- water supply issues exist in the town, as evidenced by the lack of pressure in the supply, the poor water quality and regular water outages;
- regular power outages occur in this area, which would be further compounded by the proposed development;
- attenuation measures to semi-permanent parking areas would reduce runoff rates;

Natural Heritage

- the proposals would result in the loss of hedgerows and trees that provide habitat for birds and wildlife;
- where possible the loss of hedgerows should be resisted;
- streams should not be culverted;
- wetland areas could be provided to improve biodiversity;
- various birds use this area, including Buzzards, Red Kite, Goldfinch, Long-tailed tits, Greenfinches, Yellowhammer, Starlings and Swallows;
- bats, red squirrel, foxes, grey squirrels, badgers, hedgehogs and other mammals that have been sighted in the area should be protected;
- potential for vermin to spread;

Other Matters

- five to six storey building heights would not be capable of being served by the local fire station and the developer should be required to pay a contribution to upgrade local fire emergency services;
- there is a discrepancy in the layout plans relative to the property boundaries for nos.61 and 62 Alderbrook Rise and consent should have been sought from these property owners, as well as the owners of incidental green areas;

- proposals would lead to a reduction in neighbouring property values;
- pre-consultation took place with some residents, but not with others;
- limited scope and time to access the application documentation with a bias towards the developer in this process;
- inaccurate information, aerial photography, drawings and maps have been submitted with the application.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. As appendices to their submission, the Planning Authority included details of meetings held regarding the proposed development, a copy of correspondence from the Housing Department of the Planning Authority regarding the Part V proposals and calculations for the associated development contributions. The views of the Chief Executive of the Planning Authority can be summarised as follows:

Zoning Objectives, Density and Phasing

- the proposed uses are compatible with the zoning objectives;
- the site forms a masterplan area (MP 18) under the Development Plan zoning objectives, and a masterplan concept for this area was agreed with the Planning Authority in August 2022;
- based on the core strategy there is capacity for 931 additional housing units in Ashbourne up to 2027, and the development can provide for same in principle and in line with the Development Plan provisions;
- for self-sustaining growth towns, such as Ashbourne, the Development Plan (objective DM OBJ 14) encourages densities greater than 35 units per hectare, while the Sustainable Residential Development Guidelines require a net density of 35 to 50 units per hectare on outer suburban / greenfield sites in larger towns;

- the proposed density is compliant with the Development Plan and the Sustainable Residential Development Guidelines;
- the proposed development should be undertaken in accordance with the Phasing Strategy submitted, additional phases should be incorporated into this, the main link road and Dublin Road signalised access junction should be completed prior to commencing phase 2 and the upgrade works to Hickey's Lane should be completed prior to the occupation of any residential unit in phase 3;
- open space, including play equipment, roads infrastructure, childcare facilities and social housing should be provided as part of the early delivery phase of the development and prior to occupation of certain phases;
- planning conditions should be attached with respect to Part V housing requirements and development contributions;

Design and Layout

- the development demonstrates compliance with the 12 urban design criteria of the Urban Design Manual;
- the proposed housing typologies would be likely to contribute to a greater housing mix in Ashbourne;
- the Board should consider the proposed access arrangements off Hickey's Lane and Cherry Lane cognisant of concerns of the Elected Members of the Planning Authority regarding the lack of details for same, and the comments from the Transportation section of the Planning Authority;
- establishing new pedestrian and cycle links would forge and improve permeability and integration with adjacent residential lands and local bus stops;
- the overall roads layout would not encourage vehicles to travel at high speeds and is provided with good permeability for cyclists and pedestrians along the greenway and with turning heads where appropriate;
- the Board should consider the concerns raised by third parties with respect to the proposed pedestrian links and the need for compliance with DMURS;

- the proposed quantum of public and communal open space complies with Development Plan requirements;
- conditions should be attached to ensure the implementation of all measures for tree and hedgerow protection during construction;
- all existing vegetation and natural screenings should be retained where illustrated and all new boundary treatments shall be agreed with the Planning Authority;
- public lighting shall comply with the technical specifications and requirements of the Planning Authority;

Residential Development Standards

- reference to school places in neighbouring Ratoath as potentially serving residents of the proposed development are noted, notwithstanding that the Development Plan encourages a sustainable approach to school trips, including the Green school's programme;
- conditions with respect to the provision and maintenance of public open spaces, as well as maintenance and management of communal open spaces should apply;
- the communal spaces and areas outside of private ownership within the apartment blocks should be the subject of an owners' management company;

Access, Traffic and Parking

- there are multiple bus stops on the Dublin Road (R135) with good connectivity from the site by foot or cycling;
- Cherry Lane is in control of the applicant and Hickey's Lane is in charge of Meath County Council;
- the green link for pedestrians and cyclists would provide a safe segregated access to the future potential school site on the western side of the application lands;
- the main link road would accommodate access to the future open space land bank adjoining to the west of the site;

- new accesses to third-party lands to be provided off road 24, off the main link road along Cherry Lane and off Hickey's Lane to the southeast are all deemed appropriate;
- the adopted methodology for the traffic assessment is acceptable, including forecasted uplifts, test years, traffic generation, traffic distribution and assignment, and model geometry;
- there would be some impact on traffic in the surrounding network, however, the worst-case scenario has been presented and the implementation of the cycle scheme on the Dublin Road would assist in reducing overall traffic impacts on the network;
- prioritisation measures for cyclists should be provided along the main link road, in accordance with the National Cycle Manual;
- swept-path analysis drawings for refuse vehicles should be submitted;
- all matters raised in the submitted Road Safety Audit and Quality Audit should be addressed;
- cycle and car parking provision, as well as taking in charge details, would be appropriate relative to the standards and policy;
- materials for areas to be taken in charge shall be agreed with the Planning Authority;
- sightline details for the main access traffic signal junction (Cherry Lane / Dublin Road) and all internal road junctions should be provided and these should be coordinated with landscaping;
- the applicant shall submit for agreement the detailed design of the main signalised R135 access junction to the development;
- submit for agreement proposals for the control and management of traffic on the lane generated as a result of the development. Traffic should be encouraged to use the main signalised access junction to the site;
- detailed design of the upgrade works over the full extent of Hickey 's Lane are required between its junction with the R135 at the northern end and its junction with the R125 at the southern end;

Services

- conditions are recommended with respect to trial hole excavation supervision for catchment C, revised attenuation systems A and F within the green space only, attenuation systems, fuel interceptor locations, greenfield flow-control rates for catchments C, D and F, flow-control locations for catchments E and D, valves to flow-control devices and pipe protection;
- the applicant shall clearly demonstrate that the existing surface water drains intended to serve the development have adequate capacity to cater for the applicant's proposals;
- the comments of Uisce Éireann are acknowledged;
- there are no objections to the development from a flood risk perspective;

Environmental and Other Matters

- the National Parks and Wildlife Services (NPWS) section of the Department of Housing, Local Government and Heritage have not commented on the proposed development;
- in the absence of comments from the NPWS, the Board should consider planning conditions addressing biodiversity and mitigation measures listed in the submitted EIAR;
- an archaeological excavation and monitoring condition should be attached;
- impacts on architectural heritage have not been raised;
- a construction and demolition waste management plan for the project, a waste management plan and a CEMP should be provided, including careful consideration of waste material management and legislative requirements;
- the finalised CEMP addressing extreme weather scenarios should be provided and the possible impacts on receptors and mitigation of same;
- conditions recommended for the construction period addressing dust emissions, refuelling areas, buffers to watercourses, spill kits, waste management, noise levels, complaints register and low energy / emissions equipment;

- conditions are recommended regarding art work, estate naming, broadband, the restriction of equipment at roof level and the need for fire safety certificates and compliance with building technical guidance;
- an EIAR was necessary to be prepared and submitted given the exceedance of statutory development thresholds;
- the Board is the competent authority for AA and EIA.

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority conclude by requesting the Board consider the content of their submission.

10.2. **Inter-Departmental Reports**

10.2.1. The Planning Authority addresses the comments from the various inhouse departments via extracts within the Chief Executive's report, as summarised above.

10.3. **Elected Members**

10.3.1. The proposed development was presented to the Elected Members from the Local Authority. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as an appendix to the Chief Executive's report and these can be summarised as follows:

- concerns are expressed regarding the removal of boundaries and trees, the provision of pedestrian access to established adjoining residential areas, use of Hickey's Lane for vehicular traffic, traffic congestion and road capacity, open space distribution and the likely extensive construction phase;
- queries raised regarding access to the retail units from Alderbrook, scope to provide for affordable housing in addition to social housing, details of access to the road network; reference to the new pumping station in Ashbourne, land ownership, open space quantum, delivery of various element during the development phases, density and six-storey building heights and if there is a commitment from the Department of Education to the site;
- all service roads would be needed in phase 1 of the development;

- each phase of the development should be self-sufficient in terms of access and open space;
- the entry road should be minimised to address its impact on the park.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Uisce Éireann

- water supply – is feasible subject to infrastructure upgrades. A connection is to be made to the new main in the Dublin Road at the entrance to the proposed development with a minimum connection size of 180mmID and this size pipe should continue into the development to act as a spine main;
- wastewater – is feasible subject to infrastructure upgrades. The existing pump stations at Ashbourne and Kilbride require upgrade works to facilitate the proposed development. Specifically, the installation of new flow meters, storm overflow storage facilities and telemetry. Uisce Éireann do not have plans to upgrade these pump stations. In addition, a 570m wastewater network extension would be required;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices.

Transport Infrastructure Ireland

- no observations.

Department of Education

- proposals were subject of engagement with the Department;
- at this juncture the Department is not aware as to the precise content of the school site and future development would need to incorporate a tall school building and compact form to achieve the optimum level of provision;

- the Department has no objection to the development.

11.2. In addition to the above prescribed bodies, the applicant states that they notified the NTA and Meath County Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Oral Hearing Request

12.1. A submission received on behalf of a local residents' association included the prescribed fee and formally requested that an oral hearing be held in respect of this application. I note that Section 18 of the Act of 2016 provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board shall:

- (i) have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness, and;
- (ii) only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

12.2. The submission sets out that the scope and nature of impacts of the development would be substantial, as well as nuanced, and that they require a degree of careful consideration that is better served through an oral hearing. It is also asserted that an oral hearing would also provide residents with an effective platform to articulate their concerns to the Board and allow for a degree of cross examination with the applicant with respect to certain design choices and aspects of the development proposal that is not possible in written form.

12.3. Having regard to the circumstances of this case, to the issues raised in the observations and submissions received by the Board, and the assessments set out in sections 9, 10 and 11 above, I consider that there is sufficient information available on the file to reach a conclusion on all matters arising. In the documentation submitted the applicant has set out their rationale for the design of the proposals. I do not consider that there are exceptional circumstances or a compelling case for the holding of an oral hearing in this case.

13.0 Assessment

13.1. Introduction

13.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Land-Use Zoning Objectives;
- Development Principles;
- Density;
- Urban Design;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Material Contraventions.

13.2. Land-Use Zoning Objectives

13.2.1. The Meath County Development Plan 2021-2027 includes a written statement and zoning maps specifically addressing objectives and policies for the town and environs of Ashbourne, while referring to objectives SH OBJ 5 and CS OBJ 9 aiming to prepare a new local area plan for Ashbourne, with the Ashbourne Local Area Plan 2009-2015 having expired.

'A2' New Residential Zone

13.2.2. Observers to the application assert that the site has been zoned for residential development since 2013. Several observers also assert that an alternative site should be sought away from existing residents. Based on land-use zoning objective map sheet no.1(a) accompanying the Development Plan, the majority of the application lands are primarily situated within an 'A2 New Residential' zone with an objective 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate'. The applicant's EIAR highlights that this was the primary reason for choosing this location to develop the site over other lands in Ashbourne. The Development Plan offers guidance with respect to development on these lands stating that this is the primary zone for new residential development and that these lands may also include other uses that would support the establishment of residential communities, including community, recreational and local shopping facilities, albeit at an appropriate scale. According to the Development Plan, permitted uses on 'A2' lands include residential, childcare facilities and convenience outlets, whereas healthcare practitioners are listed as being 'open for consideration' on 'A2' lands. I am satisfied that the proposed 'general practitioners / medical use' would align with a healthcare practitioner use. According to the Development Plan, an open for consideration use is a use that would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area. The Planning Authority consider the various uses proposed in the development to be compatible with the zoning objectives for the site.

Residential Use

13.2.3. Observers refer to the Board's previous reasons for refusal of planning permission (ABP ref. PL17.243223) for 188 houses and a childcare facility on the southern half of the application site, as the lands featured a residential phase II statutory zoning objective in October 2014. The proposed residential element of the development is in keeping with the current permitted uses for the application lands based on the present statutory zoning objectives of the Development Plan.

'A1 – Existing Residential' Zone

13.2.4. A 0.3ha area currently occupied by a residence on the western end of Hickey's Lane, is included in the application site, and this is zoned for 'A1 – Existing Residential' purposes. The objective for 'A1' zoned lands in the Development Plan is stated as being 'to protect and enhance the amenity and character of existing residential communities'. The applicant proposes to construct a vehicular access off Hickey's Lane and houses in this 'A1' zoned portion of the site. Permitted uses on 'A1' zoned lands include residential uses and I am satisfied that this element of the proposed development complies with the land-use zoning objectives for the site, as contained in the Development Plan.

Retail

13.2.5. The applicant states that the four proposed retail units with a total floor area amounting to 940sq.m would comprise units such as shops, local / convenience type outlets, hairdressers and retail pharmacies, and that they would be of a scale that is considered appropriate and sufficient to serve the needs of future residents within the proposed development and its immediate environs without detracting from the available services and facilities in Ashbourne town centre. The applicant refers to one of these retail units in block A as a retail / café unit (see drawing no.D2101 - BL.A.01). In addition to convenience outlets being permitted in principle on 'A2' zoned lands, cafés are open for consideration in this zone under the Development Plan provisions.

13.2.6. The Development Plan sets limitations with regard to the scale of retail floorspace in new developments. I acknowledge that the 1,000sq.m net retail floorspace restriction set in the Plan for an individual convenience retail floorspace store in neighbourhood centres on 'A2' zoned lands would not be exceeded by any of the proposed units. Furthermore, tables 4.2 and 4.3 of the Development Plan outline an additional, indicative scope for 1,000sq.m to 1,872sq.m convenience and 1,500sq.m to 2,100sq.m comparison retail floorspace in Ashbourne up to 2026. Observers to the application have raised concern that the subject proposals should be the subject of a retail impact assessment, as the proposals could impact on the vitality and viability of Ashbourne town centre. The Retail Planning Guidelines set out where retail impact assessment would be necessary, including where retail development

would be particularly large in scale compared to the existing town centre, or where the Development Plan has allocated a specific type and quantum of retail floorspace to a particular settlement and the proposed development absorbs the bulk of that potential retail floorspace. The Retail Strategy appended to the Development Plan stated that there was over 40,000sq. in dedicated retail uses in the wider Ashbourne urban area. Parties to the application have not highlighted other recent substantive retail proposals in the Ashbourne area since the Retail Strategy was prepared.

- 13.2.7. The maximum retail floorspace of the subject proposals (940sq.m) would not result in the bulk of the indicative convenience and comparison floorspace capacity for Ashbourne (2,500sq.m to 3,972sq.m) being exceeded. The subject proposals would represent approximately 2% of the retail floorspace in the wider Ashbourne urban area based on the figures above. I am satisfied that retail impact assessment would not be required for retail development of the scale proposed in the application and the floor area for the retail units has primarily been scaled to serve the new proposed residential community. Several observers assert that there would be potential for the retail units not to be occupied while others state that the scale of the retail units would be incapable of dealing with the demand arising. The Development Plan allows for an array of retail type uses in developments and locations of this nature, providing scope for differing occupiers of the units. Guidance contained in the Retail Strategy for the county assessing market demand, retail need and floorspace requirements provides for units of the scale and nature proposed in the application. I am satisfied that the proposed retail units would comply with the zoning objectives in the Development Plan and would be of a scale appropriate for this location.

Childcare Facility, Café and General Practitioners / Medical Unit

- 13.2.8. Childcare facilities are also permitted uses in keeping with the 'A2' zoning objectives for the site. Further consideration with respect to the scale of the childcare facilities is undertaken in section 13.7 below. The café (retail) and general practitioners / medical use would not have undesirable effects for the proposed residential, retail and childcare facility uses, as they would be complementary to same, and these uses would accord with the guidance set out in the Development Plan supporting ancillary community and neighbourhood facilities in new residential communities.

13.2.9. Should the Board consider the proposed development to materially contravene the provisions of the Development Plan with respect to the proposed general practitioners / medical use unit being located on lands with an 'A2' land-use zoning objective, the applicant submitted a Material Contravention Statement. A 'healthcare practitioner' use is listed in the Development Plan as being 'open for consideration' on lands with an 'A2' land-use zoning objective. For the reasons referred to above, I am satisfied that the proposed general practitioners / medical use unit would not represent a material contravention of the 'A2' land-use zoning objective for the application site and it would be appropriate for this site.

'G1 – Community Infrastructure'

13.2.10. An area of land measuring approximately 1ha on the western boundary of the application site is zoned in the Development Plan as 'G1 – Community Infrastructure', which feature an objective 'to provide for necessary community, social, and educational facilities'. Objectives SOC OBJ 13 and DM OBJ 26 of the Development Plan outline that residential development, including the open space associated with same, cannot be included on 'G1' lands. The applicant does not propose development on this site, while indicating that it is to be reserved to accommodate a school site and a playing pitch, and that this would be dependent on the needs of the Department of Education. The applicant asserts that the site would be capable of accommodating a 16-classroom primary school. The overall site layout plan drawing (no.D2101.S.05) and the Architectural Design Report identifies the potential footprint of the school, miniature playing pitches and a car park. The applicant's tree protection plan (drawing no.ABM002) identifies that trees along the western and southern boundaries of the school site would be maintained, while the hedgerows along the northern and eastern boundaries of the field accommodating the future school site would be removed. Infrastructure comprising footpaths and roads would be constructed adjoining the northern, eastern and southern boundaries of the school site, including a vehicular access off the link road on the northern boundary and an access off the estate access road to the east.

13.2.11. Observers to the application assert that the developer should be required to engage with the Department of Education to identify if there is a need for a school site to be reserved. The applicant states that they forwarded a copy of the application directly to the Department and in response the Department of Education made an

observation to the Board. I note that this confirms that the applicant and the Planning Authority have had ongoing discussions with the Department regarding the application and the proposed education / social infrastructure. The Department has advised that at this juncture they are not aware of the precise details for the school site and that they have no objection to the subject development. Accordingly, I am satisfied that the principle of reserving the subject lands within the application site for a future school, including associated recreational grounds, would be acceptable and would not conflict within land-use zoning objectives for the site.

Green Space

13.2.12. Observers assert that there is an under provision of greenspace within the town of Ashbourne and that the subject lands could provide for recreational or sporting uses. As noted above, the primary zoning under the Development Plan relating to the application lands provides for residential development, which would be required to provide a requisite amount of public open space, as assessed in section 13.5 below. Lands adjoining to the west of the application site have been identified as potential future park lands and I do not consider it in the interests of the sustainable development or proper planning of the area to consider it necessary for recreational or sporting space beyond that required for residential zonings be provided as part of the subject proposed development.

Conclusion – Land-use Zoning Objectives

13.2.13. In conclusion, I am satisfied that the range of uses proposed in the development and their location, would comply with the land-use zoning objectives for the site, as contained in the Development Plan.

13.3. Development Principles

Strategic Housing Definition

13.3.1. The proposed buildings would comprise a stated 78,022sq.m of residential floor space with 1,799sq.m of non-residential floor space proposed amounting to 2.3% of the gross development floor area. The development would also feature undercroft car parks, plant areas, electricity substations and various shelter structures, however, their predominant use would be for ancillary purposes to serve residential uses within the development. A school is not applied for as part of this development.

Accordingly, I am satisfied that the 4,500sq.m or 15% overall floor area limitations set out in section 3 of the Act of 2016 would not be exceeded as part of the proposed development, and I am satisfied that the proposed development featuring 702 residential units would come within the statutory definition of a 'strategic housing development'.

Demolition Works

- 13.3.2. Details and locations of the buildings to be demolished on site are included in the applicant's demolition drawings (nos.DL01, DL02 and DL03), including demolition details for a bungalow (117sq.m) and an outbuilding (184sq.m) at the junction of Cherry Lane and Dublin Road, a vacant bungalow/cottage (75sq.m) and an outbuilding (57sq.m) at the western end of Cherry Lane, as well as a ruinous dwelling (43sq.m), a single-storey house (162sq.m) and an outbuilding (63sq.m) at the western end of Hickey's Lane. Section 8.7.3 of the Development Plan addresses the historic building stock and vernacular architecture of the county, with policy HER POL 21 encouraging the retention maintenance and sustainable re-use of historic buildings. Policy HER POL 14 of the Development Plan aims to protect and conserve the architectural heritage of the county and seek to prevent the demolition or inappropriate alteration of Protected Structures. Objective HER OBJ 22 aims to avoid the demolition of structures and the removal of features and street furniture which contribute to the character of an architectural conservation area (ACA).
- 13.3.3. The Planning Authority do not address the principle of demolishing the existing buildings. The architectural heritage of the application site and surrounding area is addressed in the applicant's EIAR. The subject buildings proposed to be demolished are not included in the Record of Protected Structures appended to the Development Plan, nor are they located within an architectural conservation area. The subject buildings do not appear to be of any particular architectural significance and no parties to the application have specifically objected to their demolition and removal. The Development Plan does not require justification for removal of habitable houses in this suburban context. In demolishing and removing the subject buildings the proposed development would facilitate the provision of a more sustainable use of the site area for a denser and more intensive form of housing.

13.3.4. In conclusion, the buildings proposed to be demolished are not assigned a specific conservation status and in providing for sustainable development of the site at the scale proposed, their removal would not be contrary to planning policy in the Development Plan. A CEMP and a Resource and Waste Management Plan has been submitted with the application to address the methods to be employed in demolishing these structures and these plans can be requested to be finalised by condition in the event of a grant of permission for the proposed development.

Masterplan

13.3.5. Section 11.15 of the Development Plan lists 38 areas that are subject to masterplans in the county, four of which relate to the wider Ashbourne area. Sheet no.01(a) of the Development Plan titled 'Land Use Zoning' identifies the area subject of masterplan MP18, with the application lands and two adjoining land parcels falling into this masterplan area amounting to approximately 20ha. The stretch of Hickey's Lane within the application lands adjoining The Briars estate is not within the subject MP18 area. Based on the provisions of the Development Plan, including objective ASH OBJ 2, any planning application made for development on these lands shall be accompanied by a masterplan detailing development proposals for the full extent of the lands, including details of the overall site and building layout for the lands, building heights and design principles, mix of uses, open space and recreational provision, traffic impact assessment and the management proposals and services.

13.3.6. The Planning Authority note that a masterplan concept for the MP18 area was agreed with the Planning Authority in August 2022, which they considered acceptable and in compliance with the relevant requirements. A copy of this masterplan is available from the Planning Authority, including on their website, and the applicant has forwarded a copy of the masterplan document and correspondence from the Planning Authority referring to acceptance of this document. The applicant also refers to details of the masterplan in their Architectural Design Statement, including overall site and building layout, building height and design principles, mix of uses, open space and recreational provision.

13.3.7. Observers to the application note that the Board does not have to have regard to the masterplan as it is non-statutory. I am not aware that the masterplan has been incorporated into the Development Plan or any other statutory planning document. I

acknowledge that the masterplan is available to the general public, however, I agree with the observers that there is no specific onus on the Board to have regard to this masterplan, as it is not a binding document. Notwithstanding this, in considering an application for development on the subject lands, it would be reasonable for the masterplan to be considered as providing an indicative framework as to what might reasonably be expected should development take place on the entire lands.

13.3.8. Three areas within the MP18 lands would not be developed as part of the subject proposals, two of which are zoned for 'A2-New Residential' purposes. As mentioned above there are lands zoned 'G1 – Community Infrastructure' in the Development Plan, which the applicant intends to reserve for a future potential primary school with an access off the link road. ASH OBJ 19 of the Development Plan aims to ensure that access to all zoned lands is provided for and that no zoned land becomes landlocked. There would be scope for the other 'A2-zoned' masterplan lands not proposed for development as part of the subject application to become 'landlocked'. The largest of the 'A2' zoned areas outside the application site and within the masterplan area adjoins the eastern boundary of the application site and backs onto The Briars estate. It amounts to approximately 2.3ha, accommodating a detached house known as Clovelly with associated stables, outbuildings and paddocks. The smaller 'A2' zoned area is towards the northern side of the application site along Cherry Lane and this amounts to approximately 0.2ha, consisting of a vacant detached bungalow and a vehicular access through the grounds of a detached bungalow that is proposed to be demolished as part of the subject proposals.

13.3.9. For all three parcels of lands, the applicant has made provisions within their proposals for potential accesses to these adjoining properties, with the larger property, Clovelly, also featuring potential access off Hickey's Lane. Accordingly, I am satisfied that the proposals would not contradict the provisions set out under objective ASH OBJ 19 of the Development Plan. As part of their masterplan and application proposals reasonable separation distances are provided between the proposed buildings and site boundaries with adjoining masterplan plots, and these distances would not substantively impede the development of the adjoining masterplan lands. I am satisfied that sufficient details with respect to the entire masterplan MP18 lands have been provided, in compliance with the stated provisions of the Development Plan.

13.3.10. Observers to the application assert that masterplans are also required for masterplan areas MP20 and MP21, particularly with respect to wider access arrangements. Masterplan area MP20 relates to lands in the townlands of Donaghmore and Milltown on the southern edge of Ashbourne, west of the R135 regional road. These neighbouring lands are identified in the zoning maps accompanying the Development Plan as a 'strategic employment site'. Masterplan area MP21 relates to future public park lands adjoining to the west of the application site and extending 1km west as far as Churchfields housing estate. I am not aware of any planning application proposals for these neighbouring masterplan lands. Given the location and largely residential nature of the MP18 lands, the subject proposals would not reasonably have substantive material impacts on the MP20 lands, and any future proposals to develop these lands would be subject of the associated planning merits for same. The applicant has provided for a development layout that accounts for the MP21 future parklands to the west, by providing a link road leading from the Dublin Road to the boundary with these lands, as well as a future school site and green spaces adjoining this area. This would also ensure that the adjoining MP20 lands are not landlocked, in compliance with objective ASH OBJ 19 of the Development Plan. In conclusion, I am satisfied that the subject proposals should not be predicated on finalisation of masterplan proposals for the stated MP20 and MP21 lands and the subject proposals sufficiently take into consideration the site context relative to the MP20 lands.

Phasing

13.3.11. The Development Plan does not specifically set out phasing requirements for the development of these lands, however, it does set out that all applications for residential development shall include a phasing plan, including the open space and infrastructure to serve dwellings in each phase. Observers assert that the application is absent of phasing details, while the Elected Members from the Planning Authority require a commensurate level of access and open space to be provided for each phase of the development. Section 6.22 of the submitted Planning Statement sets out phasing proposals for the overall development, generally comprising three phases moving north to south, with a commensurate level of supporting infrastructure for each phase, including open spaces and roads. Drawing

no.D2101.S.10 illustrates the overall site layout phasing strategy. The applicant's EIAR states that the works would require a five-year construction period.

13.3.12. The first phase of the development accommodating 167 residential units would comprise the lands on the northern side of the site with an access route from Cherry Lane and Dublin Road. This first phase would also comprise the link road connecting Dublin Road via the future potential school site to the MP 21 masterplan lands. The second phase of the proposed development would comprise the central parcel of land, which would accommodate 350 residential units, as well as four retail units and two childcare facilities and a general practitioner's / medical use unit. The final phase 3 would comprise 185 residential units on the lands along the southern side of the site, with an access to be taken from Hickey's Lane.

13.3.13. The Planning Authority assert that the proposed development should be undertaken in accordance with the phasing strategy submitted and that additional phases should be incorporated into this, ensuring that the main link road and Dublin Road signalised access junction should be completed prior to commencing phase 2. I agree that the link road element should be completed prior to advancing to phase 2 of the development and I consider it reasonable that as a necessary piece of roads infrastructure to enable the safe and convenient operation of the local road network, the proposed signalised access junction on Dublin Road should be completed prior to the occupation of any unit within the development. The Planning Authority also assert that the upgrade works to Hickey's Lane should be completed prior to the occupation of any residential unit in phase 3 and I am satisfied that this would be a reasonable request in the interests of the orderly development of the site and the likelihood that this access would form the primary access to the phase 3 residences. The Elected Members from the Planning Authority require all service roads to be provided in phase 1 of the development, but this would not appear necessary and I am satisfied that sufficient provision has been made in the application for internal roads to serve phase 1 of the development.

