



An
Bord
Pleanála

Inspector's Report

ABP-315009-22

Development	Construction of a residential development comprising 24 no. houses and 8 no. apartments and all associated site works.
Location	Manorland (2nd Division), Kinnegad Road, Trim, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21/1945
Applicant	Keegan Land Holdings Ltd.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission.
Appellants	Keegan Land Holdings Ltd.
Observer	Kathleen Kelly. Cora & Gerry O'Donnell. Kieran Cummins c/o Eco Advocacy.
Date of Site Inspection	12/09/2023.
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The address of the appeal site is Manorland (2nd Division), Kinnegad Road, Trim, Co. Meath. The site is located on the southern side of the R161 (Kinnegad Road) and c. 750m to the west of Trim town centre. The greenfield site has a stated area of c. 1.38ha. and comprises undeveloped agricultural lands. The site has a frontage of c. 65m to the R161 and this roadside boundary is characterised by a dense hedgerow which is interspersed by trees of varying maturities. The centre of the appeal site is also bisected by a mature hedgerow and trees which run in a north to south direction through the site. The site has an irregular shape and includes a new surface water pipe which extends c. 200m to the south. In terms of topography, there is a gentle slope across the site in a north-east to east direction.
- 1.2.** In terms of the site surrounds, the existing residential development of Manorlands is located to the east of the site. This established residential estate is typically characterised by double storey semi-detached dwellings of a similar architectural style. The rear amenity space of a number of properties within this development have a direct abuttal with the eastern boundary of the appeal site. The appeal site also shares an eastern and northern boundary with 2 no. detached dwellings. These dwellings are accessed from the southern side of the R161. I note that there are no formal southern and western site boundaries and the remainder of the lands within the surrounding area (i.e. to the west and south) are in agricultural use and are reflective of the site's location on the periphery of the settlement boundary.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a residential development on the appeal site. The proposal originally sought permission for the removal of the existing trees and hedgerow that bisects the site and the construction of a total of 32 no. housing units, comprising 29 no. double storey dwellings and 3 no. apartments in a 3 no. storey block. The proposal is to be accessed from a new vehicular entrance off the R161 and an access road through the site will lead to the GI zoned lands located further to the south.
- 2.2.** Following concerns raised by the Planning Authority at additional information stage,

the proposed development was modified to provide a total of 24 no. double storey dwellings and a 3 no. storey apartment building comprising a total of 8 no. apartments. The location of the proposed entrance to the site was maintained and the proposed apartment building was located to its immediate south-west, with an active frontage provided to the R161. Areas of semi-public open space are proposed to the south (rear) and south-west of the proposed apartment building. An area of surface level car parking which accommodates a total of 16 no. car parking spaces (including 1 no. disabled parking space) is also proposed to the south of the apartment building.

- 2.3.** The proposed internal access road runs in a north to south direction through the centre of the site and provides a potential future connection to the G1 (Community Infrastructure) zoned lands to the site's south. Terraces of double storey dwellings are located in a linear pattern adjacent to the site's western, eastern and northern site boundaries and are accessed from 2 no. secondary estate roads which are located to the west and east of the central access road and public open space area.
- 2.4.** Public open space areas are proposed on either side of the internal link road which have a combined floor area of c. 2,324sq.m. There is a notation on the submitted Site Layout Plan which indicates that the internal link road between the areas of public open space is to be temporarily grassed over and to be replaced by a roadway once the Community Facilities are completed on the lands to the south.
- 2.5.** The proposed development is to be served by a total of 73 no. off-street car parking spaces (inclusive of 9 no. visitor car parking spaces). The development also includes proposals for a connection to public serves, landscaping and all other associated site works.
- 2.6.** Key development figures following the submission of revised plans by way of further information are detailed as follows:
- Unit Nos.: 32. No units (24 no. houses and 8 no. apartments).
 - Unit Mix: 8 no. two bedrooms houses, 23 no. three bedroom houses & 1 no. four bedroom house.
 - 70 no. car parking spaces.
 - Communal open space: 2,314sq.m.

- Density: c. 23.1 units per ha.
- Dual aspect: 100%.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused planning permission for the following 4 no. reasons:

1. It is an objective of the Trim Written Statement (TRM OBJ 3), which forms part of the Meath County Development Plan, 2021-2027, *‘(Master Plan 30): To provide for the development of a mixed use residential and community development as part of overall proposals for the former Potterton cattle sales yard to the north of the Summerhill/Longwood Road roundabout off the Trim Inner Relief Road. Development shall be on a phased basis within the life of the Trim Development Plan as identified on the land use zoning objectives map. The Master Plan shall be agreed in writing with the Executive of the Planning Authority prior to the lodgement of any planning application.’* The applicant has not submitted a Masterplan (30) for the agreement of the Planning Authority, prior to the lodgement of the subject application. The proposed development, as presented, is considered to conflict with the above mentioned objective and is therefore considered to be contrary to the proper planning and sustainable development of the area.
2. It is an objective of the Trim Written Statement (TRM OBJ 14), which forms part of the Meath County Development Plan, 2021-2027, and states *‘Pending a review of the delivery of the full distributor road network (the commencement of which will begin within one year of the adoption of the Plan) to preserve and (where indicated to construct subject to routing, environmental assessment and appropriate assessment) secure from further development a corridor for the provision of distributor link roads which includes the following routes:...RT 4: Construction of the local distributor road link between the Kinnegad Road and the Longwood Road. This shall be provided as part of the Master Plan for these lands’.* The proposed development, as presented and by reason of the non agreement, in writing of an acceptable Master Plan for the area with the Planning Authority in advance of the lodgement of the subject planning

application, is considered to conflict with the above mentioned objective, is premature and serves to prejudice the orderly development of the overall Master Plan area in tandem with the necessary road infrastructure (RT 4) and is therefore considered to be contrary to the proper planning and sustainable development of the area.

