



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314938-22

<b>Development</b>	Demolition of house and construction of 8 houses
<b>Location</b>	Woodlawn, Summerhill Road, Dunboyne, Co. Meath, A86 PC98
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	221027
<b>Applicant(s)</b>	Peninsula Suite Property Holding Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Angela Rath
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> March 2024
<b>Inspector</b>	Clare Clancy

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## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of 0.2416 ha, is situated on the northwestern fringes of Dunboyne settlement, c. 370 m to the northwest of Main Street and c. 610 m to the southeast of the L-2228 (Summerhill Road) junction with the R157 Regional Road. This junction provides linkages to Junction 5 of the M3 c. 1.9 km to the northeast of the site via the R157, with M3 Parkway located off the R157 in close proximity to this motorway junction.
- 1.2. The site consists of a long narrow rectangular shape which fronts onto the eastern side of Summerhill Road at a point where the 50 kmph posted speed limit applies. The site is serviced and has the benefit of pedestrian linkages through Dunboyne village all the way to the train station.
- 1.3. The site of the existing dwelling is secured with metal hoarding along the side and rear. The existing dwelling that is the subject of this appeal is substantially demolished following fire damage. There is an old shed located at the rear of the demolished dwelling along the northeastern boundary. To the rear of the dwelling, the site is overgrown, is unkept and is strewn with various types of rubbish. The lateral and rear boundaries of the site are predominantly defined by mature evergreen trees.
- 1.4. The site is located within an established residential area. It is bounded to the north / northwest by Saint Peters Park. Kilbrena Close adjoins the northeastern corner of the site. There is an existing dwelling adjoining the site to the south / southeast, and associated private cul de sac which leads to a yard and large building to the rear of the adjoining dwelling.
- 1.5. The surrounding area has a mature residential character with the built forms varying from single, dormer and two-storey residential of varying architectural styles.

## **2.0 Proposed Development**

- 2.1. The proposed development is described in the public notices as follows:
  - the demolition of the existing dwelling,
  - the construction of 8 no. semi-detached houses including 2 no. car parking spaces for each dwelling,

- the repositioning of the site entrance,
- the construction of a road,
- new perimeter walls and all associated site development works.

The application was accompanied by a design report which sets out the scope of the overall development, a report on the infrastructure which includes for stormwater sewer and attenuation design and calculations, OPW Flood map report and Meath County Council SFRA map and water management and conservation plan. A telecommunication plan is also provided.

2.2. The overall site area is stated as 0.2416 ha. The existing two storey dwelling that was proposed to be demolished had a gross floor area of 221.5 m<sup>2</sup>. It is noted from the application form that the total gross floor space for the proposed development is stated to be 794.4 m<sup>2</sup>.

2.3. The proposed residential development will provide for 8 no. semi-detached dwellings comprising of the following:

- 2 no. two-storey, 2 bed houses,
- 2 no. two-storey, 3 bed houses,
- 2 no. two-storey, 3 bed front facing houses,
- 1 no. two-storey, 3 bed house A (part of L shaped semi-detached),
- 1 no. two-storey, 3 bed house B (part of L shaped semi-detached).

2.3.1. The proposed external finishes include for concrete roof tiles, selected brick finish and render finishes and a metal canopy to serve the front door. Each dwelling will be provided with private open space to the rear / side of the dwellings within the curtilage, whilst provision is made for 2 no. car parking spaces to serve each unit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Meath County Council (the Planning Authority) decided to grant permission by Order dated 28<sup>th</sup> September 2022 subject to 25 conditions. Mainly standard conditions were

attached including compliance with the terms and conditions of P.A. Ref. 22/1027 (i.e. the application which is the subject this appeal) a number of pre-development conditions relating to landscaping and boundary treatments, external finishes and public lighting. Conditions are also provided for traffic management and the management of surface water in terms of flow rates and discharge, Irish Water connection agreement, the inclusion of financial contributions, and compliance with Part V.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

One planning report forms the basis of the assessment and recommendation and assesses the development in terms of principle of development, layout, residential amenities, density, private and public open space provision, landscaping and boundary treatments, public lighting, Part V and traffic safety. The following is noted:

- A net density of 33 uph is considered acceptable for the site. The overall design, unit mix and layout was acceptable.
- The site layout plan complied with the relevant Development Management Objectives relating to overlooking and separation distances, lighting and overshadowing and was deemed acceptable.
- Private open space for each dwelling satisfied minimum requirements and public open space was not required as a result.
- Access proposals and traffic safety were considered to be acceptable.
- Compliance with Part V was considered noting that the proposed development was not exempt and a standard condition included.

#### **3.2.2. Other Technical Reports**

- Transportation Department (07<sup>th</sup> September 2022) – No objections in principle raised, subject to 3 conditions relating to the omission of the zebra crossing and the provision of tactile paving at the pedestrian crossing at the public road, road markings and materials and colours to be used for the proposed shared surface.

- Water Services Department (29<sup>th</sup> August 2022) – No objections raised subject to the inclusion of conditions relating to proposals for surface water treatment and disposal.
- Transportation Department Public Lighting (19<sup>th</sup> August 2022) – Recommended further information to provide public lighting to all public spaces within the development.
- Housing Department (18<sup>th</sup> August 2022) – Noted that condition no. 16 of the planning application form ticked ‘no’ and the application is invalid on the basis as there is a requirement to comply with Part V of the Planning and Development Act 2000 (as amended) as 8 units are proposed.
- Environment Department – No report provided.

### 3.3. Prescribed Bodies

- Transportation Infrastructure Ireland (TII) (22<sup>nd</sup> August 2022) – No observations.
- Irish Water (05<sup>th</sup> August 2022) – No objection raised subject to a number of conditions including revisions to layout of water and wastewater services.

### 3.4. Third Party Observations

One observation was received from the same appellant in relation to the grounds of this appeal. The issues raised are largely covered by the grounds of appeal.

## 4.0 Planning History

- 4.1.1. **P.A. Ref. 21642 / ABP Ref. 311643-21** Planning permission was refused by Meath County Council for the re-alignment of the front wall of the existing property and the construction of 6 no. three-bed dwellings with on-curtilage parking to the rear of existing dwelling, construction of a road, new perimeter walls and all associated site works.