13.3.14. The Planning Authority also assert that open space, including associated play equipment, should form part of the initial phase of the development. Review of the drawings, including the Landscape Masterplan and the phasing plan schedule of areas, setting out 7,637sq.m, 12,466sq.m and 8,782sq.m public open spaces respectively in phases 1, 2 and 3 of the development, this would suggest a

reasonable consistent distribution of public open spaces throughout the development relative to the extent of residential uses proposed in each phase.

13.3.15. Several observers assert that childcare facilities should be provided in the first phase of the development, and the Planning Authority assert that such facilities should be provided as part of the early delivery of the development. In their Social Infrastructure Audit the applicant lists the existing childcare facilities in the area and the demand for 175 childcare spaces arising from the subject proposals. The Childcare Facilities - Guidelines for Planning Authorities require a childcare facility to accommodate 20 children for every 75 units. Based on the scale of the phase 1 proposals I am satisfied that a proposed childcare facility needs to be completed and available for operation prior to occupation of 75 units in the development. Finalised phasing plans would need to reflect this.

13.3.16. The Planning Authority also require the early delivery of social housing units. The applicant's Part V proposals identifies that 29 of the 70 proposed 'Part V' units would be provided as part of phase 1 of the development, which would suggest that the applicant has not sought to avoid the early provision of these units.

Core Strategy

13.3.17. The core strategy for the county identifies capacity for 1,349 residential units, inclusive of 209 permitted units, over the period of the Plan, on lands featuring 'New Residential', 'Existing Residential', 'Mixed-Use', or 'Town Centre' zoning objectives. The Planning Authority refer to capacity for 931 additional houses on the basis of there being 418 permitted units when making their submission to the Board in November 2022. In September 2023, the Board permitted development comprising demolition of two bungalows and construction of 55 apartments on a site 1.5km to the north of the application site (ABP ref. 312828-22) in Ashbourne. There is currently an appeal before the Board for development comprising the construction of 29 houses on a site 0.8km to the northeast of the application site (ABP ref. 315540-23) in Ashbourne. I am not aware of any other recent permissions for substantive residential development in the Ashbourne area and information to the contrary of the above has not been presented by parties to the application.

13.3.18. Given the proposals to construct 702 residential units on lands that are zoned to accommodate residential uses, a review of the Planning Authority register for the

area, the provisions of the Development Plan with scope to construct 931 houses within Ashbourne up to 2027 and the five-year construction timelines to complete the development, the stated housing targets would not be exceeded as a result of the proposed development. Accordingly, the proposed development would appear to be in keeping with the core strategy contained in the Development Plan.

Housing Tenure

13.3.19. Several observers to the application assert that there is substantive demand and need for additional housing in Ashbourne and that only private housing should be provided on the application site. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals to comply with Part V housing requirements, and the Housing Department within the respective Local Authority should be notified of the application.

13.3.20. Appendix 4 to the Development Plan comprises the Council's Housing Strategy, which requires 10% of new residential developments to be made available for social housing. Objective SH OBJ 16 of the Development Plan aims to address an identified need to increase the supply of social housing in several towns in the County, including Ashbourne. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, revising provisions with respect to the Part V percentage housing allocation in a development, dependent on the date of purchase of the respective site. I note that the housing area of the subject site is in the control of two separate parties with details provided as part of the applicant's Part V proposals asserting that a 10% Part V allocation is applicable, which I note is not specifically contested by parties to the application. The applicant sets out that 10% of the units within the scheme would be built and transferred to the Planning Authority or persons nominated by the Planning Authority to meet the Part V housing requirement. This would be complied with via the provision of 70 units in a mix of four one-bedroom apartments, 37 two-bedroom apartments, 18 two-bedroom duplexes, six three-bedroom apartments and five three-bedroom terraced houses. The proposed Part V units would be distributed across the two landholdings forming

the application site, as per the submitted drawing no. D2101.S.11, and as part of each phase of the proposed development.

13.3.21. The Planning Authority acknowledge the details submitted, while requiring a final Part V agreement to be entered into as a condition in the event of permission being granted. Should the Board decide to grant permission for the proposed development, I am satisfied that Part V requirements, including the proportion of units to be allocated, are matters that can be finalised with the Planning Authority by way of a condition. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

13.3.22. The Elected Members from the Planning Authority queried whether there would be scope for the development to feature affordable housing. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses, as apartments are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate choice and supply of housing within the development, including affordable housing.

Conclusion

13.3.23. In conclusion, the proposed development falls within the statutory definition of a 'strategic housing development' and subject to conditions it would provide a suitable housing tenure mix. Matters relating to phasing would need to be addressed via conditions should permission be granted for the proposed development. The Planning Authority has also noted that planning conditions should be attached with respect to section 48 general development contributions and bonds, which I am satisfied would be reasonable to request.

13.4. **Density**

13.4.1. Comprising 702 units on a net site area of 17.7ha, which excludes the potential future school site area, the Dublin Road junction works area, Cherry Lane / link road and Hickey's Lane, the proposed development would feature a density of 40 units

per hectare. When compared with residential densities in the immediate environment, such densities would appear to exceed the density of the estates in Alderbrook, Killeland and off the Dublin Road, including The Briars and Cherry Court, as well as the one-off houses along Hickey's Lane and the Dublin Road. In 2014, the Board refused to grant planning permission for 188 houses and a childcare facility on the southern half of the application site (ABP ref. PL17.243223), partly due to the low density of the development (22 units per hectare).

- 13.4.2. Observers assert that the proposed density of the scheme would be excessive when considering the surrounding densities and the guidance contained within the Development Plan. They also assert that the omission of blocks A and B would allow for a reduction in the net density of the development to 35 units per hectare, which they consider would be more acceptable. The Planning Authority refer to densities of greater than 35 units per hectare as being appropriate for this area based on objective DM OBJ 14 of the Development Plan, while also highlighting that the Sustainable Residential Development Guidelines require a net density of 35 to 50 units per hectare on outer suburban / greenfield sites in larger towns such as Ashbourne. The applicant considers the proposed density to be consistent with the provisions of the Sustainable Residential Development Guidelines and the status of the site relative to the Development Plan provisions.

National and Regional Policy

- 13.4.3. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. RPO 3.3 of the RSES for this region requires increased densities, in line with the provisions set out in the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines.
- 13.4.4. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in

urban areas and should not only be facilitated but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. Specific Planning Policy Requirement (SPPR) 4 of these Guidelines sets out a requirement that in planning the future housing development of greenfield or edge of city/town locations, planning authorities must secure the minimum densities for such locations set out in the Sustainable Residential Development Guidelines.

- 13.4.5. The Sustainable Residential Development Guidelines encourage increased densities in specific locations in cities and larger towns, with larger towns stated to feature a population of 5,000. The Development Plan notes that the population of Ashbourne was almost 13,000 persons in 2016. These Guidelines identify appropriate densities for sites in larger towns based on whether they are in town centres, brownfield areas, along public transport corridors, inner-suburban areas, institutional lands or outer-suburban / greenfield areas.
- 13.4.6. The New Apartment Guidelines note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing population growth, a long-term move towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

Access to Public Transport

- 13.4.7. Observers assert that the development would require DART or Luas services, as it would be reliant on private motor vehicles for commutes to the city with limited capacity in public and private bus services, as well as no scope to cycle to the city. The applicant's Proposed Public Transport Linkages drawing (no. 200059-DBFL-TR-SP-DR-C-1102 P01) sets out distances and routes for existing and proposed public transport services in the immediate and wider area to the application site.
- 13.4.8. In considering the general provision of public transport available in this area, I note that the nearest public bus stops to the application site are located on Dublin Road (R135 regional road) approximately 50m to 200m to the north of the entrance to the application site off Cherry Lane, and approximately 350m to the south of the Hickey's Lane / Dublin Road junction. These bus stops are served by Bus Éireann routes 103 connecting Dublin city centre with Emerald Park, 103x connecting Dublin city centre with Navan, 105 connecting Blanchardstown with Drogheda and 109a connecting Kells with Dublin, including Dublin Airport. Go Ahead Ireland route 197 operates along the Dublin Road and connects the area with Swords and Airside Business Park. There are also private bus routes 193 and 194 operated by Ashbourne Connect operating from these neighbouring bus stops to the application site connecting with Dublin city centre. A local link service 195 is also operated on this route from Ashbourne connecting with Balbriggan train station. The nearest train services are available from the M3 parkway stop located 8.5km to the southwest of the application site. At present public bus services from Ashbourne do not directly connect with the M3 Parkway rail station.
- 13.4.9. The Sustainable Residential Development Guidelines refer to the capacity of public transport services as requiring consideration with respect to appropriate densities, which is intrinsically linked to the frequency of services. A review of current timetables for routes referred to above suggests at least ten to 15 services per peak hour from the neighbouring bus stops to the application site in the direction of Blanchardstown, Dublin city centre and other neighbouring urban settlements and attractions. Outside of peak hours buses serving these closest bus stops continue to operate at least every ten minutes. I am satisfied that based on bus timetables and guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours,

the bus stops closest to the application site feature 'high-frequency' bus services. However, these bus services are inter-urban services and not urban services referenced by the New Apartment Guidelines.

13.4.10. Observers to the application assert that the proposals fail to demonstrate sufficient public transport capacity to cater for the proposed development and, as such, it would be overly reliant on cars. In section 2.4 of the application Traffic and Transport Assessment it is stated that the existing bus services cater for 3,166 to 3,268 passengers during morning (0600 to 1000) and evening (1600 to 2000) peak hours, while section 7.3 of the applicant's report asserts that the completed development would result in 192 to 255 additional public transport commuter trips during these peak hours. The increased demand on local bus services is forecasted by the applicant to be in the region of 6% to 8% with the development in place. The applicant has not presented any information estimating whether or not there is spare capacity in the local bus services. Observers assert that some peak hours bus services are already oversubscribed. Notwithstanding the identified high frequency of local inter-urban bus services, it is not apparent that these services feature existing high capacity.

Location Category

13.4.11. The application site is not centrally located, nor is it brownfield, and I am not aware that it comprises institutional lands. While the site can be considered to be within walking distance of public bus stops, given the necessity for new infrastructure, including roads, sewers and other ancillary facilities, and the open character of the lands on the periphery of Ashbourne, I am satisfied that the site most appropriately falls into the category of an 'outer-suburban / greenfield' site, as defined in section 5.11 of the Sustainable Residential Development Guidelines. Furthermore, based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of a 'less accessible urban location'.

Local Policy

13.4.12. The Development Plan initially refers to densities being guided by the Sustainable Residential Development Guidelines, before outlining in objective DM OBJ 14 that a

density of greater than 35 units per hectare is encouraged in self-sustaining growth towns such as Ashbourne, although some exceptions are allowed for where densities cannot be achieved due to site constraints. The proposed density of the development would align with the density provisions of objective DM OBJ 14 of the Development Plan.

13.4.13. Objective DMS OBJ 15 of the Development Plan sets out indicative maximum plot ratios for development, dependent upon the location of a site. For housing on the edge of a town a plot ratio of 1.0 is stated to be the maximum indicative plot ratio allowed. The proposed plot ratio is stated as being 0.4, therefore this would be well below the maximum allowed in the Development Plan.

Density Conclusion

13.4.14. All national planning policy indicates that increased densities and more compact urban forms are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout. Outer suburban / greenfield sites are stated in the Sustainable Residential Development Guidelines to generally be suitable for net residential densities in the range of 35 to 50 units per hectare, while densities of less than 30 units per hectare should be discouraged, and as clarified in Circular Letter NRUP 02/2021, densities of 30 to 35 units per hectare would also be acceptable in this edge of larger town context. The proposed development is therefore within the range of densities allowed in the Sustainable Residential Development Guidelines for a site in the outer suburban / greenfield category and compliant with provisions of SPRR4 of the Building Heights Guidelines. Furthermore, the New Apartment Guidelines recommend densities of less than 45 dwellings per hectare in less-accessible, urban locations such as the application site and this is also complied with.

13.4.15. Having regard to national and regional planning policy, I am satisfied that the site, which is within the core region formed by the peri-urban hinterlands to Dublin city, as defined in the RSES, is well placed to accommodate growth at the net density proposed of 40 units per hectare. The previous part reason for refusal of planning permission under ABP ref. PL17.243223 referring to the low density of the proposed development has therefore been addressed. In conclusion, the proposed density for the application site complies with Development Plan policy, as well as Government

policy seeking to increase densities in appropriate locations and thereby deliver compact urban growth.

13.5. Urban Design

- 13.5.1. The design, layout and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on neighbouring residential amenities considered in section 13.6 below. Section 3.8.9 of the Development Plan sets out the key guidance documents in relation to the design and layout of residential developments, including reference to the development management standards in chapter 11 of the Plan. Policies SH POL 8 and DM POL 4 of the Development Plan support the creation of attractive residential developments following the principles of the Sustainable Residential Development Guidelines and the associated Urban Design Manual. Development Plan objective DM OBJ 13 requires a detailed design statement addressing various criteria to accompany applications for residential development of ten or more units.
- 13.5.2. As part of the site analysis in their Architectural Design Report, the key constraints and influences in developing the site are detailed, including the immediate and wider site context, topography, trees and hedgerows, the provisions of the Development Plan, access solutions and the relevant design standards documents, including the Urban Design Manual. The applicant's EIAR also addresses the alternative development layouts considered as part of their initial design process. The Planning Authority is satisfied that the proposed development demonstrates compliance with the 12 urban design criteria of the Urban Design Manual.

Design

- 13.5.3. Objective ASH OBJ 24 of the Development Plan aims to support the utilisation of sustainable principles of design, planning and development in residential schemes throughout Ashbourne town. According to the applicant, the scheme is to be split into five distinct character areas that are each influenced by the unit design and layout, as well as the scale, location, relationship with surroundings and material finish.
- 13.5.4. Character area 1 occupies the northeast corner of the site, and features a strong urban edge onto the Dublin Road, as well as the green spine. A staggered block

arrangement of two to three storey buildings follows westwards into the site along the link road and green spine. Character area 2 situated within the northwest corner of the site backing onto the rear and side of houses in Killlegland and Alderbrook estates, would generally feature blocks of two to three-storey housing, with housing overlooking a public park and a pocket park serving this area. Pedestrian / cycle routes would link this area with Tara Court / Tara Close and The Rise by openings in the site boundaries. Character area 3a includes the western section of the green spine route weaving through the development to the future school site and the local neighbourhood centre, which would front onto a plaza and comprise retail units, a medical unit and a childcare facility. The local neighbourhood centre buildings would feature heights of four to six storeys. The southwest corner of the site formed by character area 3b would be occupied by residential blocks of two to three storeys backing onto the site boundaries and situated between and overlooking public open spaces. Future potential road access to a field on the southwest corner of the site is provided for. The southeast corner of the site would comprise character area 4 bounding the property known as Clovelly and lands to the south of Hickey's Lane. This area of the development would be laid out generally in a rectilinear housing block arrangement amongst pockets of intervening public open space.

General Layout

- 13.5.5. Observers assert that the development density on the northern side of the site would be excessive. The form and layout proposed would appear relatively consistent across the housing character areas with increased heights and a greater prevalence of duplex and apartment units on the northern side along the link road and within the local centre. I am satisfied that this would appear a reasonable approach to take from an urban design perspective in addressing the primacy of the link road route, given that this area is closest to the town centre and given the mix of uses being provided for in the local centre. Building heights would fluctuate throughout the development, with the tallest apartment block elements overlooking the Dublin Road, the link road or announcing the local neighbourhood centre. I am satisfied that the character areas that are proposed would aid in creating a sense of place and provide for a reasonable transition in scale moving through the development. The allocation and distribution of open space within the development would break up the western and eastern character areas within the development, allowing for flora to be

maintained, landscaping to be introduced and heavily urbanised regimented vistas to be avoided.

- 13.5.6. In relation to the proposed buildings, I note that they would feature units addressing corner locations for passive surveillance purposes, including the duplex blocks. The houses, as well as the duplex and apartment blocks, would feature regular scales and proportions, with a consistent, cohesive architectural language used throughout the scheme. Observers to the application assert that the proposed development would feature a very limited palette of materials and that this would impact on placemaking. The applicant asserts that the choice of materials was influenced by their durability and maintenance requirements, and the creation of distinctive streetscapes. Substantive use of render as a finish is not proposed to the buildings, with this finish primarily only used to inset elevations for definition purposes. The applicant does refer to selected clay brickwork or self-coloured render finish with regard to the elevations to apartment block B1 in the local centre (drawing no. D2101 - BL.B1.06) onto the public realm. Given the potential for render to discolour over time and require regular maintenance, extensive use of this material finish should not be undertaken. Final details of materials can be addressed as a condition in the event of a grant of planning permission for the proposed development, and this can address the potential for substantive use of render in the development. I am satisfied that the limited palette of contemporary quality, robust and low-maintenance materials that is proposed in the development, including variety in the brick finishes across the character areas, would be appropriate in creating a sense of place, defining the neighbourhood areas and providing visual interest within the development.

Link Road

- 13.5.7. The primary access to the development would be via the proposed link road that extends from the Dublin Road running through the development in order to connect into the potential future park lands adjoining to the west. This proposed link road would feature a carriageway 6m in width, with 1.5m-wide grass verges, 1.75m-wide cycle tracks and 2.5m-wide footpaths flanking both sides of the road. Raised tables are provided at the crossing points along the local access roads connecting into the link road. In their DMURS Design Statement, the applicant outlines that the specifications for this road would have at least the minimum standards consistent

with a 50km/hr design speed. The link road would also facilitate the maintenance of vehicular access to houses at nos. 1, 2 and 3 Cherry Lane Mews.

- 13.5.8. The applicant's proposals would establish a strong building line engaging with the link road with a distinct urban edge and residential units overlooking the street. The absence of on-street parking bays along the link road in favour of pockets of parking clustered in courtyard locations off the local access roads would create for a safer and more convenient link road. I consider this a reasonable and well considered approach to take from an urban design perspective in compliance with planning provisions.
- 13.5.9. Observers question whether this link road should be realigned to address the context relative to the regional roads. This matter was not raised as requiring reconsideration by the Planning Authority. The alignment of this road is not addressed in any plans relating to this area. It is clear that the function of the link road is not to form a connection between the R125 and R135 regional roads, but to create a link to the future parklands, as confirmed by the Planning Authority. Observers also assert that the link road should be redesigned to cater for public transport. I recognise that objectives ASH OBJ 17 and MOV OBJ 1 of the Development Plan aim to prepare and implement a local transport plan for the town of Ashbourne, however, at this juncture I am not aware that such a plan has been prepared, and the Planning Authority has not highlighted that the link road needs to be redesigned to cater for public transport. Notwithstanding this, the link road could in future cater for public transport, such as buses.
- 13.5.10. Observers also assert that the link road element north of the school site would not be necessary as it would only serve future public parklands. This stretch of the link road would appear necessary given that it would potentially serve as an access to the future school site, including its car park, and as vehicular, pedestrian and cycle access would be likely to be required to the expansive future public parklands. From a road safety perspective, as noted by the Planning Authority, temporary measures would be required along the western end of the link road to restrict access until use of this stretch of road is necessary. A condition could be attached to address same in the event of a grant of planning permission.

Internal Layout

- 13.5.11. A roads hierarchy drawing is submitted with the application (drawing no.200059-DBFL-RD-SP-DR-C-12-05-P02) illustrating a network of primary and secondary looped access roads off the link road with secondary looped routes spurring off these roads connecting into and through the residential neighbourhoods featuring home zones / shared surfaces that serve as streets and parking areas. The Planning Authority assert that the overall roads layout would not encourage vehicles to travel at high speeds and is provided with good permeability for cyclists and pedestrians along the green spine link, with turning heads where appropriate.
- 13.5.12. The primary proposed local neighbourhood centre, including retail units, childcare facility and medical unit, would be located centrally within the new development, facing southward onto a central public plaza and situated between the future potential school site and the primary public open space featuring the green spine route. The location of this neighbourhood centre would appear reasonable and readily accessible from the immediate neighbourhoods, as well as ensuring the associated commercial traffic would not be required to travel through extensive residential areas.
- 13.5.13. Narrow carriageway widths of 4.8m and 5m, as allowed for in DMURS respectively for shared surfaces (home zones) and access roads, are harnessed in the proposals, although some shared surfaces feature wider widths to provide for pedestrian walkways. Shared surfaces / homezones are proposed for two 50m stretches in the southeast and southwest corners of the site providing potential future connections with lands to the south. As the 50m-long shared surfaces / homezone in the southeast corner would potentially provide for future access to neighbouring lands zoned 'A1 – existing residential', it would appear reasonable for this to be amended to form a primary or secondary local access road with a carriageway width a minimum of 5m. A condition should be attached to allow for this, which may provide for some minor alterations to the housing layout in this location.
- 13.5.14. The Planning Authority refer to the need for sightline details at all internal road junctions to be provided and these should be coordinated with landscaping. A review of the drawings does not highlight any particular concerns with respect to visibility at each of the internal road junctions with scope for the minimum 23m

forward visibility to be provided in compliance with the requirements set out in the DMURS.

- 13.5.15. The open space green area to the northwest corner of the site would feature a primary local access road on three sides, which observers assert to be contrary to DMURS. Based on the provisions of DMURS, I am satisfied that the access road looping around the open space would be acceptable subject to some form of traffic-calming to provide for safe use of this open space, and this could comprise raised road crossings or alternative surface treatments for the roads, as is proposed alongside the public open space south of the future school site. Observers refer to an absence of vertical and horizontal deflections in the proposals, which would be necessary under the provisions of DMURS. The applicant's DMURS Design Statement refers to various measures to address pedestrian safety and priority, as well as curtailing traffic speeds. Such measures are stated to comprise contrasting materials at the transitional points and well-designed pedestrian/cycle crossing facilities at frequent intervals along key travel desire lines throughout the scheme. Review of the drawings and comments from the Planning Authority would suggest that in numerous locations these features have not been provided for. These details, including raised road crossings, would be necessary to be provided, and a condition to address this should be attached in the event of a grant of planning permission for the proposed development.
- 13.5.16. Several observers assert that the proposed layout is dominated by roads and on-street car parking, which is contrary to the provisions of the DMURS. The applicant primarily proposes parking off the streets within the front curtilage of the respective houses or duplexes, while basement and undercroft parking for blocks A1 and B1 would also be provided. Where perpendicular and parallel parking bays are proposed along the streets this would primarily occur only on one side of the respective street.
- 13.5.17. There are several specific elements to the development layout that do not appear to present appropriate design responses relative to the roads and parking layout. In this regard I note that the vehicular access to the hardstanding area serving unit F1 AR015 fronting onto the link road would be located partially on a raised table crossing at the access road and link road junction. To access the parking area serving this house, vehicles would have to manoeuvre over the ramped access,

which in turn would lead to stalling of vehicles along the link road, which would present unnecessary risks to road safety. An alternative convenient location in providing vehicular parking for this house would not appear readily achievable and, accordingly, the layout of the proposed development should be amended with the omission of unit F1 AR015 and the incorporation of the associated lands into the garden space serving the adjoining units and the provision of a landscaped green buffer along the boundary with the footpath to the link road.

13.5.18. I accept that there are other locations where parking and vehicular access to hardstandings are positioned on the access roads close to the junction with the link road, however, these spaces and accesses are positioned slightly further from the junction, including turning kerbs, and off the raised table crossings. Within the wider residential street network there are parking spaces and accesses to off-street parking positioned on bends in the road or close to road junctions, however, given the layout design intended to create a low-speed road environment (30km/hr), I do not consider substantive road safety concerns would arise or that such scenarios would be contrary to the guidance within the DMURS.

13.5.19. To restrict the potential for through vehicular movements northwards onto the central section of the proposed link road and to prevent informal vehicular parking, bollards would need to be installed on the hardstanding area between unit F-O AS105 – AS107, unit E-O(c) AS119 and the end of the homezone / shared surface directly to the west of house H AS118. Such measures should form part of the applicant's final car parking management strategy.

13.5.20. The hardstanding areas fronting the majority of houses feature limited soft landscaping and would be over 7m in width. It is intended that each of the off-street hardstanding within the curtilage of the proposed houses would generally serve two car parking spaces, however, the area provided to the front of the majority of houses would allow for three cars to park side-by-side. To avoid the appearance of the area being dominated by cars, it would appear necessary for amendments to be undertaken providing for additional areas of soft landscaping fronting houses to soften the appearance of the streets and to only provide for two off-street, car parking spaces within the front curtilage of individual houses. The hardstanding area on the northern side of units E1(C) AR232 and AR251 and on the western side of units E1(C) AR181 and AR182 should be omitted and replaced with soft

landscaping, as there would be scope to access off-street car parking spaces to the side of these units, including from secondary access roads. A row of seven adjoining perpendicular parking spaces is proposed at the homezone leading to the northern boundary with no.31 The Downs, and one of these spaces should be omitted and replaced with landscaping to ensure this element complies with DMURS.

13.5.21. To encourage a greater sense of enclosure and to ensure that parking does not dominate the streetscape, DMURS does not support scenarios where perpendicular parking would be provided on both sides of a street. This would arise fronting unit G1 AR076 / AR077 and the plaza area to block B1(W) with non-residential car parking spaces allocated on the northern side of the access road. I note that a footpath is also omitted from the street frontage along the north side of unit G1 AR076 / AR077 and unit C1 AR078. To comply with the DMURS and to provide safe pedestrian passage, the parking spaces allocated to unit type G1 (AR076 / AR077), including the visitor parking space, should be omitted and replaced with soft landscaping, and these spaces should be reallocated by replacing three non-residential parking spaces on the adjacent eastern side of the respective unit. Furthermore, the footpath fronting unit C1 AR079 extended along the frontage of unit G1 AR076 / AR077 and unit C1 AR078, in order to connect in with the footpath adjacent to the east of unit G1 AR076 / AR077.

13.5.22. In some locations car parking would not be conveniently located for residents, with a 40m walk from the car parking spaces allocated for unit E1 AR264 in the southeast side of the site. In this situation it would appear prudent to revise the layout by omitting the parallel car parking spaces allocated to unit E1 AR264 and relocating the two spaces to the eastern side of the bank of six perpendicular car parking spaces along the home zone / shared surface immediately to the northwest, including the space allocated on drawing no.D2101.S.05 to unit E1 AR265. The homezone / shared surface should be extended to facilitate same and a street tree planted between the repositioned parking spaces and the spaces allocated to unit E1 AR265.

Green Spine Link

13.5.23. In addition to the cycle and pedestrian routes running along the link road, a green infrastructure corridor is to be provided weaving through the development from the Dublin Road to the proposed local neighbourhood centre and future potential school site, and this would feature a two-way segregated cycle route with a stated width of 4m adjoining landscaped open space areas.

13.5.24. The Planning Authority are generally satisfied that the proposed green link for pedestrians and cyclists would provide a safe segregated access to the future potential school site on the western side of the application lands. The applicant asserts that the cycle route has been guided by DMURS and the NTA's National Cycle Manual, which I note to have been superseded by the Cycle Design Manual.

13.5.25. At three crossing points over the internal access roads within the development it is proposed to install raised crossings, one of which would include a toucan crossing fronting the future potential school site. The cycleway would need to connect into the Dublin Road, which is subject of the Ashbourne Main Street Part 8 planning scheme (MCC ref. P8/13010) proposals to provide for cycle track/lanes on both sides of the road, alongside other associated infrastructural upgrades and amendments. While the details submitted show the green link connecting with the Dublin Road, the details fail to show how the proposals would tie in with the Part 8 scheme. I am satisfied that these details can be agreed as conditions in the event of a grant of planning permission, as necessary measures in addressing road and pedestrian safety in line with DMURS and the Cycle Design Manual.

Future Potential Pedestrian / Cyclist Access

The proposals provide for future potential pedestrian / cyclist access from the proposed development to adjoining streets at The Rise off Alderbrook Road and at Tara Close / Tara Court in Killelland. Observers, many of which are residents of the neighbouring Killelland and Alderbrook Road area, raise various concerns with respect to this aspect of the proposed development, requesting further details with respect to same or requiring these future potential accesses to be omitted.