3. Based on the lack of information submitted with the application and having regard to the location of the application site relative to the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), it is considered that the applicant has not demonstrated that the proposed development would not have a significant adverse effect on the Natura 2000 sites. The proposed development would therefore be contrary to HER POL 32 of the Meath County Development Plan, 2021-2027, Section 28 Ministerial Guidelines *'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009'* and the proper planning and sustainable development of the area.
4. The proposed development, as presented, is not considered to adhere DM OBJ 13 of the Meath County Development Plan, 2021-2027, as although the Applicant has provided a Design Statement in response to further information, this does not set out how the proposed development meets the relevant Development Management Objectives, Local Area Plan, Master Plan, Public Realm Strategy, and so forth. In addition, the proposed residential design and layout by reason of the lack of an agreed Masterplan to inform the layout/positioning/orientation of buildings on site, particularly along the western site boundary, the proposed site boundary treatment at this location, the proposed facilitation of a through access road to serve the adjacent G1 zoned lands to the south (potential Future School Site), the lack of sufficient justification for the siting of the proposed 3 Storey apartment building adjacent to the proposed site entrance as opposed to the intersection of the R161 and the root of a new distributor road (RT4) which (has yet to be determined) to act as a possible gateway style building and the proposed car parking

arrangements is not considered to represent a desirable residential layout and format and is therefore not considered to be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1. The Meath County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site and the subject proposal, sets out the relevant planning history in the surrounding area and provides an overview of the local and national planning policy that is relevant to the development proposal. The report also provides a summary of the issues raised in the third-party observations on the planning file.
- 3.2.1.2. In terms of their assessment of the application, the Planning Authority noted that the appeal site forms part of 'Masterplan 30' within the Trim Written Statement and it was understood that this masterplan had not been agreed with the Executive of Planning Authority as required by the policy of the County Development Plan (CDP). The Planning Authority also formed the view that the Applicant's draft masterplan (as submitted with the application) was inconsistent with the provisions of the Trim Written Statement as it did not facilitate a local distributor road link between Kinnegad Road and Longwood Road.
- 3.2.1.3. The Planning Authority noted that the A2 New Residential Zoning within the north-western corner of the site had a curved alignment in order to facilitate a potential roundabout at this location under the previous CDP. However, the requirement for a roundabout at this future junction had been removed from the current CDP and there would now appear to be a mapping anomaly with the zoning map. The Planning Authority noted that in a scenario where the proposed development and the associated development boundary was to be modified to be reflective of the change in circumstances (i.e. the omission of the roundabout from the zoning map), this would result in a material contravention of the current CDP. It was stated that the Planning Authority was precluded from materially contravening the development plan unless the material contravention process, as set out in section 34(6) of the Planning and

Development Act, 2000 (as amended), is invoked. Whilst the Planning Authority noted that a revised proposal could theoretically be proposed for approval under the material contravention process, it was stated that there were other significant issues associated with the subject application and the Applicant was advised to consider withdrawing the application.

3.2.1.4. Despite the Planning Authority's foregoing commentary, a detailed request for further information was issued which can be summarised as follows:

- The Planning Authority formed the view that the proposed development was premature pending the agreement of a new master plan for the subject lands and the Applicant was advised to discuss proposals for a draft plan with the Planning Authority. It was also noted within the request that consideration should be given to withdrawing the application.
- The Applicant was requested to present an Environmental Impact Assessment Report for the entire Master Plan 30 area.
- In terms of Appropriate Assessment, it was noted that no detail was included on the proposed surface water management system and its efficacy. The Applicant was requested to address this matter.
- The Applicant was invited to present proposals to address what the Planning Authority described as a zoning anomaly on the CDP zoning maps. It was highlighted that Applicant may need to consider the Material Contravention process to address this matter as outlined above.
- Further information from the Planning Authority's Transportation Department which included a Road Safety Audit, DMURS Street Design Audit, a DMURS Statement of Consistency etc. It was noted by the Planning Authority that the Applicant should not proceed with the requested works/studies as suggested by the Transportation Department until such time as a Master Plan for the wider area is agreed with the Executive of the Planning Authority.
- The Planning Authority requested the Applicant to amend the design and layout of the development, the details of which can be summarised as follows;
 - Master plan to be agreed and to inform layout.
 - Provision of a higher gateway type building along the R161.
 - Layout amended to address a new distributor road along the

western boundary.

- Revised design statement to address the principles of the Urban Design Manual.
 - Justification for unit mix.
 - Omission of non-symmetrical roof design on House Type F1.
 - Revisit the extent of access roads traversing the public open space.
- The Applicant was advised to ensure that building heights are suitably justified in light of the commentary of the Conservation Officer.
 - Car parking within the revised layout to accord with the requirements of the CDP.
 - The submission of proposals for the provision of broadband.
 - An Ecological Impact Assessment to be undertaken for the proposed development.
 - The provision of a response to the matters raised within the Third Party observations.

3.2.1.5. In response to the Planning Authority's request, the Applicant contended that the development was not premature pending the agreement of a master plan for the site. This was due to the fact a 'Site Masterplan' had been submitted for the site and surrounds and permission has been granted by the Board for a large residential development on adjoining lands within the Master Plan 30 area. This was not accepted by the Planning Authority as it failed to comply with the relevant objectives of the CDP. The Planning Authority also refers to commentary of the Transportation Department where they noted that the matters raised had not been adequately addressed in the Applicant's response.