The decision was appealed by the first party and An Bord Pleanála upheld the decision of Meath County Council to refuse permission for the following reason:

*‘Having regard to the submissions made in connection with the planning application and appeal, and to the scale of the proposed development and the traffic to be generated by it, it is considered that the design of the car parking bays and the internal shared surface layout serving the proposed and existing development on site would not be consistent with the Design Manual for Urban Roads and Streets (2013), would be inadequate to cater for the safe parking of vehicles and safe vehicle movements associated with the proposed and existing development on site and at the entrance from Summerhill Road, and would lead to conflict between road users including vehicular traffic, pedestrians and cyclists. The proposed development would constitute overdevelopment of a restricted site, would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area’.*

The decision was made by order on the 05<sup>th</sup> April 2022.

- 4.1.2. **P.A. Ref. 21643** Planning permission was granted for the demolition of a side extension, veranda, lean-to kitchen extension and shed to the rear of the dwelling house on the subject appeal site, the construction of a new entrance and canopy to dwelling and other alterations, the provision of two parking spaces. Decision date: 21<sup>st</sup> day of September, 2021.
- 4.1.3. **RAEX2132** Meath County Council issued a Section 97 (Part V) Exemption Certificate on the 24<sup>th</sup> August 2021, which appears to relate to the development under P.A. Ref. 21/642.

## 5.0 Policy Context

### 5.1. National Policy

- Project Ireland 2040 - National Planning Framework (NPF) and National Development Plan 2021-2030 – seeks to focus growth in cities, towns and villages with the overall aim of achieving higher densities. Relevant National Strategic Outcomes and Policy Objectives include NSO 1 Compact Growth, NPO 3a, NPO 3c.
- Climate Action Plan 2023.



## 5.2. Ministerial Guidelines and Circulars

Regard is had to the following list of relevant Section 28 Ministerial Guidelines:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, January 2024.

Having regard to the nature of the proposed development, I consider the following to be relevant:

- Section 5.3.1 relates to Separation Distances noting that a high standard of residential amenity and good place making can be achieved with separation distances of less than 22 m. SPPR 1 sets out the required standards that relate to minimum separation distances in relation to considering planning applications.
- Section 5.3.2 sets out the requirements for the provision of Private Open Space for houses and SPPR 2 provides the minimum standards for dwellings.
- Section 5.3.3 and Policy and Objective 5.1 set out the policy for Public Open Space provision for housing schemes.
- Section 5.3.4 sets out the policy objective for car parking in terms of quantum, form and location with a specific emphasis on reduced car parking, particularly in locations in an urban context that are serviced by public transport. SPPR 3 provides the specific planning policy to reflect this.
- The Guidelines on Quality Housing for Sustainable Communities: Best Practice Guidelines (2007).
- Urban Development and Building Height Guidelines, (2018).
- The Design Manual for Urban Roads and Streets, 2019 (updated version).

## 5.3. Regional Policy

Regional Spatial Economic Strategy for the Eastern and Midlands Region (RSES) 2019 – 2031.

- The RSES incorporates the Dublin Metropolitan Area Strategic Plan (MASP) and provides the spatial framework for the Dublin Metropolitan Area (DMA).
- Part of county Meath is included in the DMA and in particular, Dunboyne is identified as a 'Strategic Development Area' and a 'North – West Corridor' for the planned expansion of DART in conjunction with Maynooth (Maynooth / Dunboyne commuter line / DART).

#### 5.4. Development Plan

The Meath County Development 2021-2027 (CDP) is the operative plan which has had regard to key national, regional and local policy documents, in particular the NPF and the RSES.

- The overall strategy for Dunboyne is set out in the written statement contained in Volume 2 of the Plan. Dunboyne is highlighted as a strategically important settlement in Meath and is identified in Table 3.4 as a 'Self-Sustaining Growth Town' in the Settlement Hierarchy.
- Zoning

The site is zoned A1 'Existing Residential' with the objective 'to protect and enhance the amenity and character of existing residential communities'. 'Residential' is listed as a land use that is 'generally permitted' within this zoning. The Development Plan sets out the following guidance for development on A1 zoned lands:

Lands identified as 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area.

- Chapter 11 sets out the development management standards as well as the land use zoning objectives. The following are of relevance:
  - DM OBJ 18 and 21 which relates to separation distances,

- DM OBJ 26 and 27 which relate to public and private open space provision,
- Table 11.2 which sets out car parking standards,
- Section 11.5.19 a) gives the definition of infill sites in urban areas, and Section 11.5.20 b) gives the definition for backland sites in urban areas. DM OBJ 42 and 43 are the respective relevant accompanying objectives.

## **5.5. Natural Heritage Designations**

5.5.1. The nearest European sites and Natural Heritage Areas in close proximity to the appeal site are the following:

- Rye Water Valley / Carton SAC (Site Code 001398) which is located approx. 5.5 km to the southwest of the appeal site.
- pNHA Rye Water Valley / Carton (Site Code 001398) located approx. 5.9 km to the southwest of the appeal site.
- pNHA Royal Canal (Site Code 002103) located approx. 5.3 km to the south of the appeal site.
- pNHA Liffey Valley (Site Code 000128) located approx. 6.4 km to the southeast of the site.

## **5.6. EIA Screening**

5.6.1. Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations 2001 (as amended), where more than 500 dwelling units would be constructed and/or where an urban site of more than 10 hectares would be developed, the need for a mandatory EIA arises.

5.6.2. The proposed development that is the subject of this appeal is for the development of 8 dwellings on a 0.2416 ha hectare site. The site is a backland site which is already partially developed with an established residential use containing a substantially demolished dwelling and ancillary shed. The site retains the benefit of water and wastewater services.

- 5.6.3. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold criteria set out in Schedule 7, I therefore conclude that having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity or any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. One third party appeal has been made by Angela Rath whose property is situated to the southeast of the appeal site.