The details of the access are illustrated on the applicant's landscape plan (drawing nos. 21659-3-101-Revision A) and boundary treatment drawing (no.21659-3-105-Revision A) with a 2m-wide concrete footpath to The Rise and an asphalt buff-

coloured pathway through a pocket park leading to Tara Close / Tara Court. The existing boundary with The Rise comprises a wall of approximately 1.8m in height flanked by a grass verge in The Rise and a mature line of hedgerows and trees on the side of the application site. Based on the application drawings a portion of the boundary trees and hedgerows would be removed and a 2m-wide gap would be cut into the boundary wall, with the pathway extending across a 1.5m-deep grass verge to connect into the existing pedestrian path. The boundary with Tara Close / Tara Court features a deep mature, banked hedgerow and trees separating the application site from a concrete-paved car park featuring two banks of perpendicular parking bays in Tara Close / Tara Court. The proposed boundary treatment between the application site and Tara Close / Tara Court would comprise a 1.8m-high fair-faced, pointed-blockwork wall. A 2m-high textured concrete panel fence with retained boundary hedges cut back is proposed along the boundary with The Rise.

13.5.26. The proposed access into Tara Close / Tara Court would be between the perpendicular parking spaces. The boundary treatment drawing (no.21659-3-105-Revision A) indicates two gaps in the boundary with Tara Close / Tara Court, however, the gap on the northern side does not tie in with the landscape details on the application plans (drawing nos. 21659-3-101-Revision A) and would not enable a formal pedestrian route from the application site to Tara Close / Tara Court. This gap adjoining the boundary curtilage to proposed house E1 AR066 would not be necessary given the position of an alternative gap in the boundary approximately 8m to the south. Accordingly, a condition should be attached requiring this gap in the boundary to be replaced by continuing the applicant's proposed boundary treatment (type 3) along this boundary.

13.5.27. Several observers and Elected Members from the Planning Authority have raised queries regarding access arrangements with the observers objecting to the provision of accesses into the existing adjoining residential streets for various concerns, including those relating to increased pedestrians and cycle movements, anti-social behaviour, noise, litter, disturbance, disruption, crime, security for the vulnerable and safety. I do not doubt that the new accesses would increase pedestrians and cycle movement through these streets. Notwithstanding this, the layout presented in the application provides for extensive passive surveillance of the public realm from the closest houses overlooking the access points between the existing residential streets

and the proposed development. The applicant's Landscape Design Rationale also highlights that staggered gates would be installed at the pedestrian accesses, slowing cycle traffic at the boundaries. In such a scenario, the proposals could not reasonably be considered to support anti-social behaviour, littering, crime or security concerns. The additional pedestrian and cycle traffic arising would have very limited potential to result in substantive increased noise or disturbance along the connecting streets. Provision of new connections is often an occurrence in expanding urban and suburban areas, particularly where this can provide convenient and safer access routes between amenities, neighbourhoods and services for pedestrians and cyclists. I am satisfied that the provision of these pedestrian and cycle accesses is supported by guidance within the Urban Design Manual with respect to connectivity and permeability, and objective SH POL 3 of the Development Plan, which aims to support the creation of healthy and sustainable communities that encourage and facilitate walking and cycling and general physical activity through the implementation of best practices in urban design.

13.5.28. The observers assert that the pedestrian and cyclist accesses would require lighting and I note that the applicant has provided public lighting layout drawings, including a drawing (no. SES 11822 Sheet 1 Issue 1) identifying lighting specifications and locations relative to the proposed accesses to The Rise and Tara Close / Tara Court. The 6m-high (type A) lighting on a lamppost proximate to the entrance to The Rise would appear reasonable, however, based on the details presented additional or alternative public lighting would appear reasonable to request at the entrance to Tara Close / Tara Court to ensure sufficient light coverage of the pedestrian route leading to the boundary. This can be addressed as part of standard condition requesting the finalised public lighting details for the proposed development in the event of a grant of planning permission.

13.5.29. Observers also assert that road safety and impacts on existing car parking need to be considered. The need for finalised traffic-calming measures referred to above with respect to the road treatment adjoining the open space in the northwest corner of the site, should also account for the necessity for pedestrians to cross from the paths running through the open space traversing the looped access road towards the pedestrian access into The Rise. The condition referenced above should account for this and would ensure that this access would not present a substantive risk to the

safety of road users or the general public. The proposed accesses would not directly impact on car parking in The Rise or Tara Close / Tara Court. The access into Tara Close / Tara Court would exit into a car park area that has capacity for approximately 19 to 20 cars in perpendicular bays. Pedestrians exiting the proposed development into the car park, would have scope to use various paths adjoining the car park, including a route running through the communal courtyard space to Tara Court. The provision of a pedestrian and cycle access into this car park area would not be likely to result in substantive risk to pedestrians or road users.

13.5.30. It is asserted by observers that the provision of accesses into adjoining established residential areas would be contrary to the zoning objective to protect and enhance the adjoining lands for 'A1' existing residential purposes. Based on my assessment above I fail to see how such accesses could be construed as failing to protect the residential use of neighbouring lands. In fact the provision of pedestrian and cycle routes between the existing streets and the proposed development would enhance access to the proposed non-residential services and amenities intended to be provided as part of the subject proposals or in the future as part of the masterplan proposals.

13.5.31. Observers refer to the potential for the proposed pedestrian and cycle access into The Rise and Tara Close / Tara Court as requiring works and access through third-party lands. I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of submitting the planning application and the issuing of a decision in relation to the proposals. Matters relating to the control of certain lands relating to the application, may or may not be a civil matter to be resolved between parties, and I propose to proceed with my assessments below having regard to the provisions of section 34(13) of the Act of 2000. Any further consents or agreements that may have to be obtained are essentially a subsequent matter outside of the scope of this planning application.

Dublin Road Frontage

13.5.32. Observers assert that the building line along Dublin Road should be set back further. Objective DM OBJ 17 of the Development Plan aims to provide building setbacks along roads to allow for future road improvements. Review of the Part 8 Local Authority planning permission (MCC ref. P8/13010) for a project comprising

footpaths and cycle lanes along both sides of the Dublin Road, including a section fronting the application site, suggests that the subject proposals would generally tie in with these Part 8 works.

13.5.33. Section A-A on drawing no.D2101.SC.01 illustrates the stepped approach to building heights along this frontage with an increase moving northwards from three to six storeys on the corner with the upgraded Cherry Lane junction. The proposed buildings fronting onto the Dublin Road, blocks A and B, would be set back approximately a minimum of 6m from the back edge of the footpath. This setback would generally be consistent with the building line immediately to the south in Cherry Court, although the building line along the wider stretch of this street is staggered with substantially increased setback distances for neighbouring buildings further north of the site and in The Briars. I am satisfied that there is not a consistent building line that would need to be strictly adhered to and the applicant's approach would provide an urban edge onto Dublin Road.

13.5.34. The ground floor of block A fronting onto the Dublin Road would accommodate a retail unit and a retail / café unit, thereby potentially providing for activation of the street frontage. To the front of this block the development would feature a hardsurfaced area opening onto the public street. The ground floor of block B would accommodate residential units opening onto a semi-private paved area. The boundary treatment drawing (no.21659-3-105-Revision A) would suggest that the site boundary along the Dublin Road frontage would be completely open, although the section drawing (no.D2101.SC.01) would appear to show a 1.8m-high boundary treatment fronting proposed block B, consisting of a stepped low wall topped by a rail fence with planting inside this. This boundary treatment fronting proposed block B would appear reasonable given the existing 2m-high block and stone wall boundary along Cherry Court immediately to the south, and in forming defensible space for the residential accommodation at ground floor to block B. Notwithstanding this, a condition would need to be attached providing clarity regarding the proposed boundary treatments along the Dublin Road fronting the site.

Buildings Heights

13.5.35. The Development Plan does not place any specific height limitations on buildings in this location, and it refers to new residential developments as being required to

comply with the provisions of the Building Heights Guidelines. The proposed development would feature a variety of building heights and typologies throughout the five character areas, including two to three-storey houses, three-storey townhouse/apartment blocks and three to six-storey apartment blocks. The variation in building heights is best visualised by referring to the masterplan layout in the applicant's Architectural Design Statement. With the exception of the apartment block elements over three storeys in heights, the vast majority of building heights in the development would be similar in height and scale to the existing building heights characteristic of the housing neighbouring the site. Marginal increases in building heights are provided along the link road and the necklace of open space running through the development, with these increases regularly bookending blocks forming housing quadrants.

13.5.36. Observers and the Elected Members of the Planning Authority assert that the proposed building heights would be excessive for the site and out of character with the surrounding area. Several observers raise particular concerns with the proposed three to six-storey apartment blocks A and B onto the Dublin Road.

13.5.37. Section 3.1 of the Building Heights Guidelines sets out that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. As highlighted in section 13.4 above, the application site is not in the town core or a location considered to feature good public transport accessibility. The site is in a suburban location on the edge of the town and sections 3.4 to 3.8 of the Building Heights Guidelines sets out the approach to building heights in such locations. It is stated that development in these locations should include an effective mix of two, three and four-storey development that integrates well into existing and historical neighbourhoods, while four storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

13.5.38. The proposed houses and townhouse/apartment block building heights of up to three storeys are clearly provided for under the terms of the Building Heights Guidelines. From an urban design perspective, the most appropriate locations for increased building heights within the development site would be along the Dublin Road and as part of the new local neighbourhood centre situated centrally within the site. The floors above four storeys in blocks A1 and B1 in the local neighbourhood centre are

proposed to overlook an area of open space and a public plaza. In principle I am satisfied that these areas can be considered to accommodate buildings over four storeys based on the provisions of the Building Height Guidelines.

13.5.39. Those elements of proposed apartment blocks A and B four storeys and above would face onto the Dublin Road. I recognise the necessity to create a strong urban edge along Dublin Road and provide a transition in building heights onto this frontage. Given the provisions of the Building Height Guidelines, the prevalence of single and two-storey buildings demarcating the route into the town centre, the distance from the town centre and the need for a transition in building heights reflective of the two-storey building heights in Cherry Court on slightly lower ground, I consider that there would be a need for more restrained building heights along the Dublin Road. Accordingly, I consider it necessary for amendment of blocks A and B by the omission of a single intermediary storey to block B, thereby reducing the height of block B to two storeys where closest to Cherry Court, and with block B stepping up to three storeys only. Block A should be reduced to four storeys only by the omission of a single intermediary storey with justification for this building height given the need to provide transition in scale to address the corner location, as well as the separation distance from existing houses. I do not consider any further reductions in building heights would be necessary, as this would substantially limit the scope to achieve sustainable densities on the site and given the mix of housing proposed.

13.5.40. The scheme would feature a mix of building heights and typologies, and mono-type units would not be provided within any phase or character area in the scheme. Accordingly, with these amendments the proposed development would accord with the provisions set out under SPPR 4 of the Building Heights Guidelines. I am satisfied that the building setbacks and separation distances, as well as the site context, the provisions of the Development Plan and Building Heights Guidelines would generally support building heights at the scale proposed in the application along with the required amendments. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken below.

Open Space

- 13.5.41. Section 7.7 of the Development Plan includes a host of policies and objectives with respect to the provision of public open space within developments, emphasising the need for these spaces to be high quality, accessible, connected, overlooked and supportive of a variety of end users. Objective DM OBJ 26 requires 15% provision of public open space in residential developments and the applicant asserts that this is complied with in the proposed provision of 2.9ha of open space amounting to 16.3% of the net site area.
- 13.5.42. The observers assert that the school site playing pitch and green roofs should not be included in the open space calculations and that any space included in open space calculations should be useable. The applicant's proposals in providing open space for the development primarily entails the provision of a network of parklands along the green link route and several parks distributed throughout the residential areas. The Planning Authority note the proposed provision of open space complies with Development Plan requirements. The public open space identified in the applicant's open space layout drawing (no.2101.S.13) does not include the school site playing pitch or green roofs. The open space would provide for a broad range of functions, including walkways, civic plazas, playgrounds, kickabout areas, a multi-use games area and seating areas.
- 13.5.43. I am satisfied that the extent of amenities proposed would cater for a wide array of age categories and based on proposals of a similar nature and scale would provide satisfactory amenities for future residents of the development. The quantum of open space would comply with the relevant Development Plan standard, and the layout and distribution of open space would conveniently serve residents of the development. The applicant's assessment of natural lighting to the open spaces concluded that all but one of the 12 areas of public open space would receive sufficient sunlight based on the BRE 209 Guide, which requires a minimum of greater than half of these spaces to receive at least two hours of sunlight on the 21st day of March (the Spring equinox). The open space area falling short of the required standard is a pocket park measuring approximately 224sq.m and situated along the eastern boundary with Clovelly, between houses A(C) AS058, E1(C) AR307 and E1 AR308. Given the range of alternative spaces compliant with the BRE 209 Guide

requirements, the shortfall in light to this relatively small area of open space would not have a substantive impact.

13.5.44. The Planning Authority has requested that a condition is attached with respect to the provision and maintenance of public open spaces, and I consider this to be a reasonable request. In conclusion, the layout of the proposed development would provide for a balanced distribution of open spaces and the proposed provision would feature sufficient quality recreational and amenity space to conveniently serve as public open space in the development.

Boundaries

13.5.45. Observers assert that poor quality boundary treatments are proposed in the development and that in locations where the site backs onto existing established housing areas, additional boundary treatments may not be necessary and may destabilise or undermine existing boundaries. Within drawing no.21659-3-105 the applicant sets out the proposed approach in addressing internal and perimeter boundaries. This would generally entail 2m-high textured concrete panel fences along perimeter boundaries where the hedgerows are to be maintained. The remainder of the perimeter boundaries, including those shared with Tara Court, Tara Close, Cherry Court and The Briars, and the internal boundaries between the curtilage of each house would comprise 1.8m-high, fair-faced, pointed-blockwork walls.

13.5.46. Every second back garden boundary to the houses would feature a textured concrete panel. The applicant proposes a 2m-high brick pier wall to the boundaries of rear gardens adjoining locations that would be accessible from the public areas. Lower dwarf walls of 0.4m height topped with 0.6m-high railings would demarcate front boundaries to houses that do not feature on curtilage parking. Observers request that a 2m-high boundary wall along the southern boundary of the development to protect residential amenities and livestock on adjoining lands. The applicant has proposed a 2m-high textured, concrete-panel fence along the southern perimeter boundaries. I am satisfied that the approach undertaken by the applicant would generally provide a secure boundary that would comply with objectives DM OBJ 28 and DM OBJ 29 of the Development Plan requiring 1.8m-high walls to the rear of proposed houses, as well as the provision of policy DM POL 8 of the

Development Plan requiring the provision of high quality, durable, appropriately designed and secure boundary treatments in all developments.

13.5.47. The applicant's overall site layout plan (drawing no.D2101.S.05) appears to illustrate that several of the boundary treatments, including the western and northern sides of the site would be set back from existing hedgerows and other physical boundaries such as the walls along the boundary with Alderbrook estate. This can lead to strips of land between developments becoming unused and an inefficient use of urban land. It can also lead to hedgerow habitat for wildlife remaining intact and retaining their character, amenity and ecological value. The boundaries for the application site appear to be dictated by the lands in their control and it would be entirely necessary for boundaries to be erected in securing the site and addressing privacy, as is required in the Sustainable Urban Housing Guidelines and the accompanying Urban Design Manual. An appropriate response in relation to specific boundary scenarios is sought in the Urban Design Manual and I am satisfied that given the ownership constraints and the ecological and screening benefit in maintaining planting along the boundary, the approach undertaken by the applicant is appropriate in this scenario.

13.5.48. Finalised boundary treatments should be requested as a condition in the event of a grant of planning permission for the proposed development.

Hedgerows and Trees

13.5.49. The Planning Authority require all existing vegetation and natural screenings to be maintained where provided for and that measures to protect trees and hedgerows are implemented during the construction phase. Observers request that any loss of trees and hedgerows should be limited.

13.5.50. Following a tree survey, 192 trees or tree lines/groups, alongside 33 hedgerow belts, were noted with 69 trees identified for removal and 50% of the hedgerows proposed to be removed. The trees primarily comprise Ash, Leyland Cypress, Scots Pine, Lawson Cypress, Cherry, Douglas Fir, Oak, Elder, Sitka Spruce, Lombardy Poplar, Willow, Apple, Beech, and Sycamore trees, while the hedgerows are dominated by Blackthorn, Hawthorn, Dogrose and Bramble. The applicant's proposals would maintain several trees along the hedgerows to be maintained. I am not aware of any tree preservation orders applying to this site or any specific objective to preserve

trees or woodlands on site. Within their arboricultural assessment and associated drawings, the applicant has provided detailed measures to be undertaken as part of the construction phase of the project, including tree protection measures, root protection zones, monitoring during the construction period and an arboricultural method statement.

13.5.51. Policy HER POL 37 and objective DM POL 9 of the Development Plan support the retention of field boundaries for their ecological/habitat significance and landscape value. Where removal of a hedgerow is unavoidable, mitigation by provision of the same boundary type will be required. The applicant sets out that the proposals aim to maintain as much perimeter hedgerows as possible, with protective fencing to be installed during the construction period to maintain hedgerows. Hedgerows generally marking the outer boundaries of the site would be maintained, as well as sections of hedgerow running along the open space south of the proposed local neighbourhood centre, the southern side of the future potential school site and the northern side of an area of public open space in character area 4 of the proposed development.

13.5.52. Additional replacement planting in the form of trees, hedges, shrubs, lawn areas and wildflower meadows would be provided on site, as illustrated and listed in the applicant's Landscape Design Rationale. I am satisfied that the extent of planting detailed in the applicant's proposals would readily mitigate for the loss of trees and hedgerows to be removed. The loss of sections of the hedgerows and trees on site would not be significant from a visual amenity, particularly given their physical condition, the prevalence of similar hedgerows dominating the immediate rural landscapes to the west and south and the need to develop the site at sustainable densities. Notwithstanding this, there would be scope for additional sections of hedgerow to be maintained as part of the proposals. Policy HER POL 39 of the Development Plan recognises the archaeological importance of townland boundaries, including hedgerows, and promotes their protection and retention. Hedgerow nos.11, 22a and 22b, as referenced in the Arboricultural Assessment submitted, form the townland boundaries between Milltown and Baltrasna with Killegland townlands, the majority of which would be maintained as part of the proposals. Hedgerow nos.12, 15 and 16A on the northern side of the site form the townland boundary between Baltrasna and Milltown townlands. There would be

scope for additional sections of hedgerow no.12 to be maintained from the outset as part of the proposals. The applicant's Arboricultural Assessment recognises this hedgerow to be in the mature age class and in fair condition both physiologically and structurally. A planning condition requiring additional sections of this hedgerow no.12 to be maintained, where possible, should be attached in the event of a grant of planning permission for the proposed development to ensure that the proposed development would comply with policy HER POL 37 and objective DM POL 9 of the Development Plan.

Public Lighting

13.5.53. Public lighting details, including the specifications, power requirement and illumination levels for the lighting columns intended to be installed as part of the proposed development are identified within the Outdoor Lighting Design Report. Drawings identifying the potential luminance levels for each part of the site are also provided. Observers query whether public lighting would be installed along Hickey's Lane, which I note to be the case based on the drawings submitted (see drawing no.SES 11822 Revision A Sheet 4). As required by the Planning Authority, I am satisfied that further details of public lighting serving the development should be provided in the event of a grant of planning permission in line with the relevant technical specifications of the Planning Authority and in order to address the aforementioned lighting required along the Tara Close / Tara Court access.

Conclusion

13.5.54. Subject to the conditions addressing various aspects to the layout and design of the development, I am satisfied that the overall layout, massing, building height and design of the scheme would provide a reasonable response in developing this site from an urban design perspective, in accordance with the provisions set out in the Development Plan.

13.6. Impacts on Neighbouring Amenities

Context

13.6.1. The observers request that the amenities of local residents should not be compromised by the proposed development and that further measures should be undertaken to address the potential impacts on the amenities of neighbouring

residents. The nearest existing residential properties to the proposed development are those located adjoining to the north within the Alderbrook estate, including The Rise, The Downs and The Heath, houses to the north along Cherry Lane and the Dublin Road, residences to the west in Cherry Court, The Briars and Hickey's Lane, houses to the south along Hickey's Lane and houses to the west in the Killeglan estate, including Tara Close and Tara Court. There are also houses neighbouring the site on the east side of the Dublin Road in Cnoc Neil Grove. The distances from selected neighbouring residences relative to the proposed houses, duplexes and apartment buildings are identified on the applicant's site layout plan drawing (no.D2101.S.06). Observers to the application assert that differences in ground levels between the existing and proposed residences need to be considered. Selected building heights and ground level differences are illustrated in the applicant's contiguous elevation drawings (no.D2101.SC.01 to 04 inclusive), as well as spot levels and other levels in the plans submitted. Based on the drawings submitted, I set out the potential relationship between the existing houses surrounding the application site closest to the proposed buildings.

- 13.6.2. The side of the proposed house B1 AR058 in the northwest corner of the proposed development, would be a stated 4.6m from the side elevation of house no.62 in The Rise, with these houses featuring similar ground-floor and roof-ridge height levels. The side of the proposed house B1-O AR033 along the northern boundary of the site, would be a stated 4.4m from the side elevation of house no.32 in The Downs, with the proposed roof ridge height approximately 1m above that of no.32. A similar difference in roof ridge height would arise for proposed house B1-O AR001 along the northern boundary, which would be approximately 6m from the side elevation of house no.31 in The Downs. The side elevation of proposed house B AS167 on the northern boundary would be a stated 16.9m from the rear elevation of the nearest house, no.9 The Heath, which would have a similar roof-ridge height. The rear elevation of house type E-O(C) AS170 would be approximately 18m to 22m from the rear elevation of no.5 The Heath, and these houses would have similar roof ridge heights.
- 13.6.3. As stated above, an existing vacant bungalow off Cherry Lane would be enveloped by the proposed development. The closest proposed building block F-O containing units AS144, AS145 and AS146 would be approximately 10m from the rear elevation

of this existing bungalow. The proposed roof-ridge height to this block F-O would be 5.8m above that of the existing bungalow.

- 13.6.4. The ground-floor side elevation to proposed block B along the Dublin Road, which would feature a water storage tank and cycle parking shelter, would adjoin the rear boundary serving gardens to nos.9 and 10 Cherry Court. The side elevation to the upper-floor levels to proposed block B would be approximately 13.2m from the nearest part of the rear elevations to nos.9 and 10 and this separation distance increases by a further stated 13.8m to 27m in total, when measured from the third-floor side elevation of proposed block B. The three and four-storey roof parapet height to block B would be 4.4m and 7.6m respectively above the roof ridge heights to nos.9 and 10. Three pairs of semi-detached houses A(C) and A AS001 to AS006 inclusive would be a stated 22.5m to 22.9m from the primary rear elevation to the first-floor of nos.1 to 6 Cherry Court with the proposed houses featuring roof ridge heights approximately 3.4m over the roof ridges in Cherry Court. The rear elevation of the proposed three-storey house E-O(D) AS007 on the western boundary of the site, would be a stated 9.9m from the side elevation of house no.1 in Cherry Court, and it would have a proposed roof ridge height 5m above that of no.1.
- 13.6.5. The rear elevation of proposed house E-O AS012 would be a stated 18.3m from the rear elevation of no.110 The Briars with the proposed roof ridge height 1.8m above that of no.110. The rear elevation of proposed house B AS014 would be a stated 20.1m from the rear elevation of no.107 The Briars with the proposed roof ridge height 1.1m above that of no.107.
- 13.6.6. The rear elevation of proposed house E1(C) AR279 would be over 30m from the rear elevation of the two-storey house known as Clovelly on Hickey's Lane, with the proposed roof ridge height approximately 2m above that of Clovelly. A recently constructed on Hickey's Lane (MCC ref. AA191184) would be the closest house to proposed house E1 AR253 and this house, Drumholme House, is not detailed on the architectural plans submitted. This new bungalow-style house with rooms in the roofspace would be 4.7m from the closest proposed house E1 AR253, with the roof ridge height of the newly constructed house approximately 2.2m below that of the closest proposed house E1 AR253. The rear elevation to the bungalow known as Clondara to the south of the site on Hickey's Lane would be a stated 35.1m from the nearest proposed house B1 AR208 on the southern boundary of the application site.

- 13.6.7. The side elevation of proposed house E1 AR075 would be approximately 12m from the rear elevation to no.1 Tara Close, with the proposed roof ridge height 1.3m above that of no.1. The side elevations to proposed houses E1 AR067 and AR066 would be 10m to 15m respectively from the rear elevations of no.6 Tara Close and no.12 Tara Court with the proposed roof ridge heights 1m higher than the roof ridge heights to nos.6 and 12. House B1 AR058 would be approximately 20m from the side elevation of no.6 Tara Court.
- 13.6.8. I am satisfied that the residential amenities enjoyed by residents of all these neighbouring residences would have the greatest potential to be impacted by the proposed development, and, as such, they present a worst-case scenario in assessing the likely impacts of the proposed development. I also recognise that there are other houses located close to the proposed road infrastructure elements of the project, including along Cherry Lane, the Dublin Road and Hickey's Lane.

Overlooking and Loss of Privacy

- 13.6.9. The Planning Authority assert that the proposed development has potential to overlook properties. The observers consider the proximity of the proposed apartment blocks and houses to the site boundaries would lead to excessive overlooking, as well as loss of privacy and general well-being for neighbouring residents. Observers also assert that the proposals would be contrary to the provisions of the Development Plan with respect to safeguarding residential amenities.
- 13.6.10. To avoid direct overlooking, the Development Plan includes objectives requiring the first and second-floor windows of residential developments to be at least 22m from opposing neighbouring windows at this level. In the case of developments exceeding three storeys or more in height, it is a requirement to demonstrate adequate separation distances are being achieved. The Development Plan refers to the Sustainable Residential Development Guidelines as an effective guide for the achievement of high-quality residential developments. These Guidelines refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, a relaxation of separation distances may be acceptable based on the Guidelines and the Development Plan.

13.6.11. Given the separation distances and planning provisions presented above, there would be potential for excessive direct overlooking to arise for residents of Tara Court, Tara Close, Alderbrook estate, the vacant bungalow off Cherry Lane, Cherry Court, The Briars and Hickey's Lane. Where rear elevations serving the proposed housing directly face the rear elevation of housing in Tara Court and Tara Close, the 22m separation distance would be readily achieved. The side elevations of house types E1 between 10m and 15m from housing in Tara Court and Tara Close would not feature side elevation windows, therefore direct overlooking could not arise. The side elevation of the proposed house types B1, B1-O and B, which face onto the boundary with Alderbrook estate and Tara Court / Tara Close, would only feature a non-habitable room window on each floor, with their first-floor windows featuring opaque glazing. Proposed house B1-O AR033 and house B AS147 would both feature two non-habitable room windows to their side elevations, with their first-floor window featuring opaque glazing. Proposed house type E-O(C) AS170 would feature a rear elevation coming within 22m of no.5 The Heath, albeit at an angle to the rear elevation of this existing house, and the proposed house would feature opaque glazing to all of the windows at first-floor level.

13.6.12. Proposed unit F-O AS144-146 would feature a rear elevation facing onto the vacant bungalow that would remain in situ following the proposed development. The rear elevation to unit F-O AS144-146 would be within 2m of this bungalow property, however it would only feature windows to circulation space directly facing this property. The rear elevation to proposed houses E AS142 and AS143 would be situated between 5m and 7m from the adjoining third-party bungalow boundary, however, they would only feature non-habitable room windows with opaque glazing at first-floor level. The rear elevation of proposed unit F AS139 to AS141, and F AS136 to AS138, would be situated within 1m of the adjoining third-party vacant bungalow property, but these units would not feature habitable room upper-floor windows facing directly onto the neighbouring extensive side garden.

13.6.13. A 1.8m-high blockwork wall is proposed on the boundary with Cherry Court. The proposed houses along the boundary would be constructed on ground level approximately 2m above the ground level of houses in Cherry Court. The first-floor windows would be over 22m from the rear first-floor level to nos.1 to 6 Cherry Court and the proposed boundary wall would further restrict the potential for excessive

direct overlooking at ground and first-floor level between the proposed houses and these existing houses.