3.2.1.6. In terms of the Planning Authority's request regarding the Material Contravention process and the requirement for an amended layout to reflect a CDP zoning anomaly, the Applicant contended that the application boundary is consistent with the Master Plan 30 boundary and the Planning Authority's request was unreasonable in this regard. This response was not accepted by the Planning Authority. The Planning Authority's Transportation Department also considered the Applicant's response to

their FI items and particular concerns were raised with respect to provision of an access road through the appeal site to connect to the G1 zoned lands to the south. Concerns were raised with respect to internal road layout and car parking spaces and it was indicated that the development in its current form could be prejudicial to the delivery of an important strategic roads objective of the CDP.

3.2.1.7. In terms of the Planning Authority's request for an Ecological Impact Assessment to be undertaken for the site, the Applicant requested this matter to be addressed by way of condition. This response was not accepted by the Planning Authority and a refusal of permission was recommended. As outlined in Section 3.1 of this report, the Planning Authority recommended a refusal of permission for 4 no. reasons.

3.2.2. Other Technical Reports

Transportation Department: Report received requesting additional information with respect to the matters outlined above. A second report is also on file recommending refusal.

Transportation Department (Public Lighting): No objection subject to conditions.

Water Service Department: No objection subject to conditions.

Environment Department: No objection subject to conditions.

Environment Department (Flooding): No objection subject to conditions.

Housing Department: No objection subject to conditions.

Heritage Officer: Report received requesting additional information with respect to the matters outlined above (i.e. submission of a Ecological Impact Assessment for the site). A second report is also on file recommending refusal.

Conservation Officer: Report received requesting additional information with respect to the height of the development. A second report is also on file recommending refusal.

A note on file from the SEP is included which does not accept this recommendation.

Broadband Officer: No objection subject to conditions.

3.3. Prescribed Bodies

Department of Arts, Heritage and Local Government (DAU): No objection subject to conditions.

Irish Water: No objection subject to conditions.

3.4. Third Party Observations

Three (3) no. third-party observations were received by the Planning Authority during the prescribed period. A further two (2) no. observations were received following the submission of the Applicant's further information response. I note that the matters raised are similar to those in the observations to the appeal which I will discuss in detail in Section 6.0 of this Report.

4.0 Planning History

4.1. Appeal site.

No history of planning applications recorded on the appeal site.

4.2. Surrounding Area

ABP-307507-20: Planning permission granted by the Board in October 2020 for development comprising the construction of 320 no. residential units (136 no. houses, 184 no. apartments), creche and associated site works. The lands are identified within the Applicant's Blue Line boundary and are located to the south-east of the appeal site.

TA/110312 (ABP Ref. PL.17.240389): Planning permission refused by the Planning Authority and the Board for the construction of 106 residential units, a sessional day-care creche for 45 children (356.13 square metres) and 4 no. units which comprise of a children's play centre, an arts & craft centre, a community shop and a gym totalling to 996.71 square metres. The 106 residential units comprises of 29 no. 2 bed

apartments, 34 no. 3 bed townhouses, 17 no. 4 bed townhouses, 12 no. 3 bed semi-detached houses and 14 no. 4 bed detached houses. The development included the construction of a new site entrance off the Summerhill Road to the northern part of the site. The closing of the existing road off the existing Summerhill Road roundabout to Emo fuel depot, the construction of a new segment of the relief road for Trim off the existing Summerhill Road roundabout.

The application was refused due to the layout of the development including the prevalence of car dominant roads and excessive vehicular connection, poor quality public open space etc. which would give rise to a low standard of residential amenity.

TA/900170 (ABP Ref. PL.17.235264): Planning permission refused by the Planning Authority and the Board for the construction of 150 residential units, a sessional day-care crèche for 45 children (355.9 squares metres) and 4 no. units which comprise of a children's play centre, an arts & craft centre, a community shop and a gym totalling to 859.7 squares metres. The development included the construction of a new site entrance off the Summerhill road to the northern part of the site, the closing of the existing road off the existing Summerhill roundabout to "EMO" fuel depot and the construction of a new segment of the relief road for Trim off the existing Summerhill roundabout.

The application was refused due to the layout and of the development and its quality of design which failed to integrate with the character of the town.

5.0 Policy Context

5.1. Meath County Development Plan (CDP), 2021-2027.

- 5.1.1. Trim is identified as a Self-Sustaining Growth Town under the Meath County Development Plan (CDP), 2021-2027. The 'Vision' for Trim as detailed in Section 3 of the town's 'Written Statement' is 'For Trim to be an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant cultural heritage and picturesque setting adjacent to the historically significant Trim Castle and the River Boyne'.

- 5.1.2. Under Map 38(a) of the current CDP, the majority of the appeal site is attributed a A2 (New Residential) zoning, the objective of which is 'To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate'. The southern portion of the appeal site falls within the G1 (Community Infrastructure) zoning. This zoning seeks 'To provide for necessary community, social, and educational facilities'.
- 5.1.3. The appeal site is located (Map 38(a)) within 'Master Plan 30'. Section 16.0 (Master Plans) of the Written Statement notes that 'Master Plan 30 relates to the development of a mixed use residential and community development as part of overall proposals for the former Potterton cattle sales yard to the north of the Summerhill/Longwood road roundabout off the Trim Inner Relief Road'. The CDP notes that this master plan is awaiting preparation.
- 5.1.4. Relevant Town Development Policies and Objectives (Section 17.0) include:
- **TRM POL 1:** To continue to support the consolidation of Trim as an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant cultural heritage and picturesque setting.
 - **TRM OBJ 1:** To secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Trim as set out in Table 2.12 of the Core Strategy is not exceeded.
 - **TRM OBJ 3 (Master Plan 30):** To provide for the development of a mixed use residential and community development as part of overall proposals for the former Potterton cattle sales yard to the north of the Summerhill/Longwood Road roundabout off the Trim Inner Relief Road. Development shall be on a phased basis within the life of the Trim Development Plan as identified on the land use zoning objectives map. The Master Plan shall be agreed in writing with the Executive of the Planning Authority prior to the lodgement of any planning application.
 - **TRM OBJ 14:** Pending a review of the delivery of the full distributor road network (the commencement of which will begin within one year of the adoption of the Plan) to preserve and (where indicated to construct subject to routing,