The following is a summary of the issues raised in the grounds of the appeal:

#### Density and Overdevelopment

- Under ABP Ref. 311643-21 the Board refused permission for 6 dwellings on the same site on the grounds of overdevelopment of a restricted site. This current application seeks to provide 8 dwellings which is an increase in density from 6 dwellings and which should be refused for the same reasons.
- The proposal to provide 8 dwellings will ensure that the developer will not be requirement to provide 15% open space.

#### Impact on Residential Amenities

##### **Overlooking**

- The proposed development will have a detrimental impact on privacy and quality of life.
- 10 large windows at first floor level will directly overlook the entire length of the third party's property and will impact on residential amenities. This issue was not addressed by the planning officer Meath County Council (MCC).
- Orientation of the houses was not properly assessed.

- The proposed development does not comply with separation distances / overlooking as set out in the Meath County Development Plan and objective DM OBJ 18. The distance from the third party's living room and bedroom windows and the proposed first floor windows is much less than DMOBJ 18, at only 12.
- The previous application refused did not have near the level of overlooking associated with this application.

### **Overshadowing**

- The proposed development breaks the existing building line by 10 m. The Planning Authority should have requested the applicant to provide a light and daylight analysis to assess shadow impact on the third party's dwellings.

### Validity of Application

- Question 16 of the planning application relates to Part V. The developer ticked no in the application form and Meath County Council should have invalidated the application as the proposed development provides for 8 dwellings.

### Public Lighting Proposals

- The Transportation Department of MCC requested through further information to provide for a public lighting scheme. The planning officer considered that it could be addressed by condition. This prevented the third party with having an opportunity to consider whether or not light pollution would impact on her residential amenities.

### Traffic Hazard

- The last application was refused by the Board on the grounds of inadequate safe carparking and traffic safety. This proposal increases the number of dwellings which will lead to an even greater number of vehicle movements than previously refused.

### Landscaping

- The proposed development is in conflict with the location of existing mature trees on the site which are not indicated on the landscaping or site layout plans. It specifically omitted existing mature trees on the site.

## Construction Phase

- The impacts arising from the construction phase and construction activity, i.e., construction traffic, noise, hours of operation, dirt and dust.

### 6.2. **Applicant Response**

6.3. The applicant's response to the grounds of the appeal can be summarised as follows:

- The proposed development has been designed following extensive consultation with Meath County Council.
- The report of the planning officer noted the third party submission and considered the issues raised in the overall assessment of the applications.
- The existing dwelling was destroyed by fire.
- The density proposed on the site is at the lower end of the required minimum densities of the local authority and national guidance and does not constitute over development.
- ABP's previous refusal on the site (ABP Re. 311643-21) related to road layout issues which have been resolved under the current application. The available plot space has been enlarged due to the removal of the existing dwelling.
- Compliance with Part V – Meath County Council granted an exemption certification for the proposed development, Ref. RAEX2132 refers.
- Public lighting – condition no. 8 of the final grant is a pre-development condition and will be adhered to.
- Light and Overshadowing – Planning policy set out in Section 11.5.16 relating to light and overshadowing states that '*the daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: Guide to Good Practice (B.R. 209, 2011).*

The council considered that the proposed development satisfied the aforementioned as set out in DMS POL 11.

- Feedback from pre-planning meetings held with the Planning Authority resulted in the design of the scheme being amended to avoid a 'tunnel effect' with the design of semi-detached houses and requested that they be turned to face the road.
- Traffic / Access / Car parking – No objections were raised by the Transportation Department in the Council in relation to the proposed roads and access layout and three requirements were stipulated in condition no. 10 of the final grant. Condition no. 10 is a pre-development condition and will be adhered to.
- Landscaping – Condition no. 9 of the final grant which is a pre-development condition relates to the management of landscaping on the site including identifying significant tree stands and the identification of any mature trees for removal and a justification for their removal.

#### 6.4. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows:

Overlooking

- The appellant has quoted different wording in relation to DM OBJ 18. The Board is referred to the specific wording of DM OBJ 18 which states:  
*'A minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi-detached, terraced units shall generally be observed'.*
- The Planning Authority is satisfied that all matters outlined in the submission were considered during the course of the assessment of the planning application as set out in the planning report.

#### 6.5. Observations

None.

## **7.0 Assessment**

- 7.1.1. This appeal relates to a repeat planning application on the same site. Permission previously sought for the construction of 6 dwellings was refused by the Planning Authority, with the Board upholding the decision. The grounds of refusal related to overdevelopment of a restricted site endangering public safety by reason of traffic hazard. This is with specific reference to the inadequate design and layout of the proposed development in terms of car parking bays and internal shared surface layout. The revised planning application which is the subject of this appeal has sought to address this. Under this application, it is proposed to demolish the existing two-storey dwelling at the front of the site and to construct 8 two-storey dwellings.
- 7.1.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Principle of Development and Existing Residential Amenities.
  - Density & Overdevelopment.
  - Road Safety.
  - Impact on Residential Amenities.
  - Other Matters – Part V, Landownership, Public Lighting, Landscaping.
  - Visual Impact Summer Hill Road – New Issue.
  - Appropriate Assessment.

### **7.2. Principle of Development and Existing Residential Amenities**

- 7.2.1. A key issue which is raised in the appeal is that the proposed development will impact on the residential amenities of the appellant's property which is located adjacent to the appeal site to the southeast.
- 7.2.2. The subject site is zoned A1 'Existing Residential' the zoning objective for which is '*to protect and enhance the amenity and character of existing residential communities*', with the proviso that the amenities of surrounding properties are protected, and that



the use, scale, character and design of any development respects the character of the area.

7.2.3. Dunboyne is designated as a Self-Sustaining Growth Town in the settlement hierarchy of the Meath County Development Plan 2021-2027 (CDP) and is recognised as a key settlement in the county for economic growth. It is also included in the Dublin MASP and is identified as a 'Strategic Development Area' and a 'North – West Corridor' for the planned expansion of DART in conjunction with Maynooth (Maynooth / Dunboyne commuter line / DART). Its potential to deliver residential and economic / employment generating development is further emphasised. There are several supporting policies set out in the CDP, in particular SH POL 2, SH OBJ, as well as DCE POL 1 and DCE OBJ 2 in Volume 2 Written Statement for Dunboyne, Clonee, Pace.