13.6.14. Proposed houses E-O AS012 and AS013 would feature rear elevations directly facing and within 22m distance of the rear elevation of nos.108-113 in The Briars. These proposed houses (E-O) would feature opaque glazing to the non-habitable room windows on the rear elevation at first-floor level and a 1.8m-high block wall would be positioned on the boundary between the proposed houses and The Briars. The rear elevation of proposed house B AS014 would come within 22m of the first-floor rear elevation to no.107 The Briars. The 1.8m-high proposed boundary wall between these properties would restrict overlooking at ground level and the splayed relationship of the rear elevations, coupled with a separation distance marginally below the standard 22m sought, would be sufficient to ensure excessive direct overlooking would not arise between the proposed housing and the existing housing. Proposed house E1 AR253 would not feature side elevation windows facing onto the adjoining recently-constructed bungalow-style house on Hickey's Lane.

13.6.15. I am satisfied that in all of the above situations the relationship between the existing houses and the proposed houses would not provide for excessive direct overlooking of neighbouring houses or neighbouring gardens.

13.6.16. Proposed apartment block B would feature windows at ground, first and second-floor level facing directly towards nos.9 and 10 Cherry Court. At ground-floor level these windows would overlook a cycle parking shelter and a water tank. The upper-floor side elevation windows are situated at approximately 1.6m above internal floor area based on the section drawing (no.BL.B03), therefore, there would be potential for excessive direct overlooking to arise from the associated block B apartments 08 and 12 towards nos.9 and 10. To address this the height of the southeast side elevation first and second-floor windows in block B serving apartments 08 and 12 should be repositioned to a minimum height of 1.8m above the respective internal floor level. Vertical screens should also be installed to the southeast side of the first and second-floor level balconies serving apartments 08 and 12 to address the potential for overlooking from these amenity spaces towards the rear of nos.9 and 10. The setback for the third-floor windows in block B facing southeast towards nos.9 and 10, as well as the overall separation distance would not allow for excessive direct overlooking from the third-floor windows or balconies of proposed block B.

13.6.17. With the suggested amendments to proposed block B, I consider that the separation distances that would be achieved from neighbouring residences would be typical for a suburban setting that is primarily zoned for residential development and the design measures, including landscaping, boundary treatments, layouts and building designs, would sufficiently address the potential for excessive direct overlooking between neighbouring properties and the proposed development. I consider the impacts on the privacy of future occupants of the proposed residences separately under section 13.7 below.

Outlook and Overbearing Impacts

13.6.18. Another key consideration is whether the height, scale and mass of the proposed development, as well as its proximity to neighbouring properties, is such that it would be visually overbearing where visible from neighbouring properties, including private amenity areas and internal rooms. Residents of the area have objected to the fact that their views of the countryside would be lost, while also objecting to the positioning of the proposed apartment blocks relative to existing residences, including their gardens. As noted above, the proposed development largely features building heights similar to neighbouring housing, although it would feature additional heights at the local neighbourhood centre and along the Dublin Road.

13.6.19. The three-storey side elevation to proposed apartment block B would be situated 4.5m from the rear boundary of nos.9 and 10 Cherry Court, with the ground-floor level of the proposed apartment block set approximately 2m above the ground-floor level of nos.9 and 10. The relationship between the existing residences and proposed apartment block B is best visualised using the contiguous elevation drawing no.D2101.SC.01 (section A-A). I do not consider the height and scale of the proposed apartment block B on higher ground and its relationship to nos.9 and 10 to be appropriate. To address this I consider that it would be appropriate for the three-storey element of proposed block B to be reduced to two-storeys. This was also raised as an issue when considering the building heights in section 13.5 above. A condition would be required to address this.

13.6.20. Having visited the area and reviewed the application documentation, including the photomontages and CGIs, I consider the extent of visual change that would arise for those with views of the housing elements of the development, would be reasonable

having regard to the separation distances to the proposed houses, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential zoning objectives for the majority of the site, as contained in the Development Plan for this area.

13.6.21. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest residences, with an open outlook and sky view maintained from these areas. With the exception of the three-storey element to proposed block B closest to Cherry Court, there would be sufficient intervening space between the existing residences and the proposed buildings to ensure that the development would not be excessively overbearing when viewed from these neighbouring houses.

Impacts on Lighting - Daylight and Sunlight

13.6.22. Observers assert that neighbouring residences would be impacted by a loss of sunlight and daylight and that more detailed assessment should have been undertaken by the applicant to assess this. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided a Daylight and Sunlight Assessment Report, including an assessment of the effect of the proposed development on lighting to neighbouring houses.

13.6.23. In assessing development proposals, the Development Plan and the Sustainable Residential Development Guidelines refer to the lighting standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011). The BRE 209 guidance outlines a series of tests to assess if rooms that require daylight receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being tested), no further testing would be necessary. The applicant assesses 48 properties based on this first step in the test, including nos.7-12 Tara Court, 1-6 Tara Close, 1-9 The Heath, 1 and 4 Cherry Lane Mews, 1-5 Cnoc Neil Grove, 1-10 Cherry Court, 106-113 The Briars,

the recently constructed house on Hickey's Lane, which the applicant refers to as Drumholme House, and two vacant bungalows off Cherry Lane, one of which would be enveloped by the development. The BRE 209 Guide refers to the use of vertical sky component (VSC) when measuring the availability of daylight to a room. I am satisfied that the applicant has tested the windows that were necessary to be tested based on the BRE 209 Guide and that there are no other rooms that would require testing.

13.6.24. The applicant's tests to assess the potential for loss of daylight to neighbouring properties indicated that there would be negligible impacts on lighting to 197 rooms in 48 houses, arising from the reductions in the VSC level to these windows. For all but six of the windows tested, representing 97% of the windows, the calculated VSC level would remain above the minimum target value of 27% or the VSC level arising following the proposed development would not fall below 0.8 times its former value, in line with the recommendations of the BRE 209 Guide.

13.6.25. For three ground-floor windows to nos.9 and 10 Cherry Court the applicant asserts that the proposed development would have minor adverse impacts on daylight to the respective rooms served by these windows. The level of non-compliance was noted to be relatively minor when assessed against the BRE 209 Guide target values, with 25.09% to 26.88% VSC values calculated, marginally short of the 27% minimum target value, while values of between 0.71 to 0.73 were calculated for the ratio of proposed VSC to baseline VSC for these windows, again marginally short of the 0.8 ratio value required in the BRE 209 Guide. The applicant asserts that the level of non-compliance with BRE 209 Guide for these windows arising from the proposed development would have minor adverse impacts for residents of these two houses on Cherry Court. As noted above with respect to building heights and outlook/overbearing impacts, a reduction in building height by the omission of a single floor would be necessary for proposed block B of the development. Proposed block B would be located closest to nos.9 and 10, and while I cannot be certain that the omission of a floor to block B would allow for the minimum target VSC values to be achieved for the windows in nos.9 and 10, there is a chance that it could improve the situation.

13.6.26. For three windows on the western elevation of the newly constructed house on Hickey's Lane, there would be varying levels of non-compliance with the minimum

VSC standards outlined above. Based on the permitted plans for this house, the windows on the side elevation to the new house serve a sitting room, a bathroom and two bedrooms. It is not precisely clear from the applicant's model, which windows they have assessed. The applicant states that they have not tested the bathroom window, noting it to have opaque glazing. The window to the north of this, referenced by the applicant as Da#2, serves a front bedroom that would also be served by a larger window on the northern elevation. While there would be a reduction of VSC level to 10.7% for this window and a ratio of proposed VSC to baseline VSC of 0.29, this would be compensated by the fact that the effected window is a narrow secondary window serving a front bedroom. There would be a reduction in the VSC level to 24% or a ratio of proposed VSC to baseline VSC of 0.78 for the window referenced by the applicant as Dc on the west side of this house. The reduction in VSC to this window would also be compensated by the fact this is a narrow secondary window serving a living room with an additional south-facing primary window. The applicant's testing for a window serving a bedroom situated centrally on the western elevation of this new house, calculates a VSC level of 14% with the proposed development in place and a ratio of proposed VSC to baseline VSC of 0.42. A moderate adverse impact is anticipated by the applicant to arise for lighting to this room arising from the proposed development. While I would not contest that this would be the case, I note that the permission for this house provided for two windows to serve this bedroom and if the two windows had been assessed this would indicate the additional lighting available to the subject bedroom.

13.6.27. For a ground-floor window in no.3 Cnoc Neil Grove the applicant's testing calculates a VSC level of 25% with the proposed development in place and a ratio of proposed VSC to baseline VSC of 0.79. The shortfall in VSC levels is relatively minor and asserted by the applicant to be influenced by the stepped position of the front elevation to the house relative to no.2 to the north of the house. The reduction in building heights for proposed blocks A and B, as required under section 13.5 above, may also lead to improvements when calculating VSC levels for this window with the development in place.

13.6.28. Notwithstanding the above, I note that the proposed development may have minor to moderate adverse effects for a very limited number of neighbouring properties. Where minor adverse effects are noted, the shortfall in VSC levels relative to the

minimum target levels would be relatively minor. A reduced building height to proposed blocks A and B along the Dublin Road may also provide for improved potential VSC levels for neighbouring residents. Compensatory measures where shortfalls are calculated are also noted above to arise for several of the affected rooms. The overall extent of windows that would not achieve the minimum target VSC levels in the BRE 209 Guide would be relatively low and I am satisfied that the proposed development would have negligible effects on daylight to neighbouring properties.

13.6.29. Section 3.2.2 of the BRE 209 Guide states that 'obstruction to sunlight' to existing dwellings may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;
- (ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

13.6.30. To this end, obstruction of sunlight to the majority of neighbouring houses would not be issue, as the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room in the nearest properties.

13.6.31. The annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) have been calculated by the applicant for 122 windows in nos.7-12 Tara Court, 1-6 Tara Close, 1-9 The Heath, 1 and 4 Cherry Lane Mews, 1-5 Cnoc Neil Grove and two vacant bungalows off Cherry Lane. The BRE 209 Guide states that a noticeable effect on the sunlight received by an existing window would arise if the APSH value drops below 25%, if the WPSH value drops below 5%, if the APSH value is less than 0.8 times the baseline value or if there is a reduction of more than 4% in the APSH. The applicant calculated a WPSH of less than 5% or a ratio of less than 0.8 for the proposed WPSH relative to the baseline WPSH for ground or first-floor windows in nos.8, 10 and 11 Tara Court, as well as nos.4, 5 and 6 Tara Close. These shortfalls in WPSH would appear to be substantively influenced by the low baselines WPSH for the windows, which are either marginally above or already below the standard WPSH sought in the BRE 209 Guide. Furthermore, the extent of WPSH to the majority of these windows, particularly those at ground-floor level,

would appear to be largely impeded by existing projections or outbuildings within the respective host houses or adjoining houses. The applicant's testing identified that there would not be a reduction below 25% APSH or a reduction of more than 4% in the APSH for any of the tested windows.

13.6.32. The information available and presented suggests that the proposed development would not cause substantive obstruction of sunlight to the interior of neighbouring properties. I concur with the conclusions presented by the applicant in relation to the provision of lighting to the proposed development and I am satisfied that the proposed residences would receive sufficient lighting with only very minor shortfalls in WPSH identified, and these are largely influenced by present environmental conditions. Consequently, in response to the assertions of several observers, I fail to see how the scale of the proposed development would impact on lighting to neighbouring properties to such an extent as to necessitate neighbours to be more reliant on their heating systems.

13.6.33. Observers have also asserted that tree planting would impact on lighting to neighbouring gardens. The applicant asserts that the removal of evergreen trees along the boundary with no.3 The Heath would actually improve the light to this property. Having reviewed the plans submitted, I note that the extent of trees intended to be planted neighbouring or along the boundaries with residences is quite limited, although there would be scope for future residents to plant trees in rear gardens backing onto neighbouring properties. The provision of tree planting in a residential development on land zoned for such purposes is not uncommon and it would not be expected to result in a substantive reduction in natural lighting.

Overshadowing

13.6.34. The Planning Authority refer to the potential for the development to result in overshadowing. Observers to the application assert that the development would substantively overshadow neighbouring properties, including gardens. Based on the standards in the BRE 209 Guide requiring more than two hours of sunlight on March 21st for at least half an amenity area, within their Daylight and Sunlight Assessment Report the applicant calculated the extent of sun to the ground of gardens and amenity spaces neighbouring the development, with a series of shadow analysis

diagrams over one-hour daytime intervals based on a three-dimensional model to complement this.

13.6.35. The applicant presented the results of their findings in graphical and tabular format with 29 gardens serving nos.1- 12 Tara Close, 61 and 62 The Rise, 31 and 32 The Downs, 1-10 The Heath, 1 and 4 Cherry Lane Mews and two vacant bungalows along Cherry Lane. I am satisfied that the information provided clarifies that there would be no substantive change in sunlight hours to neighbouring gardens and amenity areas arising from the proposed development. The scale, height, siting and orientation of the proposed buildings are such that it is clear that existing neighbouring gardens would continue to receive more than two hours of sunlight during the Spring equinox for at least half their area and they would be unlikely to be unduly impacted by overshadowing from the proposed development based on the standards in the BRE 209 Guide.

Disturbance and Nuisance

13.6.36. A water storage tank and a cycle shelter are proposed to the southeast side of proposed block B along the Dublin Road adjoining the rear boundary serving gardens to nos.9 and 10 Cherry Court. Observers assert that these facilities, as well as surface-level parking, artificial lighting and other elements associated with the operational phase of the proposed development, would result in unwarranted nuisance and disturbance for neighbouring residents. Again I note the zoning of the majority of the lands for residential purposes and the likelihood that car parks, ancillary residential facilities, amenity areas and lighting would be common elements of such developments, including locations adjoining other residential developments. The positioning of such ancillary and services areas along shared residential boundaries would have very limited potential to impact on the amenities of neighbouring residents. As part of the EIA undertaken below in section 14, further consideration with regards to other potential nuisances to neighbouring sensitive receptors are considered.

Construction Impacts

13.6.37. The observers assert that the development would require a five to ten-year construction period. Within the applicant's EIAR a five-year construction period for the development is estimated. Observers have requested various provisions with

respect to the construction proposals, including the appointment of a community liaison contact. The applicant's CEMP outlines that community engagement would be undertaken and that the name and contact details of a person to contact regarding air quality and dust issues would be displayed on a site boundary notice board. Queries are raised with regard to hoarding, including a request for additional details and if 2.4m-high hoarding is permitted. The applicant states that where feasible, hoarding would be erected around site boundaries, with standard hoarding noted to be 2.4m in height. The erection of hoarding during the construction period would be standard practice from a health and safety perspective and while there is not a strict necessity for a community liaison officer from a planning perspective, based on the EIAR submitted various contacts would be made available for local residents during the construction period. This would appear a reasonable approach to take in the circumstances.

13.6.38. Observers have also requested that construction access should not be undertaken via Hickey's Lane. According to the CEMP, all site deliveries would be undertaken from the east off the Dublin Road. Based on the phasing details it would be possible to avoid use of Hickey's Lane for construction access. Hickey's Lane is in control of Meath County Council, and notwithstanding the limited carriageway width toward the western end of this road, vehicular access over this stretch of road from the Dublin Road would be possible. Finalised construction routes would need to be addressed as part of the Construction Traffic Management Plan.

13.6.39. Observers require the construction hours to be limited to 08:00 to 17:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturdays, whereas the applicant sets out that the proposed construction hours would be from 07:00 to 18:00 hours Monday to Friday, excluding Bank Holidays, and from 08:00 – 15:00 on Saturdays. Considering the immediate context and standard construction hours, I am satisfied that it would be appropriate for site development and building works to be carried out only between the hours of 07:00 to 19:00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. These standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

13.6.40. Observers have also referred to overlooking, noise, dust and traffic impacts that would arise for neighbouring residents during the construction phase of the project.

Based on various standards and limits, the CEMP and EIAR submitted with the application set out the intended measures for the construction phase to address traffic, trees, construction waste, dust, vibration and noise emissions, as well as measures to prevent pollution. These construction phase impacts would only be of a temporary nature and would also be subject of a finalised project CEMP and compliance with various standards. Observers have also suggested that construction works should not take place within 80m of neighbouring residences. Such a restriction would not represent an efficient use in developing zoned urban lands. More detailed consideration with respect to substantive construction phase impacts is undertaken in the EIA below.

13.6.41. The observers assert that should conditions to control the construction impacts arising be attached to a permission for the proposed development, these conditions would be unlikely to be complied with by the developer. Enforcement of planning conditions in breach of a permission is a matter that would need to be addressed by the Planning Authority.

Conclusions

13.6.42. In conclusion, information has been provided with the application and is available to allow a reasonably comprehensive assessment of the impacts of the proposals on neighbouring amenities. I am satisfied that the impacts of the proposed development could be further undertaken to address any potential excessive overlooking or overbearing impacts arising from the height of proposed block B.

13.6.43. While I have minor reservations with regards to the impact of the subject proposals on neighbouring amenities, these impacts could be readily addressed in compliance to conditions of the permission, and in such circumstances, I fail to see how the proposals could reasonably be considered to substantively result in the depreciation of local property values.

13.7. Residential Amenities and Development Standards

13.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (hereinafter

the 'Quality Housing Guidelines') and the New Apartment Guidelines, as well as the provisions of the Development Plan.

- 13.7.2. Section 5 of chapter 11 to the Development Plan sets out the general requirements for new residential developments in Meath. The subject development would not come within a category of development that would be open to relaxed development standards, although objective DM OBJ 12 of the Development Plan aims to encourage and facilitate innovative design solutions for medium to high-density residential schemes where substantial compliance with normal development management considerations can be demonstrated. The applicant has submitted a Housing Quality Assessment comprising a schedule of accommodation based on unit types and providing details of overall apartment, duplex and house sizes, room sizes and widths, aspect, storage and private amenity space.

Housing Mix

- 13.7.3. Policy DM POL 12 of the Development Plan refers to locations where apartment schemes are encouraged, including Ashbourne. Policy DM POL 6 of the Development Plan refers to the need for a mix of units in new residential developments. The applicant refers to a wide mix of housing typologies being proposed across each character area, providing for an efficient density on zoned lands. Observers assert that the proposals would feature a poor mix of units with an excessive proportion of one and two-bedroom units for a rural settlement. The Planning Authority assert that the proposed housing typologies would be likely to contribute to a greater housing mix in Ashbourne.
- 13.7.4. The proposed terraced, semi-detached and detached houses within the development would feature two, three, four and five bedrooms, the townhouses would feature two and three-bedrooms and the apartments would feature one, two and three-bedrooms. There would be a substantive existing stock of larger houses in the vicinity. Proposals would feature 40% apartment and duplex-style units, as well as 60% housing. I am satisfied that the proposed mix would not comprise an excessive mix of a single type of unit relative to the location and proposals would generally comply with the mix requirements outlined above in the Development Plan, with a range of housing options provided for, in compliance with the provisions of SPPR 4 of the Building Heights Guidelines.

13.7.5. SH OBJ 23 of the Development Plan requires all residential developments of 20 units or more to provide for a minimum of 5% universally-designed units. The applicant has provided a Universal Design Statement setting out that all of the proposed buildings have been designed to be compliant with Part M of the Building Regulations with regard to accessibility.

House Standards

13.7.6. The floor areas for each of the proposed two-bedroom houses measuring a minimum of 92sq.m would be in compliance with the 80sq.m minimum required for a two-bedroom, four-person, two-storey house, as set out within the Quality Housing Guidelines. The floor areas for the three-bedroom houses measuring a minimum of 120sq.m would be in compliance with the 100sq.m to 110sq.m required for a three-bedroom, five or six person, two or three-storey house. The floor areas for the four-bedroom houses measuring a minimum of 131sq.m would be in compliance with the 110sq.m to 120sq.m required for a four-bedroom, seven-person, two or three-storey house. The proposed houses would exceed or meet the relevant Quality Housing Guidelines, with respect to aggregate living rooms and aggregate bedroom sizes, as well as layouts, room sizes and widths, and storage areas. The applicant notes scope to building into the attic space for many of the houses.

13.7.7. The Development Plan sets out private open space requirements, with a minimum provision behind the front building line of 55sq.m for one and two-bedroom houses, 60sq.m for three-bedroom houses and 75sq.m for four-bedroom or larger houses. The Sustainable Residential Development Guidelines require private open space for houses to be in the form of rear gardens. Rear gardens proposed for each house would appear to exceed the minimum requirements of the Development Plan.

13.7.8. Observers assert that the configuration of gardens serving houses E-0 AS160, B AS154, E AS104 and E AS121 would be poor and would limit the amenity value of these spaces. I accept that the configuration of the garden spaces are not orthodox shapes for these gardens and others, however, these spaces would offer secure, private spaces for the respective future residents and would be capable of functioning as private amenity spaces. Observers also assert that the proposals feature limited rear garden depths for houses relative to standards. I am not aware of specific standards in the Development Plan with respect to rear garden depths

and I have no concerns with respect to the configuration of the rear gardens. The depth of a rear garden may become a substantive issue when assessing the adequacy of separation distances for privacy and overlooking. There are provisions in the Development Plan and Government guidance with respect to separation distances between residential properties and I consider the appropriateness of the separation distances within the proposed development in section 13.7.19 below.

13.7.9. The applicant refers to unit AR158 as a duplex apartment and considers it compliant with standards contained in the New Apartment Guidelines. This two-storey unit features two ground-floor bedrooms and living areas at first-floor with a 12sq.m roof terrace onto the front elevation. This unit does not readily fall into the planning definition of an apartment, as it features own-door access from street level and as there would be no units directly below or above this. As a two-storey four-bedroom house with a floor area of 78sq.m, it would fail to meet the 80sq.m required for such units in the Quality Housing Guidelines and it would fail to provide sufficient private amenity space in line with Development Plan provisions. It would meet the floor area and private amenity space standards outlined in the New Apartment Guidelines if it were to be considered a two-bedroom apartment. To address this situation, unit AR158 should be revised to feature access from the shared lobby space serving units APT01 and APT02. This would allow the unit to come within the definition of an apartment, as it would feature a shared access, and, accordingly, to comply with the relevant standards in the New Apartment Guidelines.

Apartment Mix and Standards

13.7.10. Policy DM POL 14 of the Development Plan requires apartment developments to demonstrate compliance with the 2018 version of the New Apartment Guidelines or any updates of these Guidelines. SPPR 1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio-type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that when excluding the houses and including the duplex units, the proposed development featuring 47 one-bedroom (17%), 189 two-bedroom (67%) and 46 three-bedroom duplexes or apartments (16%) would be compliant with SPPR 1 of the New Apartment Guidelines.

- 13.7.11. The applicant asserts that the proposed apartments have been designed to fully accord with the minimum standards within the New Apartment Guidelines. The one-bedroom units measuring at least 51sq.m, the two-bedroom four-person units measuring a minimum of 79sq.m, and the three-bedroom units measuring a minimum of 99sq.m, would meet the minimum 45sq.m, 73sq.m and 90sq.m unit size requirements respectively required for these apartments in the New Apartment Guidelines. Three of the two-bedroom apartments would accommodate three persons and these units measuring a minimum of 69sq.m would comply with the requirement of the New Apartment Guidelines to feature a minimum floor area of 63sq.m. This type of unit would only account for less than 1% of the apartment / duplex units and would therefore comply with the provisions of the New Apartment Guidelines restricting this type of unit to less than 10% of the apartment mix.
- 13.7.12. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the applicant's drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. The apartment blocks would feature non-residential, residential and service uses at ground floor, and the floor to ceiling heights for the ground floors would be a stated 3m to 3.6m and at upper levels this height would extend to 2.6 to 2.86m exceeding the requirements in the New Apartment Guidelines.
- 13.7.13. In compliance with SPPR 4 of the New Apartment Guidelines, 68% of the proposed apartments would feature dual aspect, which I am satisfied would meet the 50% minimum required for a site such as this in a suburban location. North-facing, single-aspect apartments are not proposed and where single-aspect units are proposed, they would primarily overlook public open space, communal space or the public realm along the adjoining roads. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines would be achieved in the proposed apartment / duplex element of the development. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines.

Internal Lighting

- 13.7.14. Section 6.6 of the New Apartment Guidelines states that Planning Authority's should have regard to a New European Standard for Daylighting in Buildings (IS EN17037:2018), UK National Annex BS EN17037:2019 and the associated BRE 209 Guide (2022 edition). Policy DM POL 11 of the Development Plan refers to the need for high levels of natural lighting serving new residential developments. Observers assert that several of the proposed apartments would fall short of the appropriate standard levels for sunlight. The Planning Authority do not raise concerns with respect to the provision of lighting to the proposed residential units and the location of the site and the nature of the development, including layout, building heights and separation distances, is such that lighting to the proposed development would be unlikely to fail to provide adequate levels of lighting to the subject apartments.
- 13.7.15. The applicant's assessment considers the provisions of IS EN17037, noting from the outset that their target values for sunlight would be very difficult to achieve for domestic rooms in an urban environment. The BRE 209 Guide and the UK National Annex set alternative less stringent targets to be achieved over half the reference plane of internal rooms, with 100 lux required for bedrooms, 150 lux required for living rooms and 200 lux required for kitchens. The results and conclusions of the applicant's report are drawn against the BRE 209 Guide and UK National Annex targets, including the use of 200 lux for living-kitchen-dining rooms. A total of 200 units comprising 581 rooms are tested, highlighting that 575 of the rooms would meet or exceed the target values listed in the BRE 209 Guide. Shortfalls would only arise with respect to six apartment rooms in blocks A1 and B1 with all apartment bedrooms complying with the target standards.
- 13.7.16. The results show that 98% of all tested rooms meet the BRE illuminance levels, which would only be a marginal degree of non-compliance. Where the more onerous IS EN17037 criterion are applied, the number of rooms complying with target values would be reduced to 91%, which remains a substantively high degree of compliance with respect to internal lighting. Where shortfalls arise relative to the various standards the applicant sets out compensatory design measures asserted to overcome such shortfalls, such as additional floor to ceiling heights, room orientation and size, terrace position providing privacy for ground-floor units and generous overall apartment sizes.

13.7.17. The applicant also considered the level of sunlight exposure for 200 habitable rooms in the apartment element of the development and this identified that three to five of the rooms would be below the minimum recommendation in the BRE 209 Guide. When the level of sunlight is calculated for the Spring equinox and deciduous trees are treated as opaque objects, sunlight exposure of a minimum of 1.5 hours is recommended in the BRE 209 Guide, while four hours exposure would be considered high. The applicant considers the extensive calculated compliance rate (98% to 99%) to be testament to the extent of dual aspect provision and where shortfalls would arise this would be due to rooms facing north of due east or west, where compliance would be unlikely.

13.7.18. The applicant has provided substantive information to indicate that the vast majority of apartments within the proposed development would comply with the relevant stated standards. The New Apartment Guidelines provide for alternative, compensatory design solutions to be considered when assessing the adequacy of lighting to apartment developments. I am satisfied that where shortfalls would arise with respect to the level of lighting to the proposed apartments, the compensatory design measures, including generous room sizes and floor to ceiling heights, would be adequate to ensure a reasonable level of amenity for future residents of the respective apartments based on the stated planning provisions.

Privacy and Overlooking

13.7.19. As mentioned above the Sustainable Residential Development Guidelines require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy. A similar separation distance is required in the Development Plan, including potential for increased separation distances in residential developments of two storeys or more. I am satisfied that the design measures such as separation distances, intervening public realm and open spaces, as well as building orientation, would generally be appropriate and would primarily address the potential for excessive direct overlooking between the proposed residences within the development.

13.7.20. Where a 22m separation distance would not be maintained the applicant addresses this through design measures. For example, the gable-end house B1 AR064 would feature side elevations approximately 10m from the rear elevation of house E1(C)

AR065, however, the gable end to house B1 AR064 would not feature habitable room windows, thereby averting the potential for excessive direct overlooking. The gable-end elevations to unit G1 AR056/AR057 and AR034/AR035 would be within 22m of each other, however, overlooking would not be a substantive concern given the position of an intervening 2m-high boundary wall between the gable ends, the position of recessed windows/patio doors at first-floor level behind a 1.6m-high wall enclosing the respective gable-end terraces and the provision of opaque glazing to the gable-end bathroom windows at first-floor level. The rear elevations of houses E1 AR309 and AR310, and E1(C) AR311, would be 19.4m from the rear elevation of a proposed terrace of houses directly to the west, however, the proposed installation of opaque glazing to the first-floor rear windows serving bedrooms and bathrooms in houses E1 AR309 and AR310 and E1(C) AR311 would prevent excessive direct overlooking between these properties.