environmental assessment and appropriate assessment) secure from further development a corridor for the provision of distributor link roads which includes the following routes:

- **RT 4:** Construction of the local distributor road link between the Kinnegad Road and the Longwood Road. This shall be provided as part of the Master Plan for these lands.

- 5.1.5. Chapter 2 of the Development Plan (Note: 2.10.2) states: *‘as part of the policy of promoting consolidation and compact growth, future growth in the Core Area will be concentrated in the higher tier settlements in the hierarchy’*. In a manner consistent with RSES in respect of Trim as a ‘Self-Sustaining Growth Town’ it states that: *‘there will be a focus on consolidation and the provision of employment opportunities in tandem with population growth in order to allow these centres to become self-sufficient. The availability of infrastructural services and community infrastructure will also be an important factor in determining the quantum of new housing and population growth that these settlements could absorb’*.
- 5.1.6. Table 2.12 of the Development Plan sets out the household allocation for the settlement of Trim between 2020 to 2027 is 1,333 units.
- 5.1.7. Section 3.2 of the Development Plan sets out the ‘Settlement and Housing Strategy Vision’ as follows: *‘to facilitate the sustainable growth of the towns and villages throughout the County by promoting consolidation and compact development in an attractive setting that provides a suitable mix of housing supporting amenities and ensuring co-ordinated investment in infrastructure that will support economic competitiveness and create a high quality living and working environment’*.
- 5.1.8. Section 3.4.1 of the Development Plan sets out that the County’s settlement strategy plan has been realigned with the NPF and RSES including in terms of placemaking, compact growth, active land management, and addressing the impact of climate change. It also states that there *‘is also an underlying objective to create attractive and ‘liveable’ environments where more people will choose to live’*. In addition, it indicates that this Plan will follow the following principles in its approach to urban

development:

- Strengthening urban structures.
- Encouraging population growth in strong employment and service centres of all sized.
- Reversing the stagnation or decline of smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities.
- Addressing the legacy of rapid unplanned growth.
- Supporting a continuation of balanced population and employment growth in self-contained settlements.

5.1.9. The settlement hierarchy for Meath is set out in Table 3.4 of the Development Plan under which Trim is listed as a 'Self-Sustaining Growth Town'. Section 3.4.8 of the Development Plan, in relation to 'Self-Sustaining Growth Towns', sets out that these have the capacity to accommodate additional growth on a sustainable platform and that they have the capacity to absorb significant population growth.

5.1.10. The following policies and objectives in the Development Plan are relevant:

- **SH POL 1:** To ensure that all settlements, in as far as practicable, develop in a self-sufficient manner with population growth occurring in tandem with the provision of physical and social infrastructure.
- **SH POL 2:** To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations.
- **SH POL 4:** To promote social integration and the provision of a range of dwelling types in residential developments that would encourage a mix of tenure.
- **SH POL 5:** To secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households.
- **SH POL 7:** To encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures...

- **SH POL 8:** To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the associated Urban Design Manual – A Best Practice Guide, DEHLG (2009) and any subsequent Guidelines.
- **SH POL 9:** To promote higher residential densities in appropriate locations...
- **SH OBJ 2:** To ensure that sufficient zoned lands are available to satisfy the housing requirements of the County over the lifetime of the Plan.
- **SH OBJ 3:** To ensure the implementation of the population and housing growth allocation set out in the Core Strategy and Settlement Strategy.

5.1.11. Section 3.8.9 of the Development Plan sets out the Design Criteria for residential development and it sets out that: '*well designed residential developments can make a significant contribution to the creation of an attractive urban environment where people want to live, work, and socialise*'. It indicates that innovative design approaches are encouraged and that new buildings should be designed to take account of the potential implications of climate change. In respect to new developments, it advocates that these should include a suitable mixture of house types that will support the creation of a sustainable community; that the principles of good design should be embraced; and, that principles of universal design that support optimal design and layout of buildings as well as neighbourhoods that cater for all age groups.

Relevant policies and objectives of the Plan include:

- **HER POL 37** To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required
- **MOV OBJ 62** Where indicative road proposals are shown on the edge of a settlement boundary, they shall be considered to be included within the development boundary.

5.1.12. Chapter 11 of the Development Plan sets out the Development Management Standards and the Land Use Zoning Objectives. Of particular relevant to the subject appeal is DM OBJ 13 which requires 'A detailed Design Statement to accompany all planning applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units. The Design Statement shall:

- Provide a Site Analysis;
- Outline the design concept;
- Clearly demonstrate how the 12 Urban Design Criteria have been taken into account when designing schemes in urban area (as per the 'Urban Design Manual - A Best Practice Guide (2009)');
- Set out how the development meets the relevant Development Plan Objectives, Local Area Plan, Masterplan, Public Realm Strategy, etc;
- Provide site photographs;
- Provide an open space/landscape strategy which identifies any areas of ecological interest and sets out proposals for same; and
- Set out how energy efficiency measures have been incorporated into the project design process (Refer to DM POL 2).