7.2.4. I consider that the proposed development seeks to accommodate residential development on what can be described as a 'backland'<sup>1</sup> site which is an under-utilised site in the town. It therefore represents a sustainable form of development that contributes to compact urban development that can integrate with public transport. I therefore consider that the principle of development is acceptable, subject to detailed considerations below.

### **7.3. Density & Overdevelopment**

7.3.1. The appellant submits that the proposed development will increase the density of the site further than what was previously refused on the site with the provision of 8 no. dwellings, and that the requirement to provide 15% open space will not be adhered to.

7.3.2. I refer to the previous planning application on the site which the appellant references, ABP Ref. 311643. In this case, the application was assessed by the Planning Authority in accordance with the Meath County Development Plan 2013-2019 (as varied) and subsequently, the appeal was decided by the Board under the new Meath County Development Plan 2021-2027 which was the operative plan at time of assessment.

7.3.3. I note that a key consideration raised in the Planning Inspector's report was that the development proposed reflected an infill design solution which was considered to be

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<sup>1</sup> The definition for 'backland' is set out in Section 11.5.20 of the Meath County Development Plan 2021-2029 and Appendix A of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (Jan. 2024).

a modest backland site that resulted in overdevelopment of the site. Public open space was a substantive issue. The Planning Authority considered that there was inadequate provision of public open space proposed which was at variance with the requirements set out in Chapter 11 Development Management Standards and Guidelines, of the Meath County Development Plan 2013-2019.

- 7.3.4. At the time of the Board's assessment, the Meath County Development Plan 2013-2019 (as varied) was superseded by the new plan and DM OBJ 27 provided the following in relation to public open space requirements, that "*standalone residential developments comprising of 9 residential units or less shall be exempt from the requirement to provide 15% open space. In all such cases the private amenity space serving each dwelling shall exceed the minimum requirement*". It was concluded that the development was not in compliance with the private open space and separation distances provisions of the development plan.
- 7.3.5. Since this application (the subject of this appeal) was decided by the Planning Authority, new Section 28 Ministerial Guidelines were issued; 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, January 2024'. These guidelines replace the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and therefore take precedence in terms of policies and objectives known as Special Planning Policy Requirements (SPPR). SPPRs in relation to densities and development standards for new residential development in urban areas which at time of writing this report, has yet to be reviewed in the Meath County Development Plan 2021-2027. Therefore, in considering the issues raised in the appeal I propose to address same having regard to the provisions of the relevant SPPRs as set out in the new Guidelines as well as the relevant objectives of the CDP.
- 7.3.6. Under the current application, the proposed development entails the demolition of the existing dwelling on the site and the construction of 8 no. new dwellings, which is an increase of 1 unit from that previously refused. 2 no. units are proposed on the site of the existing dwelling. The proposed development is comprised as follows:
- 2 no. two-storey, 2 bed houses;
  - 2 no. two-storey, 3 bed houses;
  - 2 no. two-storey, 3 bed front facing houses;

- 1 no. two-storey, 3 bed house A (part of L shaped semi-detached);
- 1 no. two-storey, 3 bed house B (part of L shaped semi-detached dwellings).

7.3.7. It was noted at time of site inspection that the existing dwelling may have been the subject of a fire and is substantially demolished.

7.3.8. In terms of density, given Dunboyne's designation as a Metropolitan Town in the Dublin MASP and as a Self-Sustaining Growth Town in the CDP, a residential density in the range of 35 dph to 50 dph is applicable. The proposed development will provide for a total of 8 no. dwellings on a site with a stated area of 0.2416 ha. This results in a gross residential density of 33 no. dwellings per hectare. While I acknowledge that the Sustainable Residential Development and Compact Settlements Guidelines seek to generally apply a higher residential density and that DM OBJ 14 of the CDP aims to encourage greater densities than 35 uph, I consider that given the sites' context which is a backland site within an established residential area, and its limitations due to its configuration, that the proposed residential density of approx. 33 uph is acceptable in this case.

7.3.9. With regard to the proposed private open space allocation for each unit, I note from the plans and drawings that each of the dwellings is provided with private open space within its curtilage, in the form of rear back gardens or side gardens depending on the orientation of the dwelling. I further note that each of the units are allocated private open space not less than 60 m<sup>2</sup>, which complies with Table 11.1 of the CDP. Having regard to SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines and DM POL 7 of the CDP, I am satisfied that the proposed development complies with these minimum requirements.

7.3.10. In regard to public open space, the proposed development does not provide for same. The Planning Authority considered this to be acceptable on the basis that there was no requirement to provide public open space, having regard to DM OBJ 27 of the CDP. I note that the sites' configuration due to its shape is restricted and does not lend itself to providing public open space. However, having regard to DM OBJ 27 which specifically states that standalone residential developments comprising of 9 residential units or less shall be exempt from the requirement to provide 15% open space, and having regard to the private open space that is proposed to serve each of the dwelling units which I note more than exceeds the minimum requirements prescribed in DM

OBJ 27 of the CDP and SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines, I consider this to be appropriate and in accordance with Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines.

#### **7.4. Traffic & Road Safety**

- 7.4.1. The appellant submits that the proposed development increases the number of houses from that previously refused under ABP Ref. 311643, and whereby the reason for refusal made reference to the design of the car parking bays, the internal shared surface layout which would be inadequate to cater for safe parking of vehicles and vehicle movements exiting the development onto the Summerhill Road, thus resulting in endangerment to public safety.
- 7.4.2. With specific reference to the previous planning application that was refused, I note that there were numerous issues raised in regard to access and road safety both within the proposed housing scheme itself and from the proposed access to the site onto the public road (Summerhill Road).
- 7.4.3. The revised site layout proposals have provided for an enhanced qualitative layout for road, traffic and pedestrian safety, and visual and residential improvements. In assessing this, I have had regard to the planning history and the decision of the Board under ABP Ref. 3116463. The appellant notes that the density has increased and while this may be so, it is still less than what is required for Dunboyne (Self-Sustaining Growth Town), as per the requirements of the CDP and Section 3.3 of the Sustainable Residential Development and Compact Settlements Guidelines.
- 7.4.4. The Design Manual for Urban Roads and Streets 2019 (DMURS) provides guidance relating to the design of urban roads and streets. I refer to Section 3.2.1 and Table 3.1 which detail the movement function of streets providing categories of Arterial, Link and Local. Figure 3.3 describes *'local streets as streets that provide access within communities and to Arterial and Link streets'*. Section 4.4.1 sets out the standard carriageway width on local streets which states that the *"standard carriageway width on local streets should be between 5-5.5 m"* and *"total carriageway width on local streets where a shared surface is provided should not exceed 4.8 m"*. Table 4.2 sets

out the Stopping Sight Distance Standards which indicates a forward visibility of 45 m is required on a road with a design speed of 50 km/h.