13.7.21. Unit F1 AR015 would feature a window 2m from the boundary and 13m from the rear elevation of unit type B1-O AR018. The drawings (no.D2101-UT23) refer to two windows on the rear elevation of this house as featuring opaque glazing to prevent overlooking of the adjoining properties, and I am satisfied that the western elevation first-floor window, which is a secondary window serving a bedroom, should also feature opaque glazing. A similar context would arise for house E-O(D) AS020, as it would feature a window 2m from the boundary and 13m from the rear elevation of house B AS031. The drawings (no.D2101-UT10) refer to three windows on the rear elevation of this house as featuring opaque glazing to prevent overlooking of the adjoining properties, and I am satisfied that the western elevation first-floor window, which is a secondary window serving a bedroom, should also feature opaque glazing.

13.7.22. The southeast elevation to proposed block A would be a stated 7m from the northwest elevation to proposed block B, which would feature kitchen windows at first, second and third-floor level directly facing living room windows on a similar level in proposed block A. I am satisfied that the northwest-facing first, second and third-floor kitchen windows to proposed block B, which are secondary windows in terms of lighting to their respective living/kitchen/dining rooms, should be installed with opaque glazing. A condition would be necessary to address this.

13.7.23. Unit G1-O AR120/AR121 would feature a rear elevation 8m from the rear elevation of house B1 AR106. While proposed unit G1-O AR120/AR121 would feature windows and patio doors at first-floor level onto a terrace, a 1.8m high wall would prevent excessive direct overlooking toward house B1 AR106. Notwithstanding this, unit G1-O AR120/AR121 would present a 5m brick wall directly onto the rear garden of house B1 AR106, which would have an overbearing presence for future residents of house B1 AR106. To address this, I am satisfied that unit G1-O AR120/AR121 should be omitted from the development and replaced with a corner house type E1(C) positioned to follow the building line of house E1 AR119 directly adjacent to the east with provision for a rear garden following the shared rear boundary between house E1 AR119 and houses C1 AR107 and AR108, as well as vehicular access to off-street parking on the western side. I acknowledge that unit G1 AR156/AR157 would present a 5m brick elevation 11m from the rear elevation of house B1 AR153, however, this elevation would not be directly onto the rear elevation of this house and as a result it would not have an overbearing presence.

13.7.24. Landscaping layouts for the first-floor communal space serving proposed block A do not directly correlate between the floor plan for block A (drawing no.BL.A.01) and the landscape layout plans (drawing no.21659-3-102 Revision A). For example the position of the balconies serving apartments 05 and 21 are omitted from the landscape layout plans. A revised landscape plan would be necessary for the first-floor communal space serving proposed block A, providing planting to form defensible space between the balconies and windows opening onto the space. A similar scenario would arise with respect to the ground-floor communal space serving block B1, and a condition should be attached requiring the provision of defensible space along the windows directly onto the east side of this communal area to safeguard the privacy of future residents of block B1 apartment E-Apt 01.

13.7.25. Observers assert that there would be poor privacy for future ground-floor residents of proposed block B onto Dublin Road. Based on the floor plans submitted with the application (drawing no.BL.B.01), proposed block B would feature ground-floor windows serving habitable rooms and terraces opening directly onto the semi-private space to the front of the building. Revised landscaping details to form defensible space along the windows and terraces on the eastern side of proposed block B

should be provided to safeguard the privacy of future residents of the block B ground-floor apartments 1, 3 and 4.

13.7.26. I am satisfied that in other locations within the development where ground-floor windows serving habitable rooms are situated directly onto public walkways or communal space, the applicant's landscaping proposals provide for some form of defensible space to safeguard the privacy of future residents of the respective units.

Communal Space

13.7.27. Objective DM OBJ 39 of the Development Plan generally requires the provision of communal amenity space in residential developments, with the applicant and Planning Authority asserting that this would be complied with via 0.3ha of communal areas serving the apartments. Appendix 1 of the New Apartment Guidelines, states that the communal open space provision to serve a development should amount to a minimum of 5sq.m per one-bedroom unit, 7sq.m for a two-bedroom unit and 9sq.m for a three-bedroom unit. Based on the apartment mix only and these planning provisions, the proposed development would require 1,322sq.m of communal open space, which would be readily complied with in the subject proposals providing for 2,630sq.m of communal space adjoining the associated apartment buildings (A, B, A1 and B1). The applicant also refers to the two-bedroom apartments in building types F and F-O requiring 336sq.m of communal space, which they state to be provided in the form of communal spaces amounting to between 21sq.m and 550sq.m adjoining the 16 respective buildings. I also note that 16sq.m communal open space would be required for each of 19 G-type and G1-O type buildings consisting of two-bedroom apartments and three-bedroom duplex apartments. This would be complied with via provision of space amounting to between 21sq.m and 115sq.m within the curtilage of these blocks.

13.7.28. The applicant's assessment of the lighting to the communal spaces in the proposed development concluded that with the exception of two of the 15 tested communal spaces, they would receive sufficient sunlight based on the aforementioned BRE 209 Guide requirements. Shortfalls would arise for the communal space serving blocks F AS023 to AS028 in character area 1 of the development, and the ground-floor communal space serving block B1. I would not have substantive concerns regarding the shortfalls identified, particularly given the extensive alternative first-floor level

communal space that would be available for residents of block B1, the proximity of the aforementioned block F to public open space and the provision of private amenity space for each unit. The applicant has not assessed the extent of lighting that would be available to the communal spaces serving units in building type G1 and G1-O. Notwithstanding this, given the sunlight hour images for the entire site included in the Daylight and Sunlight Assessment report and the locations for these spaces in a similar proposed context to the spaces that have been assessed, extensive non-compliance with the BRE 209 Guide in relation to sunlight hours to communal spaces serving units in building types G1 and G1-O would not be likely to arise.

13.7.29. The Planning Authority has sought conditions with respect to the maintenance and management of the communal open spaces and apartments blocks, which would be a standard requirement and a reasonable request. I am satisfied that the provision of communal open space would positively contribute to the amenities of future residents, in conjunction with the alternative public and private open space proposed within the development.

13.7.30. Objective DM OBJ 38 of the Development Plan requires all proposals for residential developments above 75 units to incorporate works of public art or to make a financial contribution to the Planning Authority in lieu of same. I am not aware that this has been complied with in the subject proposals and I would suggest that a condition should be attached to address same, as requested by the Planning Authority.

Support Facilities

13.7.31. Observers refer to a lack of local amenities to serve the proposed development, including schools, medical services, recycling facilities, policing services and recreational facilities. Observers also refer to the need for a social infrastructure audit to be provided. The Development Plan requires a social infrastructure assessment to be included with planning applications for development of 50 units or more to ensure that there is an appropriate provision of such facilities and amenities.

13.7.32. The Development Plan refers to recent investment in social and community facilities in Ashbourne, including a new school campus and public library, creating a more balanced and sustainable community and as the population grows further facilities will be required. Objective ASH OBJ 21 of the Development Plan sets out that a new

primary school to meet educational requirements will be facilitated on suitably-located lands. As noted above, a school site would be reserved on this site, following liaison with the Department of Education.

13.7.33. The applicant submitted a Social Infrastructure Assessment identifying various health and wellbeing facilities, childcare facilities, schools, sports and recreational facilities, retail facilities, religious facilities, social and information facilities and emergency services in the wider area. In my opinion several of the services referenced, including those in Ratoath, are likely to have limited potential to serve the subject development, given their separation distance from the site. As noted above, the proposed development would feature public open space and childcare facilities, generally intended to serve the needs of the future population of the proposed development. There are open space zoned lands adjoining to the west of the site and the proposed development would facilitate vehicular access to these lands. The proposed development would feature a general practitioners / medical use unit and retail units, which would only be completed as part of the second phase of the development.

13.7.34. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops and medical facilities, all of which would benefit from the development. The immediate area features an array of existing and proposed infrastructure and services that would be supported by the proposed development and which would be likely to support the proposed development as demand increases.

Childcare Facility

13.7.35. Policies SOC POL 5, SOC POL 20, DM POL 25 and DM POL 26 of the Development Plan support the provision of childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001). Section 11.7.3 of the Development Plan sets out criteria to be considered with respect to the provision of childcare facilities. Observers assert that childcare facilities in Ashbourne are already at capacity and that the four childcare facilities in Ratoath, as well as a

facility in Cushenstown referred to in the Social Infrastructure Assessment would not be likely to serve the application site. The applicant has not detailed if there is any existing capacity in the neighbouring childcare facilities. Given their separation distance over 6.9km from the site, the childcare facilities located in Ratoath and Cushenstown referred to by the applicant would be likely to be outside a reasonable catchment from the site. Notwithstanding this, the applicant would not appear to rely on these facilities in guiding the scale of the two proposed childcare facilities to serve the development; one of which would measure a stated 289sq.m in block A, the second of which would be a stated 384sq.m in block B1 at the local neighbourhood centre. According to the applicant, the proposed childcare facilities would be capable of serving a total of 175 children, and these facilities would feature external play areas at surface level.

13.7.36. The applicant's Social Infrastructure Audit details how the design and scale of the facility was arrived at, including an audit of existing neighbouring facilities, service uptake based on demographic estimates and the provisions of the Childcare Facilities - Guidelines for Planning Authorities and the Sustainable Residential Development Guidelines allowing for one-bedroom units to be omitted from calculations. The demand for childcare spaces arising from the overall proposed development is estimated to be in the region of 175 spaces. Meath County Childcare Committee has not commented on the application. While I have noted the necessity for one of the proposed childcare facilities to be operational prior to the commencement of phase 2 of the development, the scale of the childcare facilities proposed relative to the floor area standards outlined in appendix 1 of the Childcare Guidelines would be appropriate in serving the demand for spaces arising from the proposed development.

Waste and Recycling Management

13.7.37. Section 11.5.27 of the Development Plan sets out the requirements for bin storage in residential developments, including screened secure facilities to the front of terrace units and ventilated ground-floor facilities to apartment developments. The applicant has submitted an Operational Waste Management Plan as an appendix to the EIAR estimating the likely quantum and categories of waste and recycling that would need to be catered for in the subject development, and how this would be managed based on waste and recycling management plans at county, regional and national levels.

Shared communal waste storage areas would be provided at ground or basement floor close to building cores to serve residents of the four largest apartment blocks (A, B, A1 and B1). For the smaller blocks, including F, F-O , G1 and G1-O, screened bin stores would be provided in the communal yard spaces adjoining the buildings. Dedicated bin stores for the retail/café unit in block A and the retail unit in block B1 are identified in the plans submitted. Bins stores for the other non-residential units have not been specifically allocated and the end users for the bin store at ground floor to block A1 between the retail unit and childcare facility is not stated. For the proposed houses featuring external access to the rear, bin storage areas would be available in their respective rear gardens, while individual bin stores sufficient to accommodate three wheelie bins on the shared boundary would be provided to the front of the mid-terrace houses. The applicant has proposed that these bin stores would be of brick construction with timber doors, which I consider to be appropriate for the stores to comfortably blend into the streetscape and to allow for the accommodation and screening of bins.

13.7.38. With respect to house type E units the applicant states that bin storage is to be provided in screened off yards at the rear/side of units. It is not clear from the details submitted how this is to be provided, as there are no bin stores on the overall site layout plan (drawing no.D2101.S.05) proximate to many of these type E units, and external access to the rear of these units would not be readily available.

Notwithstanding this, there would be reasonable scope within the immediate environs or curtilage of these units for bin stores to be provided and this could be addressed as condition in the event of a grant of planning permission for the proposed development. Specific details of the waste and recycling collection areas for each of the non-residential units should also be provided. The Planning Authority has also requested swept-path diagrams for a waste and recycling collection vehicle and I consider this reasonable to request as a condition in the event of a grant of permission.

13.7.39. In conclusion, with some minor amendments via conditions, sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Development Plan.

Building Lifecycle and Management

13.7.40. As required within the New Apartment Guidelines, a Building Life Cycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy and carbon emission limitation measures are listed as being considered with respect to the management and maintenance of the development, including measures addressing the building materials, goods and equipment, lighting, ventilation, photovoltaic panels, heat pumps, heat recovery and electric-vehicle charging points. Durable materials that would reduce management and maintenance costs for residents have been selected. The Building Life Cycle Report also addresses landscaping measures, waste management, general management and transport. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Sustainability and Energy Efficiency

13.7.41. The Development Plan includes various sections, policies and objectives promoting the integration of energy efficiency in residential developments. An Energy and Sustainability Report addressing the sustainability and energy efficiency of the proposed development has been submitted with the application and this includes specific reference to energy efficiency measures, the proposed energy strategy and the locations of electric-vehicle charging points. The applicant sets out heat sources and mechanical ventilation system options for the residential element of the proposed development, including exhaust air heat pumps for the apartments and air to water heat pumps for the houses. Heat sources for the commercial and childcare elements are not set out. Solar photovoltaic panels and high-efficiency LED lighting are also to be employed throughout the development. Each house would feature an electric-vehicle charging point and electric-vehicle charging point ducting would be provided for all car parking spaces. Proposed buildings are to be fully compliant with the requirements of Part L of the Building Regulations nearly zero-energy buildings (NZEB).

13.7.42. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the initial design of the development, in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the Building Regulations.

Conclusion

13.7.43. While the vast majority of development standards would be complied with as part of the proposals, above I have noted several shortfalls in meeting standards, which I am satisfied could be suitably addressed via conditions of a permission.

13.8. Traffic and Transportation

13.8.1. The Planning Authority do not object to the proposed traffic and transport impacts, although they do require compliance with various conditions, including those relating to the completion of certain works and compliance with specific standards.

Access

13.8.2. In section 13.5 above when addressing urban design and layout considerations, I have highlighted several matters to be addressed with regard to the internal layout of the development. My conclusions above in relation to the density of the development highlighted a reasonably high frequency of public bus services in the area, although the bus services operated on inter-urban routes and the capacity of these services is not clear.

13.8.3. The primary access to the development from the Dublin Road would be from an upgraded signalised junction in the present location of the Cherry Lane junction. Observers assert that shared road surfaces should be provided along the Dublin Road and Ratoath Road, however, I note that these works would not be strictly required to serve the subject proposals and as part of the Ashbourne Main Street Refurbishment Scheme Phase 2, the Planning Authority intends providing cycle lanes and various road upgrade proposals along the Dublin Road. The subject junction works at Cherry Lane would appear to tie in with the refurbishment scheme works. Observers assert that more pedestrian crossings and safer pedestrian routes are needed in the area, including along the Dublin Road. The proposed Cherry Lane junction would include signalised pedestrian crossing points over the Dublin Road.

Observers assert that an alternative access should be provided possibly from the west and a revised junction arrangement comprising a roundabout on Dublin Road should be undertaken given the proximity to another road junction. The only scope to provide, access from roads to the western side of the site would be through cul de sacs on Tara Close or Tara Court. The applicant's proposals to access the site from the east off the Dublin Road would be the most reasonable approach to take as this road has greatest capacity to cater for the associated traffic. Furthermore, other than request detailed designs for agreement, the Planning Authority has not objected to the main junction arrangement, including the future capacity of the junction to cater for the increase in traffic anticipated to arise from the development.

13.8.4. While the primary vehicular access serving the site is intended to be from the Cherry Lane junction on the northern side of the site, the proposals would also feature vehicular access from the south side along Hickey's Lane. Many of the observers object to the provision of this vehicular access to the development from Hickey's Lane, as they consider the resultant increase in traffic along Hickey's Lane would not be capable of being accommodated in the safe manner. According to the observers, the traffic associated with the proposed development would be greater than that anticipated in the application, as it would create a rat run, allowing for traffic to bypass the Dublin Road during peak hours, and as the proposed non-residential uses would attract additional traffic to the area.

13.8.5. Various observers have raised concerns regarding the ability of the applicant to undertake the stated road upgrade works along Hickey's Lane, as they do not consider the applicant to have legal control over certain parts of this stretch of road, including grass verges, and that the consent from Meath County Council would not be sufficient to allow the works to be undertaken along Hickey's Lane. This matter was raised by the Board as a reason for refusal of planning permission (ABP ref. PL17.243223) for 188 houses and a childcare facility on the southern half of the application site (ABP ref. PL17.243223) in October 2014. The applicant asserts that Hickey's Lane has been taken-in-charge by Meath County Council and that the Council, as Roads Authority, has consented to the inclusion of Hickey's Lane in the application site, in order to carry out the necessary proposed upgrade works to same to facilitate access to the subject site. A letter of consent from Meath County Council is included with the application and this states that 'Meath County Council as the

body having taken in charge the following estates: Alderbrook Rise and Tara Close hereby consent to Arnub Ltd. & Aspect Homes (ADC) Ltd. making a SHD application for proposed new residential and mixed-use development as shown within the red line boundary on the attached site location map drawing.’ The accompanying site location map includes the area associated with Hickey’s Lane road upgrade works within the redline boundary.

- 13.8.6. The information provided as part of the applicant would suggest that the area along Hickey’s Lane required as part of the proposed development has been taken in charge by Meath County Council as the Roads Authority. I am satisfied that from a planning perspective the applicant has addressed the ownership issues raised under ABP ref. PL17.243223, and they have provided sufficient evidence of their legal capacity to undertake the works on lands taken in charge by Meath County Council and the issuing of a decision in relation to the proposals.
- 13.8.7. At present Hickey’s Lane leads eastwards from the application site for a distance of approximately 300m to the Dublin Road. At a point halfway along this road, Hickey’s Lane turns sharply southwards to connect up with the Ratoath Road approximately 500m to the south. The section of Hickey’s Lane between the Dublin Road and the turn off to the Ratoath Road generally features a reasonably consistent 5m-wide carriageway adjoining hedgerows, grass verges and residential accesses. The section of this lane leading from the sharp bend to the Ratoath Road features more varied carriageway widths of between 3m to 5m, with numerous set ins allowing for vehicles to pass over stretches of narrow carriageway. The 150m-long section of the lane leading from the sharp bend to the application site features a single carriageway width for the first 100m before widening to approximately 5m for the 50m stretch leading to the application site. Hickey’s Lane does not feature public lighting or footpaths and there are numerous entrances to one-off houses dominating the frontage onto the road. The observers assert that Hickey’s Lane features limited capacity to safely accommodate the associated increased traffic.
- 13.8.8. Details with respect to the applicant’s proposals for Hickey’s Lane are illustrated in Roads Layout Sheet 1 (drawing no. 200059-DBFL-RD-SP-DR-C-1201-P02). This indicates that the applicant intends to upgrade the 300m-long east-west aligned stretch of Hickey’s Lane leading from the site to the Dublin Road with 1.8m-wide footpaths to be constructed on either side of a carriageway featuring widths varying

from 3.7m to 5.5m. A T-junction would be formed at the sharp bend in Hickey's Lane with traffic from the application site required to yield to traffic before moving onto the stretch of road connecting between Dublin Road and Ratoath Road. The final stretch of upgraded road leading to the Dublin Road would feature 2m-wide footpaths adjoining a 5.5m-wide carriageway. In contrast to the Cherry Lane / Dublin Road junction, the subject proposals would not directly provide for upgrade works at the Hickey's Lane / Dublin Road junction and, as such, this would remain as a priority-controlled junction. The observers assert that the narrow width of the carriageway along Hickey's Lane as part of the subject works would be inappropriate and the vehicular access onto this road should be omitted in full.

13.8.9. The provision of paths along the west-east alignment of Hickey's Lane would improve pedestrian movement along this road, although I note that dropped kerbs would be necessary at the various residential access points. The applicant has proposed a shuttle or courtesy system to allow vehicles to pass over a stretch of the proposed carriageway where a single vehicle could only pass at any one time. The Quality Audit submitted with the application, including stage 1 road safety audit, highlighted two concerns with this, including the potential for this system to conflict with existing residential entrances and the potential for collisions to arise during reduced visibility. The Quality Audit suggests that the shuttle system should be revised so as not to block residential property accesses and if adequate sightlines are not achievable, alternative solutions could be explored. The Planning Authority requested that all the measures raised within the Quality Audit are addressed at planning compliance stage.

13.8.10. According to DMURS, the standard carriageway width on local streets should be between 5m and 5.5m, whereas the applicant has proposed a stretch of the access road that would serve the development to feature a width of 3.7m with scope only for a single vehicle to pass in one direction. While DMURS provides for various means of reducing traffic speeds in residential environments, including vertical deflections reducing passageway widths, such deflections would not provide for single carriageway widths over the 85m stretch proposed by the applicant in this case. It would be a reasonable requirement for vehicles to be capable of passing in both directions over the Hickey's Lane access to the proposed development.

13.8.11. As highlighted in the Quality Audit, if a vehicle exits an existing vehicular access along the shuttle system section, this could clearly conflict with the safe operation of the system. Furthermore, the safety of this shuttle system could be compromised at times of reduced visibility, including heavy fog, which could result in significant collision risk for motorists. There is also potential for vehicles at the eastern end of the shuttle system having to queue to facilitate traffic movements from the proposed development, resulting in vehicles backing onto the bend along Hickey's Lane, thereby restricting traffic flows and creating a traffic hazard on a sharp bend. The safety of the scheme would be compromised and remedial measures are required to remove this deficiency.

13.8.12. Given the clear and obvious limitations of this shuttle system as part of the applicant's proposed road infrastructure along this western stretch of Hickey's Lane, from a road safety perspective it would appear necessary for some alternative access solution to be provided, however, the applicant's ability to undertake alternative approaches to address this vehicular movement concern appear largely constrained by the lands available and the necessity to provide for safe pedestrian passage on both sides of the carriageway. The Planning Authority requested the applicant to submit for agreement proposals to control and manage traffic on Hickey's Lane, with traffic to be encouraged to use the main signalised access junction to the north of the site. Given the convenience and proximity of the Hickey's Lane access to the southern housing elements of the proposed development and the indirect road network connecting with the new link road along Cherry Lane, it is difficult to foresee how the applicant could substantively influence traffic associated with housing in the southern ends of the site to exit and enter the development via the new link road to the north.

13.8.13. I am satisfied that the applicant has not provided for an appropriate form of vehicular access to serve the development along Hickey's Lane and that the access proposed, including single carriageway shuttle system, would result in traffic hazard and impact on road safety, contrary to the principles set out in the DMURS. Given the limitations highlighted above, it would not be in the interests of the proper planning of the area for resolution of this matter to be addressed at planning compliance stage. Given the layout of the development, including the roads hierarchy and vehicular permeability, to provide for attractive and safe residential streets providing for only

limited traffic volumes, it would not be prudent to serve the entire development by a single vehicular access and I also note that the applicant's Traffic and Transport Assessment did not account for such a scenario. An element of the proposed development would be dependent on the Hickey's Lane vehicular access, as it would be more convenient to the alternative link road access connecting along Cherry Lane to the north. Accordingly, I am satisfied that permission should be refused for this reason. The Board would also have the option of omitting an element of the development reliant on this access towards the southern side of the site.

13.8.14. The Planning Authority viewed occupation of phase 3 of the development as being dependent on the completion of the proposed upgrade works along Hickey's Lane and I would agree with same. A review of the overall site layout and the likely vehicular trip distances would also suggest that the Hickey's Lane access would serve as a more convenient access for residents of the phase 3 area of the site, with more indirect routes through the network of local access roads required from the phase 3 area to the link road. Accordingly, if considered appropriate the Board could attach a condition in the event of a grant of planning permission, omitting the phase 3 area, comprising 185 residential units (165 houses and 20 apartment/duplex units) or 26% of the residential element of the development from the permitted development.

Car Parking

13.8.15. The observers assert that the proposed development would feature a shortfall in car parking, which would lead to overspill parking in neighbouring areas and restricted access and safety concerns if not properly managed. The Planning Authority consider the proposed provision of car parking to be appropriate. The applicant is proposing a total of 1,262 car parking spaces primarily at surface level or at undercroft or basement level to serve the apartments, 1,223 of which would serve the residential element and 39 of which would serve the non-residential facilities. Table 11.2 of the Development Plan sets out standards for car parking within residential developments, including two spaces for houses. With regards to apartments the Plan refers to the need to provide two car parking spaces per unit, as well as one visitor space for every four apartments. The Development Plan references the minimum parking requirements stated in the New Apartment Guidelines for apartments in peripheral and less accessible urban locations.

13.8.16. The applicant states that two car parking spaces are proposed for each of the houses, in line with Development Plan standards, and 1.34 car parking spaces are proposed for the apartment / duplex elements of the development, in line with the New Apartment Guidelines requirement seeking one car parking space per unit and one visitor car parking space for every three to four units. A parking layout drawing (no.D2101.S.14) is included with the application identifying the location of the proposed car parking spaces for the various uses and the overall site layout plan identifies the surface-level spaces allocated to each house or duplex unit, the non-residential spaces and visitor spaces. Car parking spaces serving the residential elements would generally be located within the curtilage of the houses or clustered into perpendicular rows in locations proximate to the residences. I am satisfied that the proposed provision of residential car parking spaces would be appropriate for this development and would not materially contravene provisions of the Development Plan. Furthermore, with the amendments suggested in section 13.5 above, the quantum and location of car parking would not dominate the appearance of the streets within the development and spaces would be conveniently located for future residents.

13.8.17. Maximum standards are listed in the Development Plan for non-residential car parking spaces, including one space for every 20sq.m of retail units, one space for every employee and four children in a childcare facility, and two spaces per consultancy room in a surgery. Based on this the four retail units would require 47 spaces, the three consultancy rooms in the general practitioners / medical use unit would require six spaces and the childcare facilities capable of serving 175 children with 10 classrooms would require approximately between 54 and 64 spaces. The applicant proposed eight non-residential spaces at block A, which would feature two retail units and a childcare facility, while 31 spaces are proposed to serve the two retail units, the childcare facility and the general practitioners / medical use unit at blocks A1 and B1. I consider the quantum of non-residential car parking to be appropriate given the fact that the non-residential facilities are primarily intended to serve residents of the proposed development, given the scope for dual usage of surface level parking spaces and as maximum car parking standards are applied for non-residential uses in the Development Plan.

- 13.8.18. According to the Traffic and Transport Assessment, two spaces in the development are to be allocated for a car-share club and these would be located off the link road close to the main entrance to the development south of duplex building type F AS171, AS172 and AS173. The overall site layout plan drawing (no.D2101.S.05) would suggest these spaces are allocated to units in the adjacent duplex block and the applicant's final car parking management proposals should clarify the assigned locations for the car club spaces as a condition of the permission.
- 13.8.19. According to the applicant's Traffic and Transport Assessment, a total of 20% of the development's car parking provision would be provided with the necessary wiring and ducting to be capable of accommodating future electric-vehicle charging points and ten fully-functional charging points for electric vehicles would be provided. According to the applicant's Sustainability and Energy Report, ducting for the future installation of electric-vehicle charging points would be provided for all of the proposed car parking spaces, although it would not be possible to duct each carpark space back to individual dwellings, therefore a communal type charging facility, with a payment facility would need to be installed in the future, should the need arise. Objective MOV OBJ 25 of the Development Plan aims to facilitate the provision of electricity charging infrastructure for electric vehicles both on street and in new developments in accordance with car parking standards and best practice. I am satisfied that a standard condition with respect to the provision of infrastructure for electric vehicles would be appropriate to attach, particularly given the conflicting information submitted with the application.

Cycle Parking

- 13.8.20. The Planning Authority consider the provision of cycle parking to be appropriate to serve the development. A total of 869 cycle parking spaces are proposed to serve the development, 817 of which would serve the apartment and duplex units. The Development Plan sets out the objectives for cycle parking, including the need for covered, secure cycle parking spaces serving units with no private gardens. The applicant states that cycle parking for the housing units would be provided in private gardens. Cycle parking spaces would also be provided in the communal areas serving each of the proposed duplex units. Covered cycle storage structure details are provided with the application drawings (nos.D2101-BC01 and D2101-BIC02). Block A would feature 66 undercroft spaces for residents, 18 surface-level visitor

spaces and 14 non-residential cycle parking spaces. Block B would feature 28 residential cycle parking spaces on the southeast side, as well as eight surface level visitor spaces. A further 32 visitor spaces are proposed at surface level to block A1 and an additional ten spaces are to be provided at the block A1 childcare facility, as well as eight spaces fronting the general practitioners / medical use unit. Block A1 would also feature 176 secure covered cycle spaces accessed off a communal courtyard area. Block B1 would feature 152 basement cycle parking spaces with a further 26 visitor spaces and ten non-residential spaces.