DM POL 9: To support the retention of field boundaries for their ecological/habitat significance, as demonstrated by a suitably qualified professional. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same boundary type will be required.

DM OBJ 26: Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the 15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.

5.2. Section 28 Ministerial Guidelines.

5.2.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2023) (the 'Apartment Guidelines').
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.3. Climate Action Plan (CAP) 2024

5.4. Project Ireland 2040 National Planning Framework (NPF)

5.4.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five

cities within their existing built-up footprints.

- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.5. 'Housing for All - a New Housing Plan for Ireland (September 2021)'.

5.5.1. Housing for All is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

5.6. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

The primary statutory objective of the RSES is to support 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. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas.

5.7. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 600m to the north of the appeal site.

5.8. EIA Screening

- 5.8.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party Planning appeal has been prepared and submitted on behalf of the Applicant. The appeal submission provides a description of the site and surrounds, a summary of the planning history of the surrounding area and a description of the subject proposal and how it was modified to address the concerns of the Planning Authority during the application process. The grounds of appeal can be summarised as follows:

Refusal Reason No. 1.

- 6.1.2. In accordance with the master plan designation, it is stated that the Applicant engaged a multidisciplinary team to prepare an application for 32 no. dwellings and included a detailed master plan for the consideration of the Planning Authority. However, planning permission was subsequently refused due to the absence of a master plan agreed in writing with the Executive of the Planning Authority prior to the lodgement of the subject application. It is stated that the site master plan included reference to the adjoining lands which have planning permission for a large residential development and a creche (ABP Ref. 307507-20) and also a potential layout for lands to the south of the site which are zoned for community infrastructure and open space. The submission highlights that the proposed plans potentially included a secondary school

with associated sports facilities. It also notes that the proposed layout for the appeal site has been designed around 2 no. separate public open spaces and the access roadway serving the G1 zoned lands follows the line of the existing hedgerow on the site.

- 6.1.3. The submission highlights that the development plan has a six year life and as such, it is entirely possible that residential development on these primarily located lands would be effectively prohibited for the entire life cycle of the plan, which in their view is prejudicial to the principles of proper planning and sustainable development. It is stated that this appeal would allow 32 residential units to be brought into the current housing pool and help alleviate the current shortage of housing.

Refusal Reason No. 2.

- 6.1.4. The appeal submission notes that the second reason for refusal reads very similar to Refusal Reason No. 1 and is therefore confusing. It is stated that there is no reason why the subject application should be prejudiced because of the potential distributor road link between Kinnegad Road and Longwood Road. It is stated that the proposed development is not in conflict with the suggested road location.
- 6.1.5. The Applicant in their appeal submission refers to the Planning Authority's request for FI which highlighted zoning anomalies under the CDP. The FI request noted that in a scenario where the proposed development and the associated development boundary was to be modified (i.e. the omission of the roundabout from the zoning map), this would result in a material contravention of the current CDP. The FI request goes on to note that the Planning Authority was precluded from materially contravening the development plan unless the material contravention process, as set out in section 34(6) of the Planning and Development Act, 2000 (as amended), is invoked. It is contended in the appeal submission that the proposed appeal boundary and resultant road infrastructure are consistent with the Master Plan 30 boundary to the west of the appeal site. It is questioned within the appeal whether the Planning Authority's request was fair, reasonable or practicable, given that it is based on an oversight of the Planning Authority. It is stated that the Planning Authority failed to update the amended southern distributor road when creating the Meath County Development Plan 2021-2027. Moreover, it is noted that it was not clear from the request, whether the Applicant

or the Planning Authority was expected to apply for a material contravention of the development plan in order to rectify the zoning and associated development plan boundary. In fact, the Local Authority has not expressly stated how best to go about amending the development plan, given the circumstances. It is highlighted that the preparation of a material contravention of the development plan represents a significant body of work, requiring a substantial allocation of resources, thus indicating that the requirement for same will give rise to further unnecessary delays for the development of these residential units.

Refusal Reason No. 3.

- 6.1.6. It is understood from reading the Planner's Report that the main concern in relation to Refusal Reason No. 3 relates to the proposed surface water management strategy and its efficacy. The submission notes that surface water drainage for the development has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study and is comprised of a below ground drainage network which falls by gravity towards a below ground attenuation tank located in the public open space. The tank is sized to cater for the runoff from the 1 in 100 year storm event of critical duration. A flow control device will be installed on the outlet from the tank to restrict outflow from the developed site to greenfield runoff rates. The outflow will be piped to an existing drainage ditch to the south and it is stated that there will be a low risk of any contaminant runoff into the surface water system. Notwithstanding this, a bypass interceptor will be installed upstream of the attenuation tank to capture any hydrocarbons or other contaminants in the unlikely event of an oil spillage on site. The manholes each side of the attenuation tank will also be trapped to aid with the collection of suspended solids or silts which will further improve the quality of the discharged water.
- 6.1.7. It is stated that the project engineer has provided detailed information on the SuDS measures and they are best practice measures that are widely used on most modern development projects and are proven to be effective for controlling water flow and removing silt and hydrocarbons. It is stated that the outflow from the system will consist of uncontaminated water, which will discharge into the agricultural drainage ditch c. 200m to the south of the site. The outflow will then be diluted by other waters in c. 1.5km of drainage ditch and stream before reaching the SAC and SPA associated with

the River Boyne. On this basis, it is stated that there is clearly no risk that the surface water outflow could have any negative impact on the qualifying interests of the SAC or SPA and Appropriate Assessment can and was screened out.