- 7.4.5. The proposed development will be situated in an urban area. The internal access road proposed to serve the subject development will be a local cul de sac road. I note from the proposed site layout plan that the access road is indicated as a 'shared surface' and that 2 raised speed tables are proposed at the entrance to the site and approx. half-way along the access road into the site, and I note that the width of the road is proposed to be 5 m and 6 m between the proposed dwellings.
- 7.4.6. The existing access serving the site has direct access onto the adjoining public road. There is a public footpath passing the entrance to the site. I note that the speed limit for the adjoining Summerhill Road (L-2228) is 50 km/h. The proposed access is altered from that previously proposed on the site such that the vehicular access will be position further to the northwest, will be approx. 15 m in width allowing for adequate setback and splayed entrance.
- 7.4.7. Sight lines are shown from a setback distance of 2.4 m and with 45 m sight lines indicated. I note from the swept path analysis that the access and the road into the site can accommodate large vehicles and the turning movements associated with same. This was deemed acceptable by the council with conditions included specifically in relation to the omission of the zebra crossings and the provision of tactile paving in lieu of the zebra crossing markings, the road markings for the raised speed tables to be in compliance with Section 6.13 of the Traffic Management Guidelines, and the shared surface to be a buff/beige colour.
- 7.4.8. The DMURS describes pedestrianised and shared surface streets as integrated spaces where pedestrians, cyclists and vehicles share the main carriageway, and operate as linear 'squares' or corridors of public open space in urban areas.
- 7.4.9. With regard to the proposed access road being utilised as a shared surface, I do not consider such a proposal in this context to be necessary, as shared surfaces generally apply to areas where there is higher levels of activity between pedestrian movements and vehicles around centres of commercial and retail activities. On that basis, I consider the proposed width of the access road to be acceptable and that the Planning Authority's conditions relating to the road surface are acceptable. The proposals outlined will improve road safety from the access onto the Summerhill road and within

the housing scheme itself. I am satisfied that the proposed road layout to serve the housing scheme is in accordance with the relevant standards set out in the DMURS.

7.4.10. It is proposed to construct a boundary wall between the two properties i.e. the appeal site and the appellant's site. A 1 metre high block wall from the public footpath up to approx. 4 metres of the front building line of the appellants house will be provided, and from that point, the boundary wall will be increased to 1.8 metres the entire length of the site to the rear. Once the development is completed, the boundary wall will afford separation between the two sites, thereby managing traffic accessing onto the Summerhill road from each property.

7.4.11. Off-street car parking will be provided within the curtilage of each dwelling, with 2 no. spaces allocated per dwelling (16 in total) which is in accordance with Table 11.2 of the CDP. Pedestrian paths will be provided along with zebra crossing road markings show at 2 locations. While the proposed layout meets the requirements in relation to car parking provision within the curtilage of each of the dwellings in accordance with DM OBJ 93, I note that provision for visitor car parking to accommodate overspill has not been provided. Notwithstanding, Table 11.2 does not specifically require visitor car parking to be provided for dwellings and while DM OBJ 93 requires new residential development to take account of a number of factors including consideration to be given to parking for visitors, I note that the policies and objectives that are set out in Section 9 of the CDP note that the application of the car parking standards shall be applied at the discretion of the council, particularly where car parking is proposed in areas with good access to services and strong public transport links. Furthermore, the Sustainable Residential Development and Compact Settlements Guidelines sets a maximum standard of 2 spaces per dwelling (SPPR 3) and in that regard, I consider that the car parking provision proposed within the site is acceptable.

## **7.5. Residential Amenities**

### Overlooking

7.5.1. The appellant raises the issues of overlooking and separation distances between the appeal site and her own site.

7.5.2. I note that the Planning Authority's assessment concluded that the proposed site layout plan complies with the Development Management Objectives in respect of

appropriate separation distances and potential overlooking. I note that further assessment in terms of impacts arising on adjoining residential amenities was not assessed by the Planning Authority beyond this. Section 11.5.7 of the CDP is referred to in the planning report and in particular, DM OBJ's 18, 19, 20 and 21 with the accompanying proviso that the relaxation of the standards set out in DM OBJ 18-21 will be assessed on a case-by-case basis.

- 7.5.3. The zoning objective for the site A1 'Existing Residential' seeks '*to protect and enhance the amenity and character of existing residential communities*'. The impact of the proposed development on the residential amenities of adjoining properties is therefore a key consideration in assessing the proposed development. The redevelopment of this backland site within an established urban setting will alter the context of the site and the receiving area with a degree of impact on the adjoining residential amenities. Therefore, any impacts must be balanced against the need to develop infill / backland sites at higher and more sustainable densities in accordance with national policies and guidelines.
- 7.5.4. In relation to proposed building lines and development occurring on infill or backland sites, the CDP supports such proposals where development proposals take account of the character of the area and retain existing features such as the building line as set out in DM OBJ 42. Section 11.5.6 also states that in the context of urban development, building lines should be followed where appropriate.
- 7.5.5. I note that the building line of the existing dwelling on the appeal site is located approx. 3 m forward of the building line of the appellants house to the southeast. The building line on the front elevation of the proposed L shaped semi-detached block will be located approx. 10 m forward of the appellant's dwelling. Having regard to the character of the area, I noted at time of site inspection that there is a variation of building lines in the context of the immediate area relative to the appeal site. This includes for staggered building lines for example at Boyne Court. I am satisfied that the proposed building line will not infringe on an existing building line that would be prejudicial to orderly development or out of character with the area.
- 7.5.6. With respect to separation distances between the appellant's dwelling and the proposed L shaped semi-detached block labelled 'House A' and 'House B' to replace the existing dwelling on the site, I note that the first floors for each of the dwellings will

provide habitable bedroom space. At first floor level bedroom 1 in 'House A' (the easterly dwelling unit) faces the gable of the appellants house, and bedrooms 2 and 3 in 'House B' (the westerly dwelling unit) face in the direction of the front garden, which is forward of the established building line of the appellant's dwelling.