13.8.21. The New Apartment Guidelines and the Development Plan require one cycle parking space per bed space in apartments and one visitor cycle parking space for every two apartments, requiring 704 cycle parking spaces to serve the apartment and duplex element of the proposed development. I am satisfied that the apartment block internal cycle parking spaces, the scope for externally accessible cycle parking in rear gardens and the covered cycle stores would comply with the relevant cycle parking standards for the residential element of the development.

13.8.22. The Development Plan also requires one cycle parking space for every ten car parking spaces assigned to a shop or at a rate of one space per till / checkout and for other developments one space per car space or 10% of employee numbers in general. The applicant proposes 52 non-residential cycle parking spaces in total, 14 to serve the childcare facility, 28 to serve the retail units and four to serve the general practitioners / medical use unit. I am satisfied that the general provision of non-residential cycle parking would be appropriate based on the relevant standards, the details available at this juncture and given the layout, nature and context for the proposed development.

Traffic

13.8.23. Observers object to the increased traffic arising from the proposed development particularly via the Cherry Lane junction close to an existing junction serving schools. The observers also assert that the cumulative impact of increased traffic congestion and risks to safety on neighbouring roads has not been fully considered, in particular the additional scope for residential developments in the area, the future potential school on the application site, and the non-residential uses proposed as part of the development.

- 13.8.24. The applicant submitted a Traffic and Transport Assessment following traffic surveys undertaken at four junctions and one automated traffic survey in the immediate vicinity of the site during Covid restrictions in 2020 and 2021. Observers assert that the traffic surveys cannot be relied on as they were undertaken during Covid-19 restrictions when limited traffic was on the roads. The applicant's Traffic and Transport Assessment outlines that they have accounted for the lower traffic volumes during this period by applying an uplift of 10% to the baseline data following information collated by Transport Infrastructure Ireland and presented by the Central Statistics Office (CSO) highlighting that traffic volumes 8.7% lower in Dublin and 8.5% lower in regional sites were recorded in December 2021 during Covid restrictions when compared with the same week in 2019 prior to Covid restrictions. This would appear a reasonable approach given the timing of the surveys and the CSO data referenced.
- 13.8.25. The applicant asserts that all trips for the non-residential elements of the proposed development would be internal movements that would not affect the road network, and, as such, these movements have not been included in the traffic model. I acknowledge that the four retail units, two childcare facilities and the general practitioner / medical use unit would be primarily aimed toward serving the immediate development, however, it would be realistic to expect some element of traffic on the neighbouring network of roads to be associated with the operation of these non-residential units, including traffic associated with service and staffing these units. Notwithstanding this, I am satisfied that the overall extent of traffic associated with these uses would not be likely to be significant, particularly when considering the nature and scale of residential units proposed.
- 13.8.26. The applicant's assessment illustrates the traffic capacities and flows surveyed and sets out forecasts for potential traffic growth scenarios based on estimated traffic flow increases, including the operation of the future potential school site in 2028. The assessment suggested the total number of additional vehicular trips associated with the proposed residential element of the development during the morning peak hour (8:00 to 09:00) would comprise a maximum of 217 outward trips, with 199 returning trips during the evening peak hour (16:45 to 17:45).
- 13.8.27. The applicant's modelling assumes that 80% of the traffic would use the primary Cherry Lane vehicular access and the remainder would utilise the Hickey's Lane

access. The observers assert that this split is not based on material evidence, resulting in an underestimation of the extent of traffic that would use the Hickey's Lane access. As noted above, reasonable interpretation of the layout to the development, based on likely distances and journey times for vehicles from housing areas of the site to the two vehicular access would suggest that the housing located in the phase 3 area of the proposed development would be more conveniently served by the Hickey's Lane access, as opposed to the Cherry Lane access. Consequently, approximately 26% of the residential units proposed in the development as part of the phase 3 area would most likely prefer use of the Hickey's Lane as their primary access. On this basis I consider the approach undertaken by the applicant in modelling the distribution of traffic to be realistic and this also allows for a reasonable interpretation of the likely traffic impacts arising from the overall proposed development.

13.8.28. The applicant's assessment concludes that for four of the five junctions modelled would experience increases in traffic of greater than 7% in 2028 with the development completed. A 3% to 4% increase in peak hour traffic at the Hickey's Lane / Ratoath Road junction is forecasted. For the Alderbrook Road / Dublin Road junction the traffic would increase in the region of 7% during peak hours, for the nine-mile stone roundabout junction an 8% increase is forecasted, a 15% to 17% increase is forecasted for the Dublin Road / Hickey's Lane junction and a 18% to 20% increase is forecasted for the Cherry Lane / Dublin Road junction. As these four junctions exceed the 5% TII guide threshold for an increase in peak hour traffic, the applicant has further assessed the impacts of the traffic to identify how the junctions would perform in managing traffic.

13.8.29. In the do-minimum and do-something scenarios all assessed junctions would operate within capacity during peak hours and in all the design years with the proposed development in place. The applicant undertakes further sensitivity analysis assuming that the open space lands adjoining to the west of the application site would accommodate additional traffic amounting to in the region of 400 residential units. While I would consider the additional associated traffic arising from development of the zoned open space lands would be unlikely to be akin to 400 residential units and the more frequent period for trips associated with use of this open space would be outside of the stated peak hours, the sensitivity analysis

concludes that all of the assessed junctions would continue to operate within capacity during peak hours.

13.8.30. The Planning Authority does not raise any concerns regarding the future operation of the assessed road junctions, requesting that the applicant ensures that cycle priority measures are designed into the Cherry Lane / Dublin Road junction. The majority of the application site is located on zoned residential lands with reasonable access to an array of services. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily, and various measures and design features have been set out within the application to support the use of public transport, cycling and walking, as alternatives to the use of private vehicles.

13.8.31. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served by public transport and have the capability for additional public transport services as demand arises, should be developed in the interest of providing for sustainable communities.

13.8.32. I am satisfied that the applicant has provided a model of the likely traffic arising based on a logical approach and in line with planning guidance. The information available and presented would suggest that the increase in traffic associated with the proposed development would be capable of being absorbed in the local road network and that with the omission of the proposed Hickey's Lane access, the proposed development would not lead to a significant risk to road safety.

Conclusion

13.8.33. In conclusion, the proposed development would be served by suitable means of access from the Cherry Lane / Dublin Road junction, along with an appropriate provision of parking relative to the scale, nature and location of the development and significant traffic congestion in the area would not be likely to arise. Notwithstanding this, the proposed Hickey's Lane vehicular access would fail to comply with the provisions of the DMURS and would lead to a significant risk to road safety and for this reason I recommend refining planning permission for the proposed development.

13.9. Services and Drainage

- 13.9.1. The application was accompanied by an Infrastructure Design Report that sets out how water supply and drainage services would be provided for the development. Infrastructure objective ASH OBJ 4 of the Development Plan states that it is an aim of the Planning Authority to liaise with and support Uisce Éireann to endeavour to provide adequate water services to meet the development needs of Ashbourne within the Plan period. The Planning Authority acknowledge the comments of Uisce Éireann in relation to water supply and wastewater services.

Water Supply

- 13.9.2. Observers assert that there are regular issues with respect to water supply in Ashbourne, including water outages, and that the proposed development would impact further on this. According to the applicant, there is an existing 315mm-diameter watermain running along the Dublin Road, which the development would connect into at the proposed upgraded junction with Cherry Lane. Other existing watermains are noted, including a 50mm-diameter watermain on Hickey's Lane and a 75mm-diameter watermain running along Cherry Lane. In their Infrastructural Design Report the applicant estimates the expected total water supply demand arising from the proposed development based on an occupancy rate of 2.7 persons for the residential units (1,895 persons). There is no reference to the demand from the proposed non-residential units, although I do not consider these units would demand a substantive additional increase in water supply given the nature of the units proposed.
- 13.9.3. Uisce Éireann confirm that a connection to their water supply network would be feasible subject to upgrades stating that a connection into the new main on the Dublin Road should be a minimum diameter of 180mm and this diameter of watermain should continue into the development to act as a spine main. The applicant states that a 160mm to 180mm-diameter looped population equivalent watermain would be provided off the Dublin Road watermain and this looped main would act as the main spine along the site's main roads. Accordingly, I am satisfied that the proposed water supply infrastructure would comply with the infrastructure upgrade requirements listed by Uisce Éireann.

Wastewater Services

- 13.9.4. Policy INF POL 12 of the Development Plan states where the public foul sewer network is available or likely to be available, and it has sufficient capacity, development should connect into it. According to the Development Plan wastewater from the Ashbourne area drains into the Greater Dublin drainage network for final treatment at Ringsend Wastewater Treatment Plant (WWTP), which has adequate wastewater capacity to cater for the development and growth of Ashbourne over the lifetime of the Plan. The applicant outlines that correspondence received from Uisce Éireann identifies that there are upgrade works planned for the Ashbourne WWTP located along the Broadmeadow River at Deerpark, but there are capacity issues with the treatment plant at present. Observers assert that there would be a lack of capacity to treat wastewater from the proposed development, including in the Kilbride wastewater pumping station (WWPS), with no plans by Uisce Éireann to upgrade wastewater infrastructure.
- 13.9.5. According to the applicant there is an existing 225mm/300mm diameter foul sewer running along the Dublin Road to the east of the subject site. The site has been divided in two areas for the purposes of foul drainage management. The northern half of the site would discharge by gravity through a new 225mm-diameter foul sewer to the existing 225mm/300mm diameter foul sewer at a manhole on the Dublin Road at its junction with Cherry Lane. The units in the southern half of the site, comprising an area to the south of the proposed civic plaza in the proposed local neighbourhood centre, would discharge to a foul sewer running along Hickeys Lane, before connecting into a manhole in The Briars estate. The foul water from the northern portion of the site would drain into the Ashbourne WWPS and the foul water from the southern half would drain to the Milltown WWPS. It is stated that both of these WWPS ultimately discharge to the Ringsend WWTP. The precise locations of these WWPS have not been detailed by parties to the application.
- 13.9.6. In their Pre-Connection query to the applicant, which is appended to the submitted Infrastructure Design Report, Uisce Éireann state that they have no objection to the development. Uisce Éireann responded to consultation relating to the application, confirming that a wastewater connection would be feasible subject to infrastructure upgrades and standard wastewater and water services-related conditions. In their observation to the Board, Uisce Éireann state that the existing wastewater pump

stations at Ashbourne and Kilbride require upgrade works to facilitate the proposed development, specifically, the installation of new flow meters, storm overflow storage facilities and telemetry. The applicant only makes reference to the proposed development discharging through Ashbourne and Milltown WWPSs, however, it is likely that the Kilbride WWPS located approximately 5km to the south of the site, would also serve the proposed development in connecting into the Greater Dublin drainage network. Uisce Éireann state that they do not have plans to upgrade these pump stations and that a study and investigation of the pump stations would be required to determine the upgrades. In addition to this, Uisce Éireann state that a 570m wastewater network extension would be required. It is not clear where this network extension would be required to be provided, how this would be provided and if the applicant would need other consents to undertake same.

13.9.7. Government Circular FPS 01/2018 issued in January 2018 confirms that the 'Water Services – Guidelines for Planning Authorities - Draft 2018' have been issued under section 28 of the Act of 2000, and, as such, An Bord Pleanála are required to have regard to these Guidelines in the course of carrying out their functions. These Guidelines clarify that it is a requirement for strategic housing development applications to contain evidence that Uisce Éireann has confirmed that it is feasible to provide the appropriate services and that the relevant water network or networks have the capacity to service the development. An Bord Pleanála must take account of any submission made by Uisce Éireann in making its decision on a planning application. The information available highlights that wastewater services would need to be upgraded to serve the proposed development, but I have no information to hand from the applicant or other parties that sets out if, how and when such upgrades would be undertaken.

13.9.8. According to Uisce Éireann there are no planned upgrades in the short to medium term for the wastewater pump stations and the capacity constraints referenced are such that the development is unlikely to be satisfactorily serviced within the lifetime of the permission by necessary strategic water services infrastructure. NPO 33 of the NPF seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location. To grant permission for the proposed homes and other non-residential units in this location in the absence of the stated appropriate upgraded

services, would be contrary to objective NPO 33, as well as the provisions outlined in the Government Circular FPS 01/2018 issued in January 2018 requiring the Board to have regard to the provisions of the 'Water Services – Guidelines for Planning Authorities - Draft 2018'. Furthermore, in the absence of definitive timelines with respect to the necessary wastewater infrastructure upgrades, I do not consider it reasonable to attach a condition restricting occupation of the proposed development until such time as the wastewater infrastructure upgrades are completed. The proposed development would be contrary to policy INF POL 12 of the Development Plan as the public foul sewer network does not have sufficient capacity to cater for a connection from the proposed development.

Drainage

- 13.9.9. Other than drainage ditch channels within the field boundaries of the site, there are no watercourses on the application site. The drainage ditches ultimately drain toward the Fairyhouse stream 500m to 600m to the south of the site along the Ratoath Road and this stream connects into the Broadmeadow River approximately 2km to the southeast of the site. Within their Infrastructure Design Report the applicant sets out that there is a 375mm-diameter stormwater sewer running along the Dublin Road to the east of the site. The proposals provide for a surface water outfall to cater for the northern half of the site connecting into the stormwater sewer fronting Cnoc Neil Grove on the Dublin Road. For the southern half of the site, an outfall is proposed at a drainage ditch on the southern boundary of the site.
- 13.9.10. The stormwater and drainage design for the proposed development generally comprises a standard gully and pipe-work collection system with an attenuated outfall and associated attenuation storage. Following consideration of the site conditions arising from surveys, environmental conditions and ground investigations, the applicant sets out that various SUDS measures were integrated into the surface water management proposals, considerate of storm events and climate change factors. Observers assert that attenuation measures to semi-permanent parking areas would reduce runoff rates. The applicant proposes permeable paving, swales, infiltration basins, tree pits, rain gardens and underground storage measures as part of their SUDS proposals, as well as other measures to control flow rates and water quality, including hydrobrakes and fuel interceptors. Maximum runoff rates for the catchments have been sized to match the greenfield runoff rates.

13.9.11. The Planning Authority has requested that the applicant clearly demonstrates that the existing surface water drains intended to serve the development have adequate capacity to cater for the applicant's proposals and conditions are recommended with respect to trial hole excavation supervision, attenuation systems within the green space only for catchments A and F, fuel interceptor locations, greenfield flow-control rates for catchments C, D and F, flow-control locations for catchments E and D, valves to flow-control devices and pipe protection. The SUDS measures have been designed to ensure runoff is designed in accordance with the standards outlined in the Greater Dublin Strategic Drainage Study and the matters raised by the Planning Authority can be addressed via conditions, including standard stormwater audits to ensure the satisfactory undertaking and operation of the installed surface and storm water management systems.

Flood Risk

13.9.12. The applicant submitted a Site Specific Flood Risk Assessment with the application indicating that the site was at low risk of tidal, fluvial and groundwater flooding, and that a moderate risk of flooding from pluvial and human/mechanical error sources would only arise. The moderate pluvial flood risk would be associated with the success of the future drainage networks serving the proposed development and the need for proper operation and maintenance of this network to reduce the risk of pluvial flooding or blockages.

13.9.13. The Planning Authority do not raise concerns with respect to flood risk. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed residential development is 'less vulnerable' and therefore appropriate for the site.

13.9.14. As stated above, surface water management has been designed to ensure discharge flows are reduced to equivalent greenfield runoff rates and attenuation storage would be in accordance with the Greater Dublin Strategic Drainage Study. Risk of pluvial flooding would not be high as the surface water would be directed to drainage outfalls and the development finished-floor levels would be 0.5m above the above the top floor level in the corresponding attenuation facility.

Conclusion

13.9.15. In conclusion, I consider the water supply and surface water drainage proposals to serve the subject development to be satisfactory, subject to conditions. The proposed development would not be at substantive risk of flooding and it would not present substantive risk of flooding to other lands with SUDS measures provided for. Based on the information available the development is premature, pending the required wastewater infrastructure upgrades to the pumping stations and the network extension and, accordingly, I recommend that the Board refuse permission for the proposed development for this reason.

13.10. Material Contraventions

13.10.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000.

13.10.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000. For reasons outlined above in section 13.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case, including the proposed 'healthcare practitioner' use on 'A2 New Residential' lands.

13.10.3. Observers also assert that the proposed development is in contravention of the Development Plan albeit without specific reference to any particular Plan provisions. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and the Development Plan provisions relating to non-residential car parking standards and the overall quantum of car parking. For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters and a material contravention of the Development Plan would not arise with respect to the proposed development.

14.0 Environmental Impact Assessment

14.1. Introduction

- 14.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning and appropriate assessment sections of my report. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018) have guided this section of my report. The Planning Authority refer to the Board as the competent authority regarding EIA in this case.
- 14.1.2. The development provides for 702 residential units, two childcare facilities, four retail units and a general practitioner's / medical unit on a gross site area measuring 20ha in the Meath County Council area. Several of the topics and issues raised by observers that concern environmental matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid repetition.
- 14.1.3. Item 10 of Part 2 to Schedule 5 of the Planning Regulations and section 172(1)(a) of the Act of 2000 provides that an EIA is required for infrastructure projects that involve:
- (b) (i) construction of more than 500 dwelling units;
 - (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere;
- 14.1.4. The current proposal is an urban development project that would be on the edge of a built-up area, but not in a business district. As the proposals comprise more than 500 dwelling units and urban development with an area of greater than 10 hectares, the project is within the classes of development described in items 10(b)(i) and (iv) above, thereby requiring EIA. The Planning Authority agree with same and the applicant has submitted an EIAR with this application. The EIAR comprises a non-technical summary (Volume I), a main report (Volume II) and appendices (Volume III), alongside standalone reports as part of the application. Mitigation measures and monitoring described throughout the EIAR has been presented as a schedule within

Chapter 15 of the EIAR. The introductory chapter and the introductions to each of the EIAR chapters describe the qualifications and competencies of those involved in the preparation of the EIAR.

- 14.1.5. As is required under Article 3(1) of the EIA Directive 2014, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors; (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water; air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between factors (a) to (d).
- 14.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with Article 94 of the Planning Regulations. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014 relating to the need for certain information to be provided as part of the EIAR. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the Planning Authority, the prescribed bodies and members of the public, which are summarised above in sections 9, 10 and 11 of this report. For the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

14.2. **Vulnerability of the Project to Major Accidents and/or Disaster**

- 14.2.1. The requirement of Article 3(2) of the EIA Directive 2014 includes consideration of the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR specifically addresses the issue of major accidents and/or disasters within section 2.16. Categories of risks considered include those at construction phase, relating to health and safety, and at operation phase, relating to road traffic, fire and flooding. The applicant states that the site does not include any man-made industrial processes and the site is not within a notifiable zone for Seveso sites, including those listed in table 11.5 of the Development Plan.

- 14.2.2. Given the greenfield nature of the receiving environment and the characteristics of the proposed project, it is considered that there is no linkage factor of a hazard that could trigger what would constitute major accidents and disasters. Compliance with the final project CEMP, as well as good work practices are considered to limit the risk of accidents during construction. The vulnerability of the proposed project to major accidents and / or disasters is not considered significant. The proposed development is primarily residential in nature and will not require large-scale quantities of hazardous materials or fuels.
- 14.2.3. I am satisfied that the proposed uses are unlikely to present significant risk of major accidents or disasters. As noted in section 13.9 above, the site would not be at significant risk of flooding. Having regard to the location of the site, as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and / or disasters.

14.3. Alternatives

- 14.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

- 14.3.2. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

- 14.3.3. Chapter 2 of the EIAR provides a description of the range of alternatives considered, including alternative locations, alternative uses, alternative layouts, alternative processes and a do-nothing scenario. If nothing were done the lands would remain undeveloped, with an opportunity lost to provide 702 residential units, two childcare facilities, four retail units, a general practitioner's / medical unit and an efficient use of

zoned urban land within reasonable distance of local services. Considering that the majority of the lands in question are zoned in the Development Plan for uses that include housing, as well as the fact that the environmental sensitivities of the site are not such as to preclude development per se, alternative locations are not considered relevant. The process in arriving at the subject proposals as well as the rationale for discounting other uses and layouts is provided as part of sections 2.12.2 and 2.12.3 of the EIAR, as well as the applicant's Architectural Design Statement. The permissible and open for consideration uses for this site are prescribed within the zoning objectives in the Development Plan. The alternative uses that were considered were restricted to accord with the zoning objectives and have regard to surrounding developments. Various opportunities and constraints in relation to the development of the site, in particular the masterplan proposals, as well as the immediate surroundings and the need to create links towards the future potential school site and open space lands to the west, are stated to have influenced the design and scale of the final proposed project.

14.3.4. I am satisfied that there are no alternative processes having regard to the nature of the proposed project relative to the planning context and the fact that the large-scale residential development application or standard 'section 34' application procedures would not have been available to the applicant at the time of lodging the application. The overall approach of the applicant in considering alternatives appears reasonable, and I am satisfied that the requirements of the EIA Directive 2014 with regard to the consideration of 'alternatives' has been met.

14.4. Consultations

14.4.1. During the application process, the applicant consulted directly with Meath County Council and An Bord Pleanála, as well as prescribed bodies listed in section 11 above. The EIAR also refers to consultation during the course of preparing the Development Plan. The Planning Authority note that the National Parks and Wildlife Services (NPWS) section of the Department of Housing, Local Government and Heritage were not consulted with respect to the proposed development. The applicant's EIAR states that consultation regarding the EIAR element of the project was undertaken with the Development Applications Unit of the NPWS.

14.4.2. The observers raise concerns regarding public participation in the application process referring to pre-consultation being undertaken with some parties, limited scope and time to engage in the process and inaccuracies in the documentation submitted with the application. Public participation and consultation are an integral part of the strategic housing development process as outlined in the Act of 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017. Direct and formal public participation in the EIA process was undertaken through the statutory planning application process under the strategic housing development procedures. A link to the application was available from the Department of Housing, Local Government and Heritage EIA portal webpage. I have taken into consideration all submissions received during the application process as part of this assessment. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

14.5. Likely Significant Direct and Indirect Effects

14.5.1. The likely significant direct and indirect effects of the development are considered under the headings below, which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity;
- land and soils;
- water;
- air and climate;
- noise and vibration;
- material assets (built services, traffic and transportation, resource and waste management);
- archaeological, architectural and cultural heritage;
- landscape;
- the interaction between those factors.

14.6. Population and Human Health

- 14.6.1. Population and human health are addressed in Chapter 3 of the EIAR. The methodology for the assessment is described, as well as the receiving environment and sources referenced. The assessment considers attributes and characteristics associated with local land uses, demographics, neighbouring facilities and services, transport, human health and the landscape.
- 14.6.2. In terms of human health, the most likely impacts would be during the construction phase of the development, which could arise from dust, machinery exhaust and noise emissions. The various construction practices are outlined within the EIAR, including development phases, excavation works, foundation types and expected machinery. Given the control of activity on site by the developer, the construction activities and their associated emissions can be controlled to appropriate levels through the use of standard management measures, including those set out in the EIAR, the Resource and Waste Management Plan and a final CEMP. The Planning Authority request that the final CEMP addresses extreme weather scenarios and the potential impacts of the development on receptors and mitigation for same. The measures in the applicant's CEMP and the mitigation measures within the EIAR outline how the proposed works would be delivered safely and in a manner that minimises risks to human health. The imposition of limits by conditions in any grant of permission would reinforce the preservation of human health. With the implementation of remedial and mitigation measures, it is concluded that the proposed development would not have significant adverse effects on human health.
- 14.6.3. Other aspects of the development potentially impacting on air quality, noise, vibration, employment, travel and landscape are considered in the EIAR with respect to their likely effects on the local population. Mitigation measures in the form of restricted construction hours, traffic management plans, adherence to management plan measures and finalisation of a CEMP to include a dust and noise abatement plan are stated. Short-term positive impacts would arise for the surrounding population during the five-year construction phase from the added direct or indirect employment, estimated at 250 personnel, and additional economic activity associated with the project.

- 14.6.4. In terms of noise and vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be primarily a residential scheme that extends the built-up area of Ashbourne. Detailed assessment undertaken in section 13.6 above identified that the operational phase of the development would be unlikely to have substantive impacts on the amenities of neighbouring properties, with the development sufficiently sensitive to neighbouring properties and with scope for the development to be revised to address some impacts. Visual impacts following the completion of the development are considered further below, and while altering the appearance of the lands, the development would not be expected to have significant visual impacts.
- 14.6.5. The development itself would be likely to have significant direct positive impacts with regard to population and material assets during the operational phase, due to the increase in housing stock, as well as the non-residential facilities that could reasonably serve patrons from beyond the development. Improved permeability and connectivity with local services and infrastructure, as well as access to a future potential school site may also be realised to the benefit of the local population.
- 14.6.6. The population of the area would increase substantially consequent to the operation of the proposed development, which the applicant considers to amount to 2,106 persons, and which they consider to be a positive impact. The observers have raised concerns regarding the capacity of schools and other local infrastructures to serve the development. I have considered schools capacity, as well as childcare provision and social infrastructure under section 13.7 of the planning assessment above. When operational, the proposed childcare facilities, one of which would need to form part of the phase 1 development on site, would be capable of supporting residents of the development. The applicant provides for roads and services connecting to a future potential school site within the application site lands and to adjoining lands earmarked for open space to the west of the site. The proposed non-residential uses could also provide additional direct and indirect employment in the area and the open spaces would be of benefit to the development residents as well as the wider community. Waste management measures would be necessary to ensure negative impacts on residents of the scheme would not arise. The proposals

would support the continued operation of existing local services and provide additional critical mass to expand local services.

14.6.7. I am satisfied that potential effects on population and human health, particularly during the construction phases, would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative effects on population and human health.

14.7. **Biodiversity**

- 14.7.1. Chapter 4 of the EIAR addresses biodiversity with particular attention for species and habitats protected under EU Directives 92/43/EEC and 2009/147/EC. The biodiversity chapter details the survey methodology of the biodiversity assessment and the fieldwork undertaken between August 2020 and May 2022. Habitats identified are listed and illustrated in figure 4.4 of the EIAR. It is noted that an Appropriate Assessment (AA) Screening report for the project was provided as a separate standalone document accompanying the application. Section 15 of my report assesses the proposed development in the context of the conservation objectives for designated European sites within the zone of influence of the project.
- 14.7.2. The Fossitt habitat classifications categorise the site area primarily into improved agricultural grassland (GA1), buildings and artificial surfaces (BL3), amenity grassland (GA2), hedgerows (WL1), scrub (WS1), treelines (WL2) and wet grassland (GS4). The applicant notes the treeline and hedgerow habitats form the most important habitats on site from a biodiversity perspective, with scope to be used for foraging, nesting and commuting. The Planning Authority require compliance with measures to protect trees and hedgerows during construction, while also requiring the implementation of the biodiversity mitigation measures listed in the EIAR to form a condition of the permission. Observers assert that the proposals would result in the loss of trees and hedgerows that provide habitat for birds and wildlife, including reference to numerous species that use the area. It is also asserted by observers that wetland areas could be provided to improve biodiversity.
- 14.7.3. Plant or mammal species listed as being of the alien invasive variety under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations,

2011, were not found on the site. Habitats of National or international conservation importance were not recorded on site during the applicant's field surveys. Evidence of badgers using the site was not recorded and there are no surface water features on site that would support otter. Habitat on site would be capable of supporting Irish hare, pygmy shrew, hedgehog and stoat, while evidence of fox using the site was noted. Amphibians and reptiles were not recorded during site surveys, but there would be potential for drainage ditches and wet grassland on site to form suitable habitat for amphibians.