Refusal Reason No. 4.

- 6.1.8. The appeal submission indicates that a pre planning meeting was held prior to the submission of the planning application where the proposals and relevant policies and objectives of the CDP were discussed in detail. A design statement was then submitted with the original application and was amended as part of the Further Information request response. In accordance with the Planning Authority's request, a higher gateway type building has been provided along the R161 into trim. In relation to car parking, it is stated that the proposed scheme contains 70 no. car parking spaces and is therefore considered to be compliant with the requirements of the CDP.
- 6.1.9. In conclusion, the appeal submission indicates that the proposed development would provide additional residential accommodation in an established residential area of Meath while protecting the residential amenity of adjoining properties and not harming the character or appearance of the area. It is stated that this infill development will result in the appropriate use of an underutilised, well-located site and will comply with national and regional policy regarding town development. In addition, the design of the proposed development, in terms of scale, form and finishing materials, seeks to enhance the visual amenity of the area. It is indicated that the development has been designed to a high standard to contribute to the form of the area and it is considered that the proposal will not give rise to any undue impacts on the amenity of adjacent properties. It is stated that the development is generally compliant and in accordance with the qualitative and quantitative standards as set out in the relevant statutory development plan and other national guidance documents. Fundamentally, the proposed development would provide much needed additional residential units, each with a high standard of accommodation.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority noted that they were satisfied that all matters outlined by the appellant were considered in the course of its assessment as detailed in the Planning Officer's reports on file. The Board is requested to uphold the decision of the Planning

Authority to refuse permission.

6.3. Observations

6.3.1. The Board received observations from the following Third Parties:

- Kathleen Kelly.
- Cora & Gerry O'Donnell.
- Kieran Cummins c/o Eco Advocacy.

6.3.2. For clarity purposes and to avoid repetition I have summarised the substantive issues raised in each of these appeal submissions collectively as follows:

- Concerns are raised with respect to the proposed boundary treatment plan which includes a c. 1.8m wire mesh fence, interplanted with native hedging which borders an observer's property. It is stated that this boundary treatment will not provide adequate privacy and security to their property, and it is requested that a solid wall is built with a height that exceeds 2m and which ensures that the existing trees and hedgerows are not disturbed.
- The observer objects to the proposed apartment block on the basis that;
 - o A new build cannot be higher than the existing buildings beside it,
 - o The apartment block will overlook the observer's property resulting in a serious loss of privacy and security,
 - o The proposed apartment block is out of character with the existing development in the area.
- The observer notes that it is unclear from the site layout if any of the first floor windows of any of the proposed properties are less than 22m from their property.
- Concerns are raised that the proposed development would depreciate the value of their properties.
- Concerns are raised with respect to the location of the proposed vehicular entrance as it is unsafe and a risk to current road users. It is highlighted that there is data including traffic counts etc. that was omitted from the Applicant's documentation.
- The proposed entrance will also lead to increased traffic which will result in noise and disturbance with its close proximity to the observer's property.
- An observer notes that they have a private well located on their property and

request written confirmation that this well and their water supply and quality of water will not be affected during or after the proposed development.

- Observations highlight that there is a significant track record of unauthorised and illegal developments together with a myriad of compliance issues across scores of sites operated by the Applicant around County Meath and other counties across the country. Concerns are highlighted that the Planning Authority failed to have regard to Section 35 of Schedule 4 of the Planning and Development Act, 2000 (as amended) which provides for the refusal of planning permission for past failures to comply.
- It is stated that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission, if granted, and accordingly planning permission should not be granted to the Applicant concerned in respect of this development. The observation provides cases of unauthorised development which they allege the Applicant has had an involvement with.
- The Applicant's corporate structure is discussed, and it is highlighted by an observer that various Keegan Companies are closely connected and should be considered as one unit when assessing past compliance with various companies within the group.
- The observation provides commentary regarding the Applicant's response to their initial observation on file and the absence of any reference to Section 35 of the Act and other issues raised in the observation.
- An observation notes that they are not satisfied that various EU directives have been complied with. They specifically allude to the EIA and Habitats Directive and concerns are raised with respect to the Applicant's attempt to explain away the requirements for an NIS. Given the proximity of this site to the River Boyne SAC and SPA, any stream in this area flows into the River Boyne and additional hard surface water runoff will more than likely exacerbate potential impacts and flooding. Accordingly, the competent authority should examine that EU law is complied with in every respect.
- It is submitted that the proposed development would put significant pressure on local schools and public services, which are not resourced to deal with an increase in population.

- Similar concerns are raised with respect to the availability of general practitioner doctors and whether the various practices within the town could accommodate this quantum of additional houses.
- Concerns are highlighted that there are times when the water pressure in the town is poor and substandard and there has been instances of recent outages where there has been no water available to existing housing estates in the town. It is stated that the water authorities should be specifically asked about whether the recent water outages in the town and whether 32 no. additional dwellings could be accommodated.
- Concerns are highlighted with respect to sewage and wastewater infrastructure and the capacity of this infrastructure to facilitate the proposed development.
- Concerns are highlighted with respect to the house type and quality of design and it is considered that the size of the houses proposed are not conducive to family living where much more space is required. It is stated that cramped terrace housing together with an apartment block is inappropriate, especially this far from the town centre. The houses within the development are too small and not fit for purpose and it is not fair to expect people to live in such cramped conditions.
- It is submitted that there are insufficient car parking spaces and the development would be unable to accommodate all residents, together with their guests. The proposed development may well put pressure on neighbouring areas resulting in parking spilling over to adjacent roads and housing estates.
- The observation highlights a concern regarding the lack of community facilities in the town and it is contended that adding large numbers of high density housing will serve to further add to the stress and strains being experienced by the community. It is stated that the housing mix should be suitable for older people and also for people with mobility issues, together with family orientated housing so that children have space to play.
- The observer highlights a recent trend whereby whole housing developments have been bought by investment companies which are well resourced and who can outcompete people in genuine need of housing. The issue this issue therefore needs to be addressed to ensure that any further housing developments in the area can actually satisfy housing need as opposed to

ending up in a property portfolio of rented accommodation owned by investment companies.