- 7.5.7. The separation distances proposed between the building line of the L shaped semi-detached block and the building line of the appellants dwelling is approx. 16.5 m which increases closer to the public road. While I consider that overlooking will occur of the appellant's front garden amenity space, I do not consider that the level of overlooking / surveillance would be dissimilar to that of pedestrians viewing the front elevation of the dwelling or looking into the garden from passing by on the public road. I therefore do not consider it to be unduly significant or unacceptable. Bedroom no. 1 at first floor level on 'House A' will face the gable wall of the appellants property however, I do not consider that the impact is significant given the setback distance proposed and the provision of a dividing boundary wall at 1.8 metres.
- 7.5.8. While I acknowledge that the situation as presented by the proposed development will be different to what the appellant would have previously experienced or been used to when the existing dwelling was in place (with gable wall facing the gable of the appellant's existing dwelling), given the setback distance of approx. >15.5 metres, while some degree of overlooking could occur, I consider that the setback distance is generally sufficient to mitigate against undue overlooking, and that the 1.8 m dividing block boundary wall proposed to be constructed from the front building line of the appellant's dwelling to the rear of the site, will afford additional mitigation or screening to the appellant's property.
- 7.5.9. There are two 3-bed dwellings labelled 'Front Facing Houses' proposed which directly face the rear of the appellant's property. One block will face the rear of the dwelling (the backdoor area) and will contain bedrooms at first floor level. I note a proposed separation distance of approx. 12.5 m to 14 m from the building line on the front elevation of the proposed dwelling. In relation to the second dwelling located adjacent to the rear of the appellant's back yard, this will face onto the existing sheds / structures and the separations distances will be greater as these existing structures are set back further on the appellant's property. I noted at time of site inspection that this area did not appear to be in use as private amenity space.



- 7.5.10. There is a line of existing mature evergreen trees and a post and rail fence separating the two properties. In order to accommodate the proposed development, the trees will be required to be removed. A block boundary wall is proposed to be constructed from the proposed access which will be 1.2 m in height for approx. 15 m, then increasing to 1.8 m from approx. the front building line of the appellant's dwelling all the way to the rear of the site. I note that a belt of lavender shrubs is proposed along the dividing wall between the two sites. From the previous application refused on the site, I note that the dwellings proposed were in approximately the same location and were reorientated such that the gable walls faced the appellant's property to the southeast, with proposed windows that served non-habitable space, i.e. wc or landing at first floor level.
- 7.5.11. I note that the CDP policy as set out in Section 11.5.7 in relation to separation distances is clear with respect to rear windows at first floor level for detached and semi-detached dwellings (DM OBJ 18). I note that there is no specific objective or indeed policy in relation to directly opposing windows on the front elevation of a dwelling serving habitable space at first floor level. Section 11.5.7 further contains a proviso in relation to the relaxation of the standards as stated in DM OBJ 18-21, that will be assessed on a case-by-case basis.
- 7.5.12. Having regard to SPPR1 – Separation Distances in the Sustainable Residential Development and Compact Settlements Guidelines, it sets out the requirements for separation distances (at least 16 metres) to be maintained in relation to opposing windows above ground floor level that serve habitable rooms at the rear or side of houses. This does not apply to habitable rooms at first floor level with windows on the front elevation of a dwelling.
- 7.5.13. In relation to the 3-Bed 'Front Facing House' that is proposed to be located immediately to the north of the appellant's back door entrance, I consider that overlooking will occur to an unacceptable degree of the back door area, notwithstanding the proposal to provide a 1.8 m boundary wall. However, I consider that this proposed dwelling can be replaced / reorientated with a 3-Bed dwelling that faces in the direction of the public road with gable wall facing the appellants property, which would satisfactorily address the issue whilst still maintaining the density on the site.

- 7.5.14. In relation to the 3-Bed 'Front Facing House' further to the rear of the site, I consider that there is adequate separation distance between the front elevation of the proposed dwelling and the rear backyard of the appellant's property to which it faces, which as I noted area earlier is not active private amenity space. Therefore in this case, the level of overlooking is not considered to be unduly significant or unacceptable.
- 7.5.15. Having regard to the foregoing, I am satisfied that the proposed design and layout of the development will provide a good standard of private amenity for future occupants, and subject to the replacement / re-orientation of the 3-Bed 'Front Facing House' that is located adjacent to the rear backdoor area of the appellant's dwelling, I do not consider that the proposed development will unduly impact on the existing privacy and residential amenities of the appellant's adjoining property. Therefore, I consider that the proposed development complies with the zoning objective for the site.

#### Overshadowing

- 7.6. The appellant submits that a sunlight and daylight analysis to assess shadow should have been carried out of the proposed development in terms of impacts on adjoining residential amenities. I note DM POL 11 as contained in Section 11.5.16 of the CDP which relates specifically to the design of new residential developments maximising passive solar gain.
- 7.7. The Planning Authority noted that a Light and Daylight analysis was not provided as part of the application details, but concluded that the proposed development satisfied DM POL 11.
- 7.8. With respect to overshadowing arising from the development as proposed, I note that the overall ridge height of the proposed dwellings will be 8.75 m which represents low-rise housing. The overall development will be located to the north and northwest of the appellants property with the nearest proposed dwelling being position approx. 15 m from the gable of the appellant's dwelling. I note that the prevailing height context within the vicinity of the site is characterised by two-storey and single storey dwellings, with a variation of densities.
- 7.9. Given the height of the proposed dwellings and location relative to the appellant's existing dwelling, I do not consider that the proposed development, in particular, the 3-bed 'L shaped' semi-detached block, will unduly obstruct sunlight or will result in overshadowing of the appellants dwelling. In considering this, I had regard to the 'Site

Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2022) and also the Sustainable Residential Development and Compact Settlement Guidelines (2024) which note that detailed analysis is not necessary in all cases. In conclusion, the degree and scale of impact in terms of overshadowing / loss of light that would arise is minimal. I am also satisfied that the proposed development would not have an overbearing impact when viewed from the adjoining dwelling of the appellant.