- 14.7.4. During surveys a total of four wetland, wading or wintering bird species were recorded, including four herring gull, one snipe, three mallard duck and ten redwing. The evidence collated from surveys would not suggest that the lands are important foraging grounds for these birds, nor are they on a known migratory route. A total of 36 other bird species were recorded on site during breeding bird surveys, including yellowhammer, which is a red-listed species and a pair of buzzards, which are likely to nest in the local area.
- 14.7.5. The dry drainage ditches on the southern boundary would drain towards the Fairhouse stream, which flows into the Broadmeadow River, an important salmonid system, with Brown trout throughout and Salmon in the lower reaches. The Broadmeadow River and the Ward River are not listed as salmonid waters for the purposes of S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations, 1988, although the conservation importance of Salmon is recognised by its listing in annex II of the EU Habitats Directive. The Broadmeadow River drains into the Malahide or Broadmeadow estuary, which is a Ramsar site (no.833) noted to contain a mosaic of subtidal and intertidal marine habitats and species, including significant beds of eelgrass and blue mussels. The estuary is also a Marine Protected Area for the protection of biodiversity under the OSPAR Convention (ref. O-IE-0002967).
- 14.7.6. Bat surveys were carried out in September 2020, August 2021 and May 2022, including along hedgerows and in eight buildings within the application site. A Soprano Pipistrelle was recorded emerging from an unoccupied bungalow, and it was noted that nine mature Ash trees feature potential to be used as bat roosts. During subsequent surveys bats were not recorded as using the bungalow. Surveying identified Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared,

Leisler's and Myotis bat species primarily foraging along the hedgerows within the site. The applicant considers the loss of a bat roost that had been used by a single bat to only be significant at a local level and a loss that would not have an impact on the conservation status of bats given their widespread prevalence. The loss of this bat roost would not have a significant impact on local bat populations given the evidence presented, including the extent of bat activity and previous known use of the roost by a single bat, and the measures set out by the applicant to prevent any potential harm to bats during the demolition phase of the project.

14.7.7. The development would result in the loss of habitat, including bat foraging and commuting habitat via the removal of hedgerows and trees. The loss of this habitat is not expected to have significant impacts on biodiversity, including for breeding bird species, with extensive similar habitat available in the immediate environs. Section 4.8 of the EIAR describes the predicted impacts of the proposed development on biodiversity based on the survey findings. Measures to minimise the impact of the development on biodiversity, include restricting disturbance of birds or their nests via limitations on vegetation removal between the 1st day of March and the 31st day of August. Various measures are outlined with respect to mitigation measures during the construction period, including retention and protection of vegetation, protection of vegetation from dust, protection of water quality, pre-construction surveys, re-examining of potential bat roosts, removal of the bungalow building outside of the bat hibernation period or the period when they are raising their young, and, where required, remedial action by a bat specialist with a derogation license from the NPWS. The finalised lighting scheme would be sensitive to bat species. Notwithstanding the loss of habitat, the green spine running through the site, including wetland planting and native woodland semi-mature trees, would enhance wildlife corridors through the development.

14.7.8. Having regard to the foregoing, including the ecological value of habitat on site and the limited recordings and evidence of species present on site, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity and I am satisfied with regard to the level of information before me in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and addressed by the measures that form part of the proposed scheme, and through suitable conditions. I

am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative effects on biodiversity.

14.8. Land and Soil

- 14.8.1. Chapter 5 of the EIAR deals with land, soils and geology. An array of testing was undertaken as part of the site investigations undertaken, including trial pits, dynamic probes, cable percussion and rotary core boreholes, percolation tests and laboratory tests. Investigations confirmed that the site features clay topsoil depths of 2.5m, overlying a very stiff, black-gravelly clay to depths of 5.2m. Drilling indicated limestone bedrock at 6m to 7.5m depths.
- 14.8.2. Teagasc soils mapping indicate that the site features poorly-drained, mainly basic mineral soils. Bedrock geology for the site is identified in the Geological Survey of Ireland (GSI) maps as featuring Visean limestone and calcareous shale, with groundwater vulnerability calculated as low and the bedrock aquifer underlying the site described by the GSI as a 'locally-important aquifer – bedrock that is moderately productive only in local zones'. Karst features were not referred to by the applicant nor were they identifiable on the site from the GSI maps. The nearest County geological site is at Dunshaughlin 9km to the northwest of the application site. The Environmental Protection Agency (EPA) online mapping service shows that less than one in 100 homes in the subject site area are estimated to feature high-radon levels.
- 14.8.3. The construction phase of development would require the stripping of the existing topsoil layer to about 0.2m throughout. Construction phase impacts are also likely to arise from excavation of subsoils, construction traffic and potential contamination to ground. Effects on bedrock geology would be unlikely based on depths surveyed. The applicant estimates the surplus volume of cut material following reuse as fill, would amount to 10,000m³ of material.
- 14.8.4. The proposed development would result in a revised use of land on the edge of Ashbourne primarily for intensive residential and associated local uses, as well as open spaces and access to adjoining lands. These lands are currently estimated to provide for approximately 17ha of agricultural and residential uses. Given that other extensive lands suitable for agriculture would remain available in the wider region

and the proposed development would provide for additional residential uses, this is not considered to be a significant effect of the project.

- 14.8.5. The proposed development would need to be undertaken in a manner to protect the most sensitive areas, with soils stockpiling protected and monitored, including in advance of extreme weather conditions. Surface water management measures for the construction phase are outlined, including dust suppression measures, standard wheel-wash facilities and water pumping from excavations, with control of sediment. Measures are outlined with respect to the control of spills and leaks. Based on the drawings submitted, including building finished-floor levels and the existing topography of the site, substantive changes in levels are not proposed.
- 14.8.6. A construction traffic management plan to address issues that would arise from the export and importation of materials to and from the site, and the project dust-management measures, as outlined in appendix 7.1 of the EIAR, would provide for control and minimisation of dust emissions. Various standard construction practices, including monitoring of measures to address the potential risk of pollution to soils and groundwater would be followed through as part of the final project CEMP. Any demolition or excavated materials that would not to be reused on site would be required to be exported to a suitably licenced facility, as per the approach set out in the application Resource and Waste Management Plan. During the operational stage drainage and landscaping would be completed. Substantive on-site storage of fuels would not be necessary during the operational stage with the stated provision of electrically-powered heat pumps. It is therefore unlikely that the proposed development would have significant effects with respect to soils and geology on site.
- 14.8.7. Observers to the application refer to the potential for structural issues to arise for neighbouring houses and boundary walls during the construction phase of the project, particularly as there are no ground investigations submitted. The application includes a Site Investigation report that was completed in August 2022 and given the nature and scale of the project, as well as the site characteristics, it would be unlikely to feature works that would place substantive unreasonable risk to the structural integrity of neighbouring structures.
- 14.8.8. I am satisfied that the identified impacts on land, soils and geology, would be avoided, managed and mitigated by the measures that form part of the project, the

proposed mitigation measures and through suitable conditions. I am therefore satisfied that the project would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of land, soils and geology.

14.9. **Water**

14.9.1. Chapter 6 of the EIAR addresses the impacts of the proposed development on water. This section of the EIAR was supported by a Hydrological & Hydrogeological Qualitative Risk Assessment assessing the potential for any likely significant impacts on receiving waters and protected ecological areas during construction or post development. The water regime for the area is described initially in this chapter of the EIAR. According to the applicant there are drainage ditches running along the site boundaries and according to EPA maps the nearest substantive surface water body comprises a tributary of the Fairyhouse stream 130m to the south, which is a tributary of the Broadmeadow river. The Broadmeadow river drains to an estuarial area 23km to the east of the site.

14.9.2. Under the Water Framework Directive (WFD) the overall status of the Swords ground waterbody underlying the application site, was assessed as being 'good' (between 2016 and 2021) and this waterbody is 'not at risk' of achieving good water quality status for the purposes of the WFD. The proposed development site lies within the Nanny-Delvin Catchment 08 and Broadmeadow-SC-010 WFD sub-catchment 08-3 (Fairyhouse Stream_010 WFD River Sub Basin). Under the WFD, the Fairyhouse stream features a 'good' water quality and the Broadmeadow river features a 'moderate' water quality. The risk status of the Fairyhouse stream is under review, and the Broadmeadow river is 'at risk' of not achieving good water quality status for the purposes of the WFD. The Broadmeadow transitional estuarial waterbody (IE_EA_060_0100) and Malahide Bay coastal waterbody (IE_EA_060_0000), which the Broadmeadow River discharges into, are also assigned a 'moderate' water quality, with these waterbodies also 'at risk' of not achieving good water quality status for the purposes of the WFD. Groundwater vulnerability is identified as being low across the site and the water table was noted to be between 1.8m and 2.4m below the surface level in two of the trial holes tested during site investigations. GSI mapping identifies a borehole (ref. 2925SEW006) for domestic use dating from 1982 relating to an area centred on Cherry Lane.

- 14.9.3. Impacts to water arising from the proposed development could potentially arise from excavation and other associated construction phase activities, such as surface water runoff, hydrocarbon or sediment release, accidental spills and leaks, foul water from the compound and cross contamination of potable water. Potential operational phase impacts to groundwater and surface water could comprise altered recharge regime, increased runoff rates and the release of hydrocarbons or other pollutants.
- 14.9.4. With reference to the surface water drainage management proposals the applicant's Infrastructural Design Report and Hydrological & Hydrogeological Qualitative Risk Assessment, refer to the site services layout in drawing no.200059-DBFL-CS-SP-DR-C-1300-P01. Following SUDS measures the surface water from the north side of the site would drain into the local sewer system along the Dublin Road, while the surface water from the south side of the site would drain following SUDS measures into a drainage ditch on the southern boundary of the site, which would feed into the Fairyhouse stream.
- 14.9.5. The water supply and wastewater connections for the proposed development are outlined in section 13.9 above. Uisce Éireann has confirmed that a water supply connection from the public network is feasible. The applicant's Hydrological & Hydrogeological Qualitative Risk Assessment refers to a new WWTP planned for Ashbourne, but details of this WWTP and its commissioning date are unknown. In the interim it is proposed to drain foul effluent from the proposed development to the existing wastewater network to be pumped for final treatment at Ringsend WWTP. Uisce Éireann has not objected to the proposed connection of the development into their network, subject to standard requirements, as well as infrastructure upgrades. As noted, upgrades would be necessary with respect to two pumping stations and the extension of the wastewater network. Uisce Éireann does not have plans to undertake the necessary upgrade works and the project does not provide for the necessary upgrade works. In section 13.9 above I have highlighted that from a planning perspective it would not be possible to attach a planning condition restricting occupation of the proposed development until such time as the wastewater infrastructure upgrades are completed.
- 14.9.6. The potential impacts for water arising from earthworks, site clearance, excavations, stockpiling and discharges would be typical for construction projects involving housing and associated developments. Standard construction measures to avoid

pollution of waters are to be used and these are described in section 6.7 of the EIAR. The efficacy of such measures, including control of surface water runoff via directional flows to provide for treatment, monitoring of environmental conditions and fuel storage, all managed as part of a final CEMP, are well established in practice.

- 14.9.7. The operational stage would feature a host of SUDS measures, including attenuation and interception systems, flow-control devices, fuel interceptors and permeable paving, to mitigate the adverse effects of urban stormwater runoff on the environment by reducing this to at least greenfield runoff rates and reducing potential for pollutants to surface and groundwater. Inspection and maintenance of the drainage network and associated equipment is required. Based on the information available, including the requirement for upgrade works to the local wastewater network and the absence of proposals or plans to undertake same, the potential impact of the subject development on the local wastewater networks is unclear. The implications of substantial untreated wastewater not being managed and contained within the available infrastructure would have considerable pollutant impacts for receiving waters.
- 14.9.8. The proposed project was subject to a Site Specific Flood Risk Assessment in accordance with the OPW 'Flood Risk Management Guidelines', and this was included with the planning application as a separate document. Based on the recorded data available and site investigations the main risk of flooding would be from pluvial flooding or human /mechanical error during operation. The Site Specific Flood Risk Assessment states that the area for the proposed development would be located in Flood Zone C where the risk of flooding would be very low. The design of the development has been undertaken in a manner that would address the existing topography of the site. The proposed surface and storm drainage system has been designed to retain a 1-in-100 year storm event plus a 20% climate change factor, therefore, the proposed development would address the risk of flooding on site and would not increase the potential for flooding to the receiving catchment. Regular maintenance and operation of the drainage system would be implemented to address the potential for human/mechanical error.
- 14.9.9. Based on the information available and presented, I consider imperceptible neutral residual impacts for water would arise during the construction period. It is reasonable to conclude that in the absence of suitable wastewater infrastructure

capable of adequately containing and discharging the wastewaters arising from the project to the Greater Dublin drainage network, the operational phase of the proposed development could reasonably lead to deterioration in the quality of receiving waters.

14.9.10. I have considered all of the written submissions made in relation to water and the relevant contents of the file, including the EIAR. I am satisfied with the level of information submitted, and with the exception of the wastewater upgrade elements necessary for the project, any issues of a technical nature can be addressed by condition as necessary. Notwithstanding the implementation of measures described in the EIAR and standard conditions in the event of a permission, it can be concluded that the proposed development would be premature and would be likely to have a significant unacceptable direct effect on water.

14.10. Air and Climate

14.10.1. Air quality and climate are addressed in chapter 7 of the EIAR. The proposed residential units, retail, medical and childcare uses would not accommodate activities that would typically cause emissions that would be likely to have significant effects on air quality or climate. Baseline conditions and traffic modelling, amongst other criteria, has guided this aspect of the EIAR. Existing air quality information based on similar locations was sourced from EPA data in order to allow for modelling of future scenarios. Observers assert that baseline air surveying should have been undertaken to inform this element of the project, however, I am satisfied that this would not appear necessary given the availability of EPA data that relates to areas of very similar characteristics.

14.10.2. Impacts to climate during the construction phase arising from increased carbon dioxide and nitrox oxide are considered to form imperceptible and short-term impacts based on the nature and scale of the project, including the typical traffic, power generators and machinery required. The impact of the proposed development in terms of nitrogen dioxide is considered long-term, negative and imperceptible by the applicant and in compliance with concentration limit levels. The modelling of air quality showed that the level of dust particle concentrations would be in compliance with the annual limit value at all receptors assessed, therefore, further modelling for the opening and design years was not required.

- 14.10.3. Measures have been incorporated into the overall design of the development to reduce the impact on climate where possible during the operational phase, including energy-saving features, air-tight buildings, electric-vehicle charging facilities, photovoltaic solar panels and high-performance energy ratings for the buildings. The applicant's drainage system has been designed to address climate change factors. Imperceptible greenhouse gas emissions are anticipated based on national targets and the size, nature and design of the development (0.00005% of Ireland's annual greenhouse gas emissions in 2023 the development opening year). The climate impact of the proposed development is not considered to be significant and the impact would be imperceptible for the long-term operation phase of the project.
- 14.10.4. There is potential for dust emissions to occur during the construction phase to sensitive receptors and the atmosphere in the vicinity. Observers state that dust mitigation measures would not address concerns in relation to the use of outdoor areas during the construction period. Sensitive receptors used in the applicant's operational phase air-modelling assessment provide a reasonable cross-section of locations. Section 7.6.1 of the EIAR outlines the measures proposed to mitigate impacts on air quality, including those outlined in a dust management plan, which would include monitoring during the construction phase to measure dust deposition impacts arising on the site boundaries to the nearby sensitive receptors to ensure mitigation measures are working satisfactorily.
- 14.10.5. Potential air quality impacts on designated ecological sites can be scoped out based on the separation distances from the works site to designated ecological sites and the surveyed habitats on site. Observers assert that the fuel fumes from car parks and increased traffic would impact on local residents. There would be no potential for emissions of particulate matter, carbon dioxide and carbon monoxide at the site from heating sources during the operational phase and the increased traffic volumes are expected to result in very limited change in emissions during the operation phase. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged for air quality primarily as the expected air pollutant concentrations would be in compliance with the respective air quality standards. With regard to cumulative impacts the applicant states that no projects within 350m of the proposed development were identified, therefore, no significant cumulative impacts on air quality or climate are anticipated to arise. Other

projects would need to incorporate their own dust management/minimisation measures and any potential impacts arising would be short term.

14.10.6. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of air quality and climate.

14.11. Noise and Vibration

14.11.1. Noise and vibration impacts are addressed in chapter 8 of the EIAR. Both the outward impact of the development and the inward impact of noise and vibration sources on the development itself were considered and noise assessment methodologies. Given the nature of the proposed development and its edge of urban location, it would have the potential for significant impacts to neighbouring properties, arising from noise emissions during the construction phase.

14.11.2. The applicant refers to guidance with regards to the assessment of noise surveying, noise limit levels and vibration. Observers assert that noise studies containing baseline information from actual monitoring have not guided the noise impact assessment. The applicant sets out that the site context was initially considered, and noise levels were surveyed in 2022 from four locations. Background noise is considered to largely arise from road traffic movements, with distant aircraft, rustling vegetation and bird song also recorded.

14.11.3. Noise and vibration impacts would be most likely to arise during the construction phase of the development with potential nuisance for neighbouring receptors. Particular noise sources would arise from the excavation works, including machinery operation and the construction traffic movements. The nearest sensitive receptors to the application site are identified, including the residences along the western, northern, southern and eastern boundaries of the site and neighbouring schools. The applicant accepts that in the absence of mitigation there is potential for significance thresholds to be exceeded at existing receptors between 15m to 30m from the housing element of the construction project.

14.11.4. Notwithstanding the mitigation measures, such as construction site hoarding, according to the observers the noise pollution that would arise for local residents would not decrease the noise levels below the recommended minimum levels. A suite of noise reductive measures for the construction phase of the project to keep within minimum standards will be used to control noise and vibration impacts, including the selection of quiet plant, noise control at source, screening, liaison with the public, monitoring and a phased working programme. The suite of measures that would be employed would generally serve to restrict noise and vibration levels to reasonable levels cognisant of the nearest sensitive receptors, while also providing scope for additional measures to be employed should the need arise.

14.11.5. The operational stage future noise environment was modelled, mapped and assessed to identify likely requirements to address noise impacts in particular those associated with the traffic movements along the Dublin Road. Observers assert that the proposals feature a lack of noise attenuation along the road access and car parks adjoining residences. The applicant asserts that a 25% increase or a 3,210 increase in annual average daily traffic would be necessary for a greater than negligible (1dB) impact in traffic noise levels to occur along the Dublin Road. Based on traffic models prepared for the project such traffic volume increases are not anticipated and the impacts arising would be negligible. Parking proposed along the site boundaries with residential properties is not extensive and any noise impacts arising would not be likely to be significant given the intervening boundaries and the limited traffic speeds in these parking areas and the network of roads. The outward impact of traffic from the proposed development on neighbouring properties would not be likely to require mitigation measures.

14.11.6. Vibration during the construction programme is primarily associated with the ground-breaking activities, which would be of short-term duration. The applicant refers to 'BS 5228-1:2009 +A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites' and 'BS 7385:1993 – Evaluation and measurement for vibration in buildings', as providing guidance and standards for the vibration impacts. Vibration impacts at sensitive receptors during the construction phase would be mitigated by standard practices and conditions. According to the applicant, cumulative impacts from noise and vibration are not expected as other developments are not close enough to the application site to have a substantive increased impact

on receptors. Based on projects of a similar nature and context, the details provided, including mitigations measures, I am satisfied that substantial vibration impacts for neighbouring receptors would not occur.

14.11.7. The observers assert that the noise arising from children using recreational space would be problematic for neighbouring residents. According to the applicant, the noise from the external play areas of the proposed childcare facilities would not be problematic given the minimum 70m distance to the nearest existing external residence to these play areas, standard building insulation measures for the proposed units adjacent to the play areas and the daytime use of these spaces. I am satisfied that a similar conclusion can be arrived at with respect to use of the public open spaces within the development.

14.11.8. The EIAR outlines the noise level standards to be achieved in the proposed residential living areas (65 dB L_{den}) and how this would be achieved, including enhanced glazing and ventilators along the northeastern façades to blocks A and B. Alternative provision of open spaces to the private balconies along the northeast side of blocks A and B would overcome the excess road and traffic noise experienced along this frontage for residents of these blocks. Building and mechanical plant equipment serving the ground-floor apartments and the non-residential units, would comply with relevant technical noise criteria for operating this equipment.

14.11.9. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts, including potential for significant impacts for neighbouring residences, would be avoided, managed and mitigated by the measures that form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of noise and vibration.

14.12. **Material Assets**

14.12.1. Material assets specifically addressing transportation are dealt with in chapter 10 of the EIAR. Material assets addressing resource and waste management are dealt with in chapter 11 of the EIAR and material assets addressing built services are dealt with in chapter 9. As noted above, the development is likely to have a significant

impact on material assets by increasing the housing stock that would be available in this edge of urban area, while also providing some additional local services, additional infrastructures, public open space and a future potential school site.

- 14.12.2. In terms of building services and utilities, an overview of the proposed environmental services, electrical supply network, gas and telecommunications is provided by the applicant. Observers refer to regular power outages occurring in the Ashbourne area, which they assert would be further compounded by the proposed development. Existing overhead electricity powerlines traversing the site would be undergrounded as part of the proposed development, which would feature six standalone electricity substations. The development would result in increased demand for water supplies, wastewater services, gas, electricity and telecommunications services. Some short-term disruption to local electrical supplies and telecommunications may occur as part of the electrical service connections to the development. Early engagement with utility operators is outlined as a mitigation measure for the project and significant impacts in this regard are not anticipated. The applicant's Infrastructural Design Report states that based on consultation sufficient capacity exists to serve the proposed development via Uisce Éireann water supply and foul wastewater networks. The information from Uisce Éireann submitted to the Board indicates upgrades would be necessary to the wastewater network and that these upgrades are not planned for at present. Significant impacts on wireless telecommunications systems would not be anticipated given the scale of the site, the site context and the proposed building heights.
- 14.12.3. Observers have raised concerns in relation to public transport services, increased traffic congestion and the capacity of local roads to safely cater for the traffic arising. I have addressed these issues under sections 13.4 (density) and 13.8 (traffic and transportation) of my report. The applicant acknowledges that Covid restrictions need to be considered with respect to traffic survey data collated.
- 14.12.4. The array of existing transport services and infrastructures serving the site are noted, including the locations of bus stops and the extent of public bus services operated locally by Bus Éireann and other operators. Details of a car-share club operated from Ashbourne town centre is also referenced, as well as other various cycle and pedestrian infrastructures. The applicant refers to proposed transport measures and services for the area, including the Ashbourne Main Street Refurbishment Scheme

extending cycle infrastructure along the front of the application site on the Dublin Road.

- 14.12.5. Vehicle movements to and from the application site would vary considerably across the different phases of the development. During the construction phase the applicant states that the 50 persons employed on site at any one stage, would equate to 30 light-goods vehicles. I acknowledge that the applicant previously referred to 250 jobs being provided by the development, which may relate to the lifespan of the project. The applicant also refers to the potential requirement to remove 25,000m³ of excavated material from the site, although when addressing land and soils the applicant referenced 10,000m³ as the amount to be removed and when addressing material assets (resource and waste management) the applicant refers to 15,000m³ as the amount to be removed. Notwithstanding these discrepancies, estimations regarding the extent of construction phase traffic movements allow for reasonable consideration of the likely impacts of the development during the construction phase and mitigation measures to address same.
- 14.12.6. Mitigation measures for the construction phase relate to the provision of perimeter fencing, traffic management, noise and dust control. The construction-phase movements are likely to result in relatively short-term temporary traffic impacts, with peak activity for HGV movements during the site clearance work periods. The construction phase impacts on traffic would be primarily addressed as part of the construction site measures, a construction traffic management plan, signage, parking on site and haul routes.
- 14.12.7. When all three phases of the proposed development are completed, at four of the five junctions analysed there would be an increase in the existing traffic volumes by 6% to 20%. The analysis undertaken did not suggest that these four junctions would operate above capacity even with the future potential school in situ and an additional volume of traffic allotted to the open space lands adjoining to the west of the site. Significant impacts on traffic would not arise at operational stage. Upgrades to Hickey's Lane and the Cherry Lane junction with the Dublin Road are proposed. Mobility and connectivity around the site would be improved via new pedestrian and cycle connections across the site into Killelland and Alderbrook estates. A car-

sharing club would also be provided, as well as implementation of a car management plan and a mobility management plan.

- 14.12.8. Additional details of the road infrastructure to meet the stated requirements of the Planning Authority are recommended as a condition in the event of a grant of planning permission and measures would be employed to ensure the free flow of traffic along the Dublin Road during both the construction activities and operational phase of the proposed development. As per the assessment in section 13.8, the proposed Hickey's Lane access would present several concerns with respect to traffic safety, which the applicant would be limited in addressing by virtue of the need to comply with DMURS and the availability of land to achieve same.
- 14.12.9. A project Resource and Waste Management Plan has been prepared for the initial demolition and construction phases of the project (see appendix 11.1 of the EIAR), including the removal of the excavated materials, the control of hazardous materials and measures for the management of waste materials. An operational waste management plan has been prepared for the operation phase of the project based on the anticipated level of service relative to the expected population equivalents, as referenced above under section 13.7 of the planning assessment. Additional details with respect to the provision of waste and recycling is required for some of the proposed units. Significant impacts for waste management are not anticipated from the operational phase of the development and the project would have long-term, imperceptible and neutral impacts for waste management.
- 14.12.10. I have considered all of the written submissions made in relation to material assets, including those relating to traffic and transport, utilities, waste and resource management. I am satisfied that the identified impacts for traffic and transport, as well as waste and resource management, would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. Notwithstanding this, given the additional hydraulic loading arising from the proposed development and in the absence of plans to upgrade the wastewater network services in line with the requirements of Uisce Éireann, the proposed development could overwhelm the local wastewater network, which would have significant effect on safe and continued operation of built services for the area. Accordingly, I am satisfied that the proposed development would have an unacceptable direct impact on material assets (built services).

14.13. Archaeological, Architectural and Cultural Heritage

- 14.13.1. Chapter 12 of the EIAR describes and assesses the impact of the development on cultural heritage, as well as architectural and archaeological heritage. In terms of archaeological potential, the applicant undertook a desk-based study of the site and an area 1km from the site. This was followed up with a geophysical survey and archaeological testing. Details of the placenames relating to the area and a chronological description of the historical background to the surrounding area is provided, including cartographic analysis. The applicant states that there are no recorded monuments or places (RMPs) on site, and that the closest RMP relates to a ringfort (ref. ME045-067) located approximately 125m to the west of the site. Other RMPs are more substantive distances of 300m and more from the site. No previous archaeological investigations were identified for the site, although investigations were noted on neighbouring lands 600m to 700m to the northwest associated with the development of the Churchfields estate and Ashbourne town centre. This neighbouring testing exposed substantive archaeological evidence, including structural remains and various other artefacts considered to indicate medieval activity in the area.
- 14.13.2. The closest notable architectural features included in the Record of Protected Structures (RPS) for the Meath or Fingal Council areas, or structures recorded in the National Inventory of Architectural Heritage (NIAH), are situated over 600m to the north and northwest of the site. The closest of these structures refers to Killelland Cemetery (RPS ref. MH045-102). The application site does not have status as an architectural conservation area. The townland boundary to Milltown and Baltrasna runs along the field boundary system cutting through the northern half of the site in an east-west direction. The western site boundary also forms a townland boundary between Killelland and the townlands of Baltrasna and Milltown.
- 14.13.3. The geophysical survey carried out on site under licence, identified areas of archaeological potential, including five circular features possibly representing sub-circular enclosures or barrows. Two larger sub-circular features were also identified, possibly indicating enclosure sites. The applicant undertook 86 test trenches across the application lands and the results confirmed the presence of significant archaeological features in six of the fields tested, with less substantive archaeology

in four fields and no archaeology in one field. Figure 12.38 of the EIAR provides an overview of the archaeological potential for the application lands. The assessment found that areas of significant archaeological potential should be fully excavated under licence and monitoring of topsoil stripping should occur for less substantive archaeological potential areas. Intermittent monitoring of areas close to buildings to be removed is also proposed and further excavation of the Baltrasna – Milltown townland boundary should be undertaken with monitoring of any works along the ditch on the western site boundary. The applicant asserts that with the implementation of the mitigation measures, there would be no residual impacts of the development on archaeological heritage and that any archaeological features or deposits found should be preserved in situ, with the residual impact of same having long-term, imperceptible and positive impacts. Direct impacts on architectural heritage are not anticipated.

14.13.4. The Planning Authority refer to the need for archaeological excavation and monitoring and note that architectural heritage impacts have not been raised. I am satisfied that given the evidence presented, the proposals to develop the site would not give rise to a situation that would preclude the granting of permission for substantive archaeological or heritage reasons. Notwithstanding this, given the potential for known and unknown archaeological features to survive on site, a condition with respect to archaeological assessment and monitoring would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development. I have also noted the potential for additional conserving of the hedgerow marking the townland boundary between Milltown and Baltrasna and a condition to address same.