- General issues with high density accommodation, which include:
 - o Cramped terrace housing.
 - o Storage.
 - o Optimum land usage.
 - o COVID-19 and social distancing.
 - o Soundproofing.
 - o Sustainability
- Concerns are highlighted with respect to the illegal felling of trees by the applicant on other sites within their control.
- Concerns are also highlighted with respect to the Applicant's attitude to archaeological issues in the past.

6.4. Further Responses

None.

7.0 Assessment

The main issues to be considered are those raised in the First Party's grounds of appeal, the observations to the appeal, the Planner's Reports on file and the consequent reasons for refusal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning & Site Master Plan
- Layout, Design & Density of Development
- Access & Car Parking
- Residential Amenity & Open Space
- Other Matters
- Appropriate Assessment

7.1. Zoning & Site Master Plan

- 7.1.1. The proposed development seeks planning consent for the construction of a residential development on the appeal site. Under the provisions of the current CDP, the majority of the appeal site is attributed an A2 (New Residential) zoning, where it is

an objective 'To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate'. However, the southern portion of the appeal site falls within the G1 (Community Infrastructure) zoned lands. The objective of which seeks 'To provide for necessary community, social, and educational facilities'. When examining the submitted layout plans for the appeal site and applicable zoning map (i.e. Map 38(a)), it is evident that a significant number of dwellings within the development appear to be located on G1 zoned lands. Approximately one third of the proposed dwellings (c. 12 no. dwellings of the 32 no. dwellings proposed) fall within the G1 zoning, where a 'residential' use is identified as being 'open for consideration'. Whilst a residential use may be permitted where the Council is satisfied that the proposed development 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, it is not evident whether this particular matter has been considered by the Planning Authority in their assessment of the application. Further to this, the suitability of residential uses on these lands has not been addressed or justified in any of the consultant reports on file. As I will discuss in further detail below, the majority of the development's public open space would also appear to fall within this G1 zoning, and I note that there are policy provisions under the current CDP which prohibit these lands from being included within a development's public open space calculations. In the event the Board is minded to grant permission for the proposed development, it is my view that the matters I have raised regarding zoning compliance and the open space provision would need to be considered as new issues. Notwithstanding this, the Planning Authority have formed the view that the development of the site is premature pending the preparation of a master plan for the site and wider area and have included 2 no. interrelated reasons for refusal.

- 7.1.2. Under the Written Statement and Zoning Map for Trim, the appeal site is located within the MP 30 area, where it is an objective (TRM OBJ 3) to provide for the development of a mixed use residential and community development as part of overall proposals for the former Potterton cattle sales yard to the north of the Summerhill/Longwood Road roundabout off the Trim Inner Relief Road. The policy notes that development shall be on a phased basis, and it stipulates that the Master Plan shall be agreed in

writing with the Executive of the Planning Authority prior to the lodgement of any planning application. Whilst it is evident from the documentation on file that this Master Plan has not been agreed, the Planning Authority afforded the Applicant the opportunity to prepare a draft plan for their consideration. The Applicant was also advised that the application should be withdrawn as it was considered that the application was premature pending the agreement of this plan. The Applicant in their appeal submission have referred to the 'Site Masterplan' (Drawing No. 20-227-PP-107) which they had submitted with the application. This master plan covers the entirety of the MP 30 area and has indicatively shown a potential secondary school and a number of playing pitches on the G1 zoned lands to the south of the site. I note that a significant portion of these lands are within the control of the Applicant. Included on this master plan is also A2 zoned lands to the south-east of the site where the Applicant was previously granted planning permission (ABP-307507-20) for a residential development. The appeal submission contends that it is entirely possible that residential development on these primarily located lands would be effectively prohibited for the entire life cycle of the plan, which in their view is prejudicial to the principles of proper planning and sustainable development.

- 7.1.3. The Planning Authority's second interrelated reason for refusal relates to the proposal's non-compliance with TRM OBJ 14 of the Plan which seeks to preserve and secure from further development, a corridor for the provision of distributor link roads which includes the construction of the local distributor road link between the Kinnegad Road and the Longwood Road (RT 4). The policy states that this shall be provided as part of the Master Plan for these lands. Further to this, I am conscious of MOV OBJ 62 of the current CDP which notes that 'Where indicative road proposals are shown on the edge of a settlement boundary, they shall be considered to be included within the development boundary'. Therefore, it is my view that the policy is clear insofar as that the link road (RT 4) should both form part of the master plan for the site and surrounding area and shall be included within the development site boundary. In this regard, I would share Planning Authority's concerns that the proposed development could be prejudicial to the delivery of this strategic roads objective. I would also have concerns regarding the facilitation of a through access road to serve the G1 zoned lands to the south which bisects the scheme's public open space area, a point which

the Planning Authority has raised.