## **7.10. Other Matters Arising**

### **7.10.1. Part V vis a vis the Planning Application Form**

The validity of the planning application is questioned by the appellant with regard to the application form in terms of question 16. I note that question 16 relates to Part V of the Planning and Development Act 2000 (as amended). I note that this matter was raised by the appellant in her submission to the planning application and that the Planning Authority considered this issue and included a standard pre-development Part V condition in the final grant. I do not consider this to be a material issue to the proposed development, however in terms of the procedural matters and the alleged irregularities raised in relation to the application form completed by the applicant, I consider that this matter was adequately addressed by the Planning Authority, therefore I recommend the inclusion of a standard condition.

### **7.10.2. Public Lighting**

It is highlighted in the grounds of the appeal that no specification of the proposed public lighting for the development has been submitted and the impact has been inadequately assessed.

This was raised in the report of the Transportation Department (Public Lighting). The planning officer however decided that the detail requirements can be addressed by of a pre-development condition, condition 8 in this regard.

I note that the application details contain a Proposed Lighting Plan that indicates the location for proposed lighting. Each light will be positioned in excess of 5 metres apart from each other which is the stipulated requirement of DM OBJ 9. It also notes that column height for each pole will be 6 m with a 5° uplift. The lantern details specify that the average wattage will be 17 k. In consideration of same, impact on residential amenities should not be a reason to modify or refuse the proposed development, and

I consider that a pre-development condition in line with the planning authorities condition will satisfactorily address same, should the Board decide to grant permission.

#### 7.10.3. Landscaping

The appellant submits that the proposed development is in conflict with the location of existing mature trees on the site which were not indicated on the site layout plan provided and which the Planning Authority should have sought further information on to address. I note that in the final grant condition no. 9 a pre-development condition, was included requiring the submission of a full tree survey of the site and a justification for the removal of any significant mature trees, subject to the approval of the Planning Authority.

Section 11.4.4 of the CDP which refers to trees and hedgerows notes that such a consideration is important with all developments and DM OBJ 11 requires existing trees and hedgerows or biodiversity and / or amenity value to be retained where possible.

The existing site plan indicates a belt of screening along the northwestern boundary of the site and along the front boundary of the site adjacent to the public road. No other existing landscaping or vegetation is identified.

Having carried out a site inspection, I noted that the site is overgrown and is more or less inaccessible. The garden area at the front of the site contains overgrown shrubs and hedging and a number of mature trees including palm trees at the northwestern boundary. There are a number of mature trees at the rear of the site of broadleaf species, but I noted that the majority of the trees consist of evergreen / coniferous trees. While access to the rear of the site was not possible, I noted that almost the entire southeastern boundary of the site is defined by mature evergreen trees, as are parts of the north / northwest boundary and rear boundaries of the site, with a small number of broadleaf species interspersed. A number of apple trees are located to the rear of the dwelling in the ancillary garden that is overgrown. In general, the existing vegetation within the site and particularly along the site boundaries do not appear to contain any significant mature native species.

A proposed landscaping plan was submitted with the application which confirms that the site will be cleared to facilitate the housing development. This includes the removal

of the mature evergreens along the lateral and rear boundaries of the site. In my view it would be difficult to construct the development without first clearing the site of vegetation. Overall I do not consider that there is anything of merit to be retained on the site and I consider that condition 9 should be omitted.

#### **7.11. Visual Impact Summer Hill Road – New Issue**

- 7.11.1. This new issue relates to the proposed design treatment of the road facing elevation of the L shaped semi-detached dwelling labelled 'House B'. This issue was not raised within the appeal by the third party or in any of the observations. I further note that it was not considered in the assessment by the Planning Authority.
- 7.11.2. The design of the southwest facing elevation of 'House B' provides for a gable wall which will face in the direction of the Summer Hill road. I consider this to be a poor design treatment which will have a negative visual impact on the visual amenities of the area.
- 7.11.3. The Board may wish to seek the views of the relevant parties in relation to this issue, however I consider that it can be addressed by the inclusion of a pre-development condition requiring the submission of revised plans and drawings to provide for a dual frontage elevation (main front door entrance to dwelling) to address the public road. This could also mitigate further the issues that the appellant has raised in regard to impacts of residential amenities by changing the location of the bedroom window on the south facing elevation.

#### **7.12. Appropriate Assessment**

- 7.12.1. Having regard to the nature and scale of the proposed development, the proposal to connect to public water services and foul drainage, the nature of the receiving environment together with the significant lateral separation distance between the site and the nearest European sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with others plans and projects on a European site.

## 8.0 Recommendation

I recommend that permission for the proposed development should be granted.

## 9.0 Reasons and Considerations

Having regard to the zoning objective of the site in the Meath County Development Plan 2021-2027, to the design and scale of the proposed development, to the backland nature of the site in an established residential area, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density having regard to the sites' configuration, would be acceptable in terms of traffic safety, would not endanger public health and would comply with the relevant provisions of the Meath County Development Plan 2021-2027, the National Planning Framework and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Jan. 2024). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application on the 05<sup>th</sup> day of August 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>Prior to commencement of development the developer shall submit a revised site layout plan to the planning authority for written agreement in relation to the following;</p> <p>a) The proposed 3 bed front facing house located to the north of the neighbouring dwelling, shall be omitted and replaced with a 3 bed house. The front elevation of the replacement house shall face southwest in the direction of the public road, with gable wall positioned on the southeast facing elevation.</p> <p>b) The road facing elevation of the proposed 3 bed semi-detached block dwelling identified as House B, shall be amended to provide a dual frontage elevation to address the public road to the southwest.</p> <p>c) The window at first floor level serving bedroom no. 1 on the southeast facing elevation of 3 bed semi-detached block dwelling identified as House B shall be omitted and relocated to the southwest elevation, fronting onto Summerhill Road.</p> <p><b>Reason:</b> In the interest of the protection of residential amenities and the visual amenities of the area.</p>
3.	<p>a) Details of the materials, colors and textures of all the external finishes to the proposed dwellings shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.</p> <p>b) The use of reconstituted stone shall not be permitted. The final select brick colour shall be agreed in writing with the planning authority, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Final design details in respect of the drainage arrangements, including the attenuation and disposal of surface water and the implementation of Sustainable Urban Drainage measures, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>