14.13.5. I have considered all of the written submissions made in relation to archaeology, as well as architectural and cultural heritage. I am satisfied that the identified impacts on archaeology, architectural heritage and cultural heritage would be avoided, managed and mitigated by the measures that form part of the proposed scheme, by the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have any significant direct, indirect, secondary or cumulative impacts on archaeology, architectural heritage or cultural heritage.

14.14. Landscape

- 14.14.1. A Landscape and Visual Impact Assessment forms chapter 13 of the EIAR submitted and a booklet of Verified Photomontages and CGIs, as well as contextual elevations and sections drawings to aid in visualising the development, are provided as part of the application. A total of 14 short to long-range viewpoints are assessed within the applicant's Landscape and Visual Impact Assessment. To avoid repetition, I have assessed in detail the impact of the scale and height of the proposed development on the environs of the site from an urban design perspective in the planning assessment of my report (see section 13.5).
- 14.14.2. The observers assert that the proposed development would fail to preserve the visual amenities of the area and that screening by trees would not fully address the negative visual impacts arising. The Planning Authority do not raise specific concerns with respect to the visual impact of the development.
- 14.14.3. Objective HER OBJ 50 of the Development Plan requires a visual impact assessment to be undertaken for a project of this nature. Sections 8.17 and 8.18 of the Development Plan address landscapes, views and prospects, as well as other visual amenity classifications, with map 8.6 identifying the views and prospects to be protected. The application site and the settlement of Ashbourne are identified as being within The Ward 'lowland landscape' character area comprising an expansive area of pasture and arable farmlands. The Meath Landscape Character Assessment accompanying the Development Plan identifies the subject site as being in an area of low landscape character value and high sensitivity. Development principles outlined in the Landscape Character Assessment discourage excess removal of trees, hedgerows and historic walls, encourage planting of native species, preserving of important views and consolidation of the urban fringe. The closest protected views comprise locations along the R155 regional (R73 – Windmill Hill) approximately 7.5km to the north of the site. The subject landscape character is stated in the Development Plan to have low potential capacity for multi-house developments, although such developments should be limited to areas designated to accommodate such growth.
- 14.14.4. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and

angles that provide a reasonably comprehensive representation of the likely visual impacts from key reference points, including the most sensitive visual receptors. I acknowledge that observers refer to the need for additional photomontages, however, I am satisfied that a robust sample for a visual impact assessment of the proposals has been provided. Observers assert that the photomontages and CGIs submitted with the application are not accurate, however, other than a minor discrepancy in relation to omission of a proposed footpath and the potential for some existing site boundary hedges to be trimmed back as part of the proposals, I am satisfied that the visual representations provide a reasonable portrayal of the completed development in a summer setting. The following table 4 provides a summary assessment of the likely visual change from the applicant's 14 selected viewpoints with the proposed development in place.

Table 4. Viewpoint Changes

No.	Location	Description of Change
1	The Park, Dublin Road – 190m north	The roofs to the proposed houses would be only partially visible from this residential street with existing houses and street planting providing screening of the development. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
2	Dublin Road – 80m north	Block A would be fully visible from this roadside location. The lower element of block A to the west would be partially screened by existing roadside walls, planting and dormer-style housing. Block B would sit below block A opening onto the street. I consider the magnitude of visual change from this short-range viewpoint to be substantive in the context of the receiving edge of urban location, including the height of block A, which is out of character with the immediate low-rise building context.
3	The Downs, Alderbrook Road – 60m north	Boundary wall, street planting and existing hedgerow would provide substantive screening of the development from this residential street, with the side gable and roof of a proposed two-storey house sitting forward of the neighbouring street building line. Some hedgerow planting would be lost, and the development would be more visible

		in winter months with less foliage to planting. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
4	Tara Close / Tara Court, Killelland – 90m west	Existing hedgerows and trees to the boundary, as well as dormer-style housing, would provide substantive screening of the development from this residential street, with part of the side gable and roof to a proposed two-storey house visible. Some hedgerow planting would be lost, and the development would be more visible in winter months with less foliage to the boundary. I consider the magnitude of visual change from this medium-range viewpoint to be slight in the context of the receiving environment.
5	Cherry Lane – 10m north	The new link road would be constructed along this former lane with three-storey buildings fronting onto this roadside and the access roads off this link road. I consider the magnitude of visual change from this short-range viewpoint to be substantive in changing a rural lane to a built-up urban area.
6	Dublin Road – 30m east	Blocks A and B would be visible from this location with some screening by proposed and existing streetside planting. The height of the buildings follows the alterations in ground level. Reduced foliage during winter months would reveal a more substantive step up in building height from the two-storey housing in Cherry Court to the three-storey element in block B. I consider the magnitude of visual change from this short-range viewpoint to be substantive in the context of the receiving edge of urban location, including the height of blocks A and B, which are out of character with the immediate low-rise building context.
7	Dublin Road / Cherry Court – 70m east	The buildings would be only partially visible at the end of the residential street with existing buildings, boundary wall and street planting providing screening of the development. The proposed buildings would generally tie in with the scale and height of neighbouring existing

		buildings. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
8	The Briars – 220m east	The change in ground levels and the existing housing would largely serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
9	Hickey's Lane – 70m east	The new two-storey housing would be visible from this rural lane approaching the southeast corner of the site with existing buildings, planting and roadside boundaries providing some screening of the development. A proposed footpath on the northern side of Hickey's Lane is not illustrated. Notwithstanding this inaccuracy, I consider the magnitude of visual change from this medium-range viewpoint to be moderate with proposed housing of similar scale to existing housing, and with landscaping introduced.
10	Hickey's Lane – 150m southeast	The roofscape to the proposed buildings would only be partially visible from this rural lane with existing buildings, roadside and field boundaries, as well as garden planting providing screening to much of the development. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
11	Hickey's Lane - 110m south	The roofscape to the proposed buildings would only be partially visible from this rural lane with existing buildings, roadside and field boundaries, as well as garden planting providing screening to much of the development. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
12	Dublin Road – 270m southeast	The roadside and field boundaries, as well as the existing housing would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
13	Ratoath Road (R125) – 410m south	The field boundaries, as well as the existing housing would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.

14	Churchfields – 570m northwest	The change in ground levels, the existing housing and field boundaries would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
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14.14.5. The subject site does not feature exceptional or unique landscape characteristics and the zoning of the subject lands for development implies an inherent acceptance that the lands have been deemed suitable from a broad visual perspective to absorb a reasonable scale of development. In the immediate area the development would be most visible from the approaches along the Dublin Road and the houses and their gardens in the Alderbrook and Killelland estates, with only intermittent views of the main structural elements from local vantage points in the adjoining areas due to the existing buildings, boundary planting and separation distances. The development would not be visible from protected views and it would not have substantive impacts on sensitive visual receptors such as protected structures or other heritage features.

14.14.6. The applicant considers the construction phase visual impacts of the development would be generally destructive and visually adverse in nature, although based on the setting this change would have moderate impact. I am satisfied that such impacts would have a temporary negative effect on the landscape, alongside the removal of hedgerows, earthworks and construction activity. A 2.4m-high hoarding would limit views into the construction areas of the site from surface level adjoining areas. Other measures to address the visual impacts include the protection of trees and hedgerows to be maintained, as well as good work practices.

14.14.7. Moderate effects on the landscape character are anticipated from the operational phase, in the context of Development Plan policy, urban design and the change from agricultural land with vacant properties to a quality urban townscape on the southern edge of Ashbourne. When assessing the photomontage viewpoints the applicant considers the long-term significance and quality of the development to range from having no effect to a very significant adverse effect for one location on Cherry Lane.

14.14.8. Mitigation measures to address the visual impacts at operational stage would comprise those embedded elements of the design that respond to its immediate setting, including landscaping measures, the maintaining of hedgerows and trees

where feasible and conditioned, the provision of a public open space network and the limitation of light spillage.

14.14.9. The development would be viewed as a modest insertion into this edge of town setting and as a substantive new element where visible from the neighbouring properties, particularly from the Dublin Road, Cherry Lane and the adjacent housing along Alderbrook and Killelland estates. The immediate context of the area appears to have undergone some change in recent years as part of the Cnoc Neil Grove housing development on Dublin Road. The site is earmarked in the Development Plan for development featuring a high standard of architectural design.

14.14.10. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited to moderate effects on the landscape from the majority of areas where the development would be visible. The proposed development would read as a substantive new addition in the wider suburban landscape with the proposed apartment buildings on the Dublin Road higher than those in the immediate suburban landscape. Notwithstanding this, as noted above in my planning assessment, the height of blocks A and B along the Dublin Road could be revised to better address the height of development in the immediate area, and there would also appear to be scope for additional existing hedgerows marking townland boundaries to be maintained as part of the project. In my opinion this would serve to further address the visual impact of the development to ensure that it would at worst have a neutral contribution to the character of this suburban area based on the provisions of the Development Plan.

14.14.11. I have considered all the written submissions made in relation to landscape and visual impacts and considered in detail the urban design and place-making aspects of the proposed development in my planning assessment above. From an environmental impact perspective, with the attachment of conditions, I am satisfied that significant visual impacts would be avoided, and I am satisfied that the proposed development would have acceptable direct, indirect, secondary and cumulative effects on the landscape and acceptable direct, indirect, secondary and cumulative visual impacts.

14.15. The interaction between the above factors

14.15.1. Chapter 14 of the EIAR includes Table 14.1 addressing the interactions between each of the environmental disciplines assessed in the EIAR. All interactions between the various elements of the project were considered and assessed both individually and cumulatively within each chapter. A total of 44 potential interactions between the assessed disciplines are considered to arise in the EIAR. Where necessary, mitigation was employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another, with the applicant referring to the measures in each chapter of the EIAR and the supporting documents as primarily addressing any potential significant residual impacts of the project. The potential for land, soils and geology impacts to interact with seven of the other ten disciplines is considered to arise, including each of the material assets disciplines. For example, an interaction between land, soil and geology with the landscape, would arise from the changes to the site appearance arising from the construction phase earthworks. Other interactions are addressed, including those arising from traffic and transport impacts with noise and vibration, consequent to the increased traffic to enable construction and operation of the development.

14.15.2. I have considered the interrelationships between the factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were properly described in the EIAR.

14.16. Cumulative Impacts

14.16.1. The proposed development could occur in tandem with the development of other sites that are zoned for development in the area, although there are no current substantive development proposals for adjoining lands. The proposed development would also facilitate the development of the 'G1 Community Infrastructure' zoned within the western portion of the application site and it would provide access that

could act as the catalyst for the development of the 'F1 Open Space' zoned lands adjoining to the west of the application site. The project would be dependent on the phased provision of infrastructure, including road infrastructure, footpaths, utilities and drainage services, the majority of which is proposed as part of this development or subject to suggested conditions in the event of a grant of planning permission for the proposed development.

14.16.2. Throughout the EIAR the applicant has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing, proposed and permitted developments in the environs of the site, including neighbouring small-scale housing projects and the Council's Part 8 scheme along the Dublin Road (MCC ref. P8/13010). Such development would be largely in accordance with the nature and scale of development envisaged for the area within the Development Plan, which has been subject to Strategic Environment Assessment. The nature, scale, form and character of the project would generally be similar to that envisaged for the site within the adopted statutory plan for this area. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area and the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA. The Planning Authority request that the EIAR recommendations are implemented in full.

14.17. Reasoned Conclusion on the Significant Effects

14.17.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impacts for population and material assets, due to the substantive increase in the housing stock during the operational phase;
- significant indirect negative impacts to water and material assets (built services), during the operation phase as a result of the known deficiencies in the wastewater infrastructure network, the need for infrastructure upgrades required

by Uisce Éireann to cater for the proposed development, the absence of plans to complete these upgrades and the implications of wastewater arising from the proposed development not being capable of being adequately catered for in the wastewater infrastructure network;

- significant direct negative impacts arising from noise and vibration during the construction phase, which would be mitigated by a suite of appropriate management measures, resulting in no residual impacts on human health;
- direct negative effects for landscape during the operational phase along the Dublin Road, which would be mitigated by reduced heights for proposed apartment blocks A and B;
- direct negative effects arising for land and soils during the construction phase, which would be mitigated by reuse of excavated materials on site and removal of materials to appropriate off-site facilities, as well as a suite of measures to prevent contamination of soils, resulting in no residual impacts on land and soil;
- direct negative effects arising for air and human health during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, resulting in no residual impacts on air quality and human health;
- significant direct negative effects for archaeology, which would be addressed during the pre-construction and construction phases by archaeological excavation, monitoring and reporting, resulting in no residual impacts on cultural, architectural and archaeological heritage.

14.17.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment and notwithstanding the mitigation measures set out by the applicant to address the impacts of the development on water and material assets (built services) and the absence of plans to address upgrades needed in the local wastewater infrastructure network, it is considered that the proposed development would have a significant adverse effect on water and material assets (built services) in failing to be capable of being served by the local wastewater infrastructure network. The negative environmental impacts identified would be significant and would justify refusing permission for the proposed development on environmental grounds.

15.0 Appropriate Assessment

15.1. Introduction

- 15.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

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

- 15.2.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) forming part of the Natura 2000 network.

15.3. Stage 1 AA Screening

- 15.3.1. The applicant has submitted an AA Screening Report dating from August 2022 prepared by Scott Cawley. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European sites within the possible zone of influence of the development.
- 15.3.2. In their AA Screening Report, the applicant concludes that, on the basis of objective scientific information, the possibility that the proposed development, either on its own or in combination with other plans or projects, having a significant effect on any European Site, can be excluded.

Site Location

- 15.3.3. A description of the site is provided in section 2 above and throughout the assessments above. The site primarily features residential dwellings and fields used

for agricultural purposes, located on the edge of an urban settlement with the habitats identified on the site outlined in section 14.7 above. No Annex I habitats were recorded within the application site and only limited use of the application site by flora and fauna was identified within the applicant's ecological surveying. Various bird species have been recorded as using the site, bats have been recorded foraging along hedgerows, and a single bat roost was identified on the site. Drainage ditches follow the field boundary network on site, with the surface water drainage regime described in section 13.9 above. The drainage ditches drain south to the Fairyhouse stream, which is a tributary of the Broadmeadow River that flows east towards Malahide Estuary, a transitional waterbody along the Irish Sea.

Proposed Development

- 15.3.4. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including the CEMP. Standard measures to control sediment and hydrocarbons would be undertaken as part of the construction and operational phases. The proposed development is intended to be served by piped water supply and wastewater networks. Foul wastewater from the operational phase of the proposed development would discharge to the public network before final treatment at the Ringsend WWTP in Dublin. Following various standard practice environmental management measures, stormwaters from hardstanding areas, including roads, would be drained either into a network of piped drains and SUDS measures before discharging into the public sewer running along the Dublin Road and a drainage ditch on the southern boundary of the site.
- 15.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:
- Construction Phase – water runoff, including alterations in flow and quality, disturbance and emissions, including sediment, dust, noise and vibration;
 - Operation Phase – disturbance, water runoff and emissions to water.

Submissions and Observations

15.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this report. I have had regard to other relevant documentation included with the application, in particular the CEMP, the Hydrological and Hydrogeological Qualitative Risk Assessment, the Infrastructural Design Report and the biodiversity section of the EIAR. The observers refer to various concerns regarding the impact of the development on the biodiversity of the site. The Planning Authority refer to the Board as the competent authority for AA. Uisce Éireann has highlighted upgrades required with respect to wastewater networks intended to serve the development, including installation of new flow meters, storm overflow storage facilities and telemetry to pump stations, as well as 570m wastewater network extension.

European Sites

15.3.7. The nearest European sites to the application site, including SACs and SPAs, comprise the following:

Table 5. Neighbouring European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
000205	Malahide Estuary SAC <ul style="list-style-type: none"> • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 	12.6km	east
004025	Malahide Estuary SPA <ul style="list-style-type: none"> • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) 	12.7km	east

	<ul style="list-style-type: none"> • A162 Redshank (<i>Tringa totanus</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A054 Pintail (<i>Anas acuta</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) • A143 Knot (<i>Calidris canutus</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) <p>Habitats</p> <ul style="list-style-type: none"> • Wetlands 		
000208	<p>Rogerstown Estuary SAC</p> <ul style="list-style-type: none"> • 1130 Estuaries • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 	13.1km	east
004015	<p>Rogerstown Estuary SPA</p> <ul style="list-style-type: none"> • A149 Dunlin (<i>Calidris alpina</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A137 Ringed Plover (<i>Charadrius hiaticula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A056 Shoveler (<i>Anas clypeata</i>) 	14km	east

	<ul style="list-style-type: none"> • A043 Greylag Goose (<i>Anser anser</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A162 Redshank (<i>Tringa totanus</i>) • A143 Knot (<i>Calidris canutus</i>) <p>Habitats</p> <ul style="list-style-type: none"> • Wetlands 		
001398	<p>Rye Water Valley / Carton SAC</p> <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] 	15.5km	southwest
004024	<p>South Dublin Bay and River Tolka Estuary SPA</p> <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 	19.1km	southeast
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] 	20.7km	southeast

	<ul style="list-style-type: none"> • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 		
000206	<p>North Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 	20.7km	southeast
000210	<p>South Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 	22.7km	southeast

15.3.8. In determining the zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Distances and direction from the site to European sites are listed in table 5 above. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the results of ecological

surveys for the site, the distance from the development site to same, and the lack of an obvious pathway to same from the development site. Section 3.3 of the application screening report identifies the potential links from European sites to the appeal site.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Yes. Weak hydrological connections exist through: Wastewater from the site intended to be treated at Ringsend WWTP, which discharges to Dublin Bay.	Yes
North Bull Island SPA 004006	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species		
North Dublin Bay SAC 000206	QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf		
South Dublin Bay SAC 000210	QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]		

	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		
Malahide Estuary SAC / 000205	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide;</p> <p>To maintain the favourable conservation condition of Salicornia and other annuals colonising mud and sand;</p> <p>To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>);</p> <p>To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>);</p> <p>To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes');</p> <p>To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes').</p>	<p>Yes.</p> <p>Hydrological connections exist through:</p> <p>Drainage runoff to tributaries of the Broadmeadow River, including from works during the construction phase;</p> <p>Proposed surface water drainage runoff discharging to the public sewer and a drainage ditch leading to tributaries of the Broadmeadow River during operational phase.</p> <p>Weak hydrological connections exist through:</p> <p>Wastewater from the site passes through Ashbourne, Milltown and Kilbride WWPS, which are within the Broadmeadow river catchment, a river that discharges to Malahide estuary.</p>	Yes
Malahide Estuary SPA / 004025	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (see table 5 above)		
Rye Water Valley / Carton SAC 001398	<p>QIs - Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p>	No. SAC groundwater at a substantive distance and buffered by flows that would be interrupted by natural surface water bodies and	No

	<p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf</p>	<p>physical infrastructures such as roads.</p>	
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15.4. Potential Effects

15.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. The development would not increase disturbance effects to birds in Dublin Bay or Malahide Estuary, including during construction (and operational) phases, given the separation distance from these sensitive areas across extensive areas.

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

- surface water drainage from the proposed development site during construction and operational phases;
- wastewater being sent to Ringsend WWTP via the local wastewater infrastructure network during the operational phase of the proposed development.

15.4.3. There are no substantive surface watercourses on site based on the survey data, the drainage proposals submitted and my visit to the site. The drainage ditches on site do not feature substantive flows at surface level and the surface water outfall from the development site would be approximately 13km from Malahide estuary.

Construction Phase

15.4.4. Having regard to the information submitted with the subject application, emissions from the development would be controlled through the use of normal best practice construction site management. The proposed construction management measures outlined in the application are typical and well-proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their

implementation would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.

- 15.4.5. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Malahide estuary arising from surface water drainage during the construction phase, can be excluded given the absence of substantive surface watercourses on the site, the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Malahide estuary (dilution factor).
- 15.4.6. In the event that the surface water drainage pollution and sediment-control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant, indirect and interrupted hydrological connection, the nature and scale of the development, including the absence of significant potential pollution sources on site, and the distance and volume of water separating the application site from European sites in Malahide estuary.
- 15.4.7. The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

Operational Phase

- 15.4.8. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system and a drainage ditch after passing through various SUDS measures. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Malahide estuary arising from the proposed surface water drainage system can be excluded given the indirect, distant and interrupted hydrological connection, the absence of substantive surface watercourses on site, the nature and scale of the development featuring a piped surface water network, including standard control

features, and the distance and volume of water separating the appeal site from European sites in Malahide estuary (dilution factor).

15.4.9. It is intended that wastewater would ultimately be treated at Ringsend WWTP and the proposed development would result in a residential loading equivalent to approximately 2,000 residents. The applicant asserts that there would be adequate capacity to facilitate the development, including in the Ringsend WWTP. Having regard to the scale of the development proposed, it is considered that it would result in an insignificant increase in loadings to Ringsend WWTP, which would in any event be subject to Uisce Éireann consent that would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

15.4.10. Notwithstanding this, as stated above upgrades are required with respect to wastewater services intended to serve the application site. These network upgrades would all be required within the catchment of the Broadmeadow river. Should the network fail to cater for the additional capacity associated with the proposed development and the wastewater infrastructure became inundated, this could lead to deterioration of water quality in the downstream catchment particularly given the hydraulic loading arising from a population of approximately 2,000 persons. Given the identified hydrological connectivity there would be potential for this aspect of the proposed development to have significant effects on the integrity of European Site No. 004025 (Malahide Estuary SPA) and European Site No. 000205 (Malahide Estuary SAC) in view of the site conservation objectives. Mitigation measures, such as a condition to restrict occupancy of the development until such time as the necessary infrastructure upgrades are completed, would be necessary.

In-combination Impacts

15.4.11. The applicant's AA Screening Report refers to the potential for projects in the Meath, Fingal and Dublin City areas that could act in combination with the development and give rise to significant effects to European sites within the zone of influence. This project is taking place within the context of increases in population and housing in the Dublin commuter area, including Ashbourne.

15.4.12. The expansion of Ashbourne is catered for through land use planning by Meath County Council, including the Meath County Development Plan 2021-2027. This Development Plan has been subject to AA by the Planning Authority who have

concluded that its implementation would not result in adverse effects on the integrity of any European sites. The Development Plan states that adequate wastewater capacity exists to facilitate the development and growth of Ashbourne during the lifetime of Development Plan. Notwithstanding this, the proposal would not be capable of being served adequately by the local wastewater network based on the stated need for wastewater infrastructure upgrades to facilitate the proposed development and the absence of any details with respect to the undertaking of same.

AA Screening Conclusion

15.4.13. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Dublin bay, and I am satisfied that the only European sites where there is potential for likely significant effects to arise comprise Malahide Estuary SPA and Malahide Estuary SAC. In the absence of mitigation, potentially significant risks to European Site No. 004025 (Malahide Estuary SPA) and European Site No. 000205 (Malahide Estuary SAC) would arise from wastewater emissions to receiving waters. The applicant has not provided a Natura Impact Statement addressing the potential for significant effects of the proposed development on European Site No. 004025 (Malahide Estuary SPA) or European Site No. 000205 (Malahide Estuary SAC).

15.4.14. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out a Stage 1 AA Screening for the project, it has been concluded that on the basis of the information provided with the application and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have an adverse effect on the integrity of European Site No. 004025 (Malahide Estuary SPA) or European Site No. 000205 (Malahide Estuary SAC), in view of the sites' Conservation Objectives.

16.0 Conclusion and Recommendation

16.1. I recommend that section 9(4)(a) of the Act of 2016 should not be applied and that permission should be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below. The fact that the EIA

would demonstrate positive effects of the project would not override the stated statutory reasons in refusing to grant permission for the proposed development.

16.2. Finally, 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.

17.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 6th day of September, 2022, by Arnub Ltd & Aspect Homes (ADC) Ltd. care of Armstrong Fenton Associates, Planning & Development Consultants, 13 The Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin 3.

Proposed Development:

The development will consist of:

- Demolition of all existing structures on site, comprising 3 no. single storey dwellings and their associated outbuildings (total demolition area: c.659m²).
- Construction of 702 no. residential dwellings comprised of: 420 no. 2 & 3 storey 2, 3, 4, & 5 bed detached, semi-detached & terraced houses, 38 no. 2 & 3 bed duplex units in 19 no. 3 storey buildings, and 244 no. 1, 2, & 3 bed apartments in 20 no. buildings ranging in height from 3 to 6 storeys.
- The development also includes for the following non-residential uses: (i) 2 no. childcare facilities located in Blocks A and A1 (c. 289m² & c.384m² respectively), (ii) 4 no. retail units comprised of: 2 no. units in Block A (c.106m² & c.174m² respectively), 1 no. unit in Block A1 (c.191m²), & 1 no. unit in Block B1 (c.469m²), and (iii) 1 no. GP practice / medical use unit located in Block A1 (c.186m²).
- The development provides for a basement level car park located under Block A1 (c. 4,095m²) and, 2 no. undercroft car parks located at the ground floor level of Block A (c. 466m²) and Block B1 (c. 1,466m²).

- The development provides for an area of c.1 hectare reserved for a future school site and playing pitch at the western boundary of the site.
- Vehicular access to the development will be via 2 no. access points as follows: (i) from Cherry Lane, located off Dublin Road (R135), in the north-east of the site and, (ii) from Hickey's Lane, located off Dublin Road (R135), to the east of the site. The development includes for road upgrades / improvement works to both Cherry Lane and Hickey's Lane and their junctions with Dublin Road (R135). A new east-west access road through the development site extending from Cherry Lane to the western boundary of the site and all associated site development works is proposed. The development includes for 1 no. pedestrian / bicycle green link access point from Dublin Road (R135) and pedestrian and cycle paths throughout the development site.
- The development also provides for (i) all ancillary / associated site development works above and below ground, (ii) public open spaces (c.28,885m² total), including hard & soft landscaping, play equipment & boundary treatments, (iii) communal open spaces (c.3,180m² total) (iv) undercroft, basement, and surface car parking, including for EV, mobility impaired, and car share parking spaces (total 1,262 no. car parking spaces) (v) 869 no. dedicated bicycle parking spaces at undercroft and surface level, including for external bicycle stores & visitor spaces (vi) bin storage, (vii) public lighting, (viii) signage (ix) plant (M&E) & utility services, including for 7 no. ESB sub-stations (x) green roofs, all on an overall application site area of 20.04 hectares at Milltown and Baltrasna townlands, Ashbourne, County Meath.

Decision

Refuse to grant permission for the above proposed development in accordance with the said plans and particulars, based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to National Policy Objective 33 of Project Ireland 2040 National Planning Framework issued by the Government of Ireland in February 2018, which seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location, the provisions of the Government Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government in January 2018, and policy INF POL 12 of the Meath County Development Plan 2021-2027 requiring developments to connect into foul wastewater services where available and with sufficient capacity, it is considered that the proposed development would lack the appropriate scale of services to cater for the development discharges given the stated inadequacies in the public piped sewerage facilities intended to serve the proposed development, including required upgrades to two pump stations and a 570 metre extension of the wastewater network. The proposed development would be premature by reference to the existing stated deficiencies in the provision of public piped sewerage facilities serving the area and the absence of plans identifying the period within which the constraints involved may reasonably be expected to cease. It is considered that that the proposed development would have a significant adverse impact on water and on wastewater services forming material assets for the area, and the development would be contrary to policy INF POL 12 of the Meath County Development Plan 2021-2027 as it would not be capable of connecting into a public foul sewer network with sufficient capacity to cater for the proposed development. Furthermore, in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or

projects would not be likely to have an adverse effect on the integrity of European Site No. 004025 (Malahide Estuary SPA) or European Site No. 000205 (Malahide Estuary SAC), in view of the sites' Conservation Objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the road upgrade arrangements along Hickey's Lane (L-50193 local road) to serve the proposed development and properties along Hickey's Lane, comprising a stop-go, shuttle system with carriageway width measuring 3.7 metres over a distance of approximately 85 metres, proximate to a junction along the local road and with private vehicular accesses opening onto this shuttle system, the proposed development would interfere with the free flow of traffic along the public road, would endanger public safety by reason of traffic hazard and would be served from the southern side by a substandard vehicular access contrary to the standards set out in the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, including the provisions set out under section 4.4 addressing carriageway conditions. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Senior Planning Inspector

9th October 2023