5.	<p>Proposals for a naming and numbering scheme and associate signage shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. Thereafter, all estate / street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisement / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
6.	<p>All landscaping works shall be completed within the first planting season following commencement of development in accordance with the landscaping plan submitted to the planning authority. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> in the interest of biodiversity and the visual and residential amenity of the area.</p>
7.	<p>Public lighting shall be provided in accordance with the scheme, details of which shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
8.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and curbs, shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department</p>



	<p>of the Environment, Community and Local Government in March 2019, as amended.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
9.	<p>Prior to commencement of development, the developer shall submit the following for the written agreement of the planning authority:</p> <p>a) The zebra crossings shall be omitted from the proposed road layout.</p> <p>b) Tactile paving shall be provided at the pedestrian crossing at the public road.</p> <p>c) The road markings proposed on the raised speed tables shall comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of pedestrian and traffic safety.</p>
10.	<p>Prior to the commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
11.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste in the interest of protecting the environment.</p>

12.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall include details for the collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p><b>Reason:</b> In the interests of public health and safety and residential amenity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the planning authority. The agreed TMP shall be implemented in full during the course of construction of the development.</p> <p><b>Reason:</b> In the interest of sustainable transport and safety.</p>
15.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p><b>Reason:</b> In the interest of public health.</p>

16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
17.	<p>All boundaries between each of the proposed dwellings and all rear garden boundaries shall be a minimum of 1.8 metres high and shall be constructed as capped, rendered concrete block or brick walls on both sides, to the written satisfaction of the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
18.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and / or by those eligible for the occupation of social and / or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
19.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies)</p>

	<p>may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of the development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
21.	<p>Prior to commencement of development, the developer shall delineate on a map those area which are to be taken in charge, for the written agreement of the planning authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measure for the future maintenance and repair in satisfactory manner of private open spaces, roads, footpaths, car park and all service, together with soft and hard landscaping areas, where not otherwise taken in charge by the planning authority. The matter of surface water proposals shall be addressed. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<b>Reason:</b> In the interest of the future maintenance of the development, including the surface water proposals.
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security, to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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

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Clare Clancy  
Planning Inspector

13<sup>th</sup> May 2024

## Appendix 1 – Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-314938-22		
<b>Proposed Development Summary</b>	Demolition of house and construction of 8 houses.		
<b>Development Address</b>	Woodlawn, Summerhill Road, Dunboyne, Co. Meath.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	✓	The proposed development involves the demolition of an existing dwelling, the construction of 8 dwellings, and all associated site development works, site area 0.2416 ha.	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			
<b>Yes</b>	✓	Class 10(b)(i) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended)	- Proposed development is for 8 dwelling units.
			<b>Conclusion</b>
			No EIAR or Preliminary Examination required
			Proceed to Q.4

		<p>provides that mandatory EIA is required for the following:</p> <ul style="list-style-type: none"> <li>• Construction of 500 dwelling units</li> <li>• 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.</li> </ul>	<p>- Subject site has stated area of 0.2416 ha and is well below the 10 ha threshold for urban development in other parts of a built up area</p>	
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	314938	
<b>Proposed Development Summary</b>	Demolition of house and construction of 8 houses and all associated site development works.	
<b>Development Address</b>	Woodlawn, Summerhill Road, Dunboyne, Co. Meath.	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<ul style="list-style-type: none"> <li><b>Nature of the Development</b></li> <li>Is the nature of the proposed development exceptional in the context of the existing environment?</li> <li>Will the development result in the production of any significant waste, emissions or pollutants?</li> </ul>	<p>The appeal site is located in the urban area of Dunboyne, as designated in the Meath County Development Plan 2021-2027 which is an established residential area. The proposed development is not exceptional in the context of the existing receiving environment.</p> <p>The subject retains the benefit of public services including, water, wastewater, footpaths. Irish Water raised no objections in relation to capacity to facilitate the proposed development.</p> <p>Site clearance works including removal of landscaping and topsoil and C&amp;D waste generated will not be significant, and will be localised and construction impacts will be temporary.</p> <p>The proposed development would not give rise to waste, pollution, or nuisances that differ from that arising from other adjoining housing in the area.</p>	No
<ul style="list-style-type: none"> <li><b>Size of the Development</b></li> </ul> <p>Is the size of the proposed development</p>	<p>The site has a stated area of 0.2416 ha that is zoned and is within the settlement boundary of Dunboyne in an urban context.</p>	No



<p>exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The site is located in an urban area. All other existing adjoining developments are established uses.</p>	
<p>• <b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>There are no ecologically sensitive locations in the vicinity of the site.</p> <p>The proposed development is not located on or within proximity to any designated European site or any designated NHA/pNHA.</p> <p>The nearest European Sites to the appeal site is:</p> <ul style="list-style-type: none"> <li>• Rye Water Valley / Carton SAC (Site Code 001398) which is located approx. 5.5 km to the south west of the appeal site.</li> </ul> <p>The site is serviced in terms of wastewater and storm water disposal. In the event that planning permission is upheld, any surface water arising from the proposed development will be managed by condition that will include for standard best practices and methodologies for the control and management of surface water on site.</p> <p>Potential impacts that could arise from the proposed development to receiving receptors may include impacts to ground water arising from the mismanagement of surface water disposal on site.</p> <p>Given the absence of pathways to any sensitive ecological sites / receiving environment, it is considered that no issues arise.</p>	<p>No</p>
<p><b>Conclusion</b></p>		

<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>	<p><b>There is no significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p>EIAR required.</p>
✓		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_