- 7.1.4. Whilst I acknowledge that permission (ABP-307507-20) has been granted for a residential development on lands to the south-east within MP 30 which are also within the control of the Applicant, that application was determined under the policy provisions of the previous County Development Plan. In addition, one could conclude that the delivery of the link road (RT 4) was not a prerequisite for the development of that site. Irrespective of this, the policy objectives of the current Plan require development within MP 30 to be on a phased basis, once a master plan has been agreed with the Planning Authority. Should planning permission be granted for the subject proposal, it is unlikely that TRM OBJ 14 of the Plan would be satisfied given the balance of the lands within the master plan area are predominantly zoned G1. For these reasons, I would concur with the Planning Authority that the proposal is premature pending the preparation of Master Plan which is to be agreed with the Executive of the Planning Authority for the site and surrounding lands. The proposed development therefore fails to accord with TRM OBJ 3 and TRM OBJ 14 of the County Development Plan and should be refused planning permission.

7.2. Layout, Design & Density of Development

- 7.2.1. As part of the Applicant's further information response, the Applicant submitted a modified site layout plan which provided a 3 no. storey apartment building adjacent to the site's vehicular entrance. The internal access road then leads to 2 no. terraces of double storey dwellings (8 no. dwellings in total) located along the northern site boundary with each dwelling having a southern orientation. A terrace of double storey dwellings is also located adjacent to the eastern site boundary. I note that there is a junction access to the north of the proposed public open space and the internal access road leads to a surface level car parking area to the south of the apartment building and 2 no. terraces of double storey dwellings (9 no. dwellings in total) along the western site boundary. There is also an internal through road which bisects the site, leading to the southern site boundary. Notations are included on the submitted site layout plan which indicate that this is a temporary grassed area, to be replaced by a roadway once the community facilities are completed. As detailed in Section 7.1 of this report, the Applicant's 'Site Masterplan' (Drawing No. 20-227-PP-107) could be

described as rudimentary, with only an indicative layout provided for playing pitches and a secondary school. No phasing for the master plan area has been identified nor has a justification for the range of uses provided for the indicative layout as shown. As I have outlined in the foregoing, the layout of the development has failed to respond to the requirements of TRM OBJ 14 of the current Plan and I would share the concerns of Planning Authority regarding the reliance on access through the development's public open space and the large volume of traffic that would likely arise.

- 7.2.2. In terms of the design of the dwellings within the development, 9 no. house types are proposed and include House Types A, B, C, C1, D, E, E1, F, G. Notwithstanding this, the terraced dwellings have all a similar architectural style and are gable sided with a pitched roof form and a maximum height of 2 no. storeys. Materials and finishes comprise a smooth render finish with a cement tile roof. A metal clad canopy is also provided above entrance of each dwelling. I note that the Planning Authority has not raised concerns with respect to the design of the dwellings within the development. Whilst it is my view that greater consideration could be given to a more carefully considered palette of materials and finishes, I am generally satisfied that they are of an acceptable design which is in keeping with the character of the surrounding area.
- 7.2.3. In terms of the proposed apartment building, 8 no. apartments are proposed across the 3 no. floors. There is no central stair core or lift within the apartment building and units within the development are arranged across 2 and 3 no. floors as a consequence. In design terms, the proposed building has a contemporary architectural expression with a flat roof form. The ground and first floor level façade will have a smooth render finish. The upper floor level of the apartment building is recessed, and a metal cladding finish shall be utilised on the upper floor level façades. I note that Third Party observers have highlighted concerns regarding the scale, height of form of the proposed apartment building and it is contended that the proposal would be at odds with the prevailing neighbourhood character. Notwithstanding these concerns, I am entirely satisfied that a 3 no. storey building can be accommodated at this location and represents an appropriate graduation in height. Overall, I am satisfied that the proposed apartment building is acceptable in design terms and would not detract from the visual amenities of the surrounding area.

7.2.4. On the matter of development density, DM OBJ 14 of the current Plan identifies a target development density of greater than 35 units per ha. within self-sustaining growth towns such as Trim. In their application documents, the Applicant confirms that the internal access road has been omitted from their density calculations and the proposal will have a density of c. 27 units per ha. based on a net developable site area of c. 1.2ha. (total site area of c. 1.3ha.). The Applicant contends that the proposed density is respectful and appropriate to the existing built fabric. Notwithstanding the policy provisions of the current Plan, I am conscious of the recently adopted Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Compact Settlement Guidelines). Table 3.3.3 of the Compact Settlement Guidelines outlines the density ranges for Key and Large Towns (i.e. 5,000 + population). Based on the population of Trim (9,194 as per Trim Written Statement) and the site's location on the edge of the settlement boundary, the site would be classified as an 'Urban Extension' area. An 'Urban Extension' area refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at these locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations. Given the density of development proposed, it is evident that the proposal fails to comply with DM OBJ 14 of the current Plan and the recently adopted guidelines. There are a number of SPPRs contained within the Compact Settlement Guidelines which may allow for greater design efficiencies to be achieved on the appeal site. A higher density of development may be achieved whilst also incorporating the CDPs strategic roads objective. I note that due regard should be given to the Compact Settlement Guidelines when formulating a master plan for site and surrounding area (i.e. MP 30).

7.3. Access & Parking

7.3.1. The proposal seeks to remove the existing roadside boundary and the development is to be accessed via a new vehicular entrance off the R161. The submitted site layout plan identifies a sightline of c. 160m to the west of the entrance (in accordance with DN-GEO-03060) and c. 49m to the east of the entrance (in accordance with DMURS).

Given the location of the appeal site on the periphery of the settlement, there is a change in the posted speed limit along the site frontage where the speed limit increases from 50km to 80km. I note that there is a notation on the site layout plan which indicates that the Applicant, County Council and neighbouring properties are to engage to extend the sidewalks to join the existing sidewalks along the Kinnegad Road. I note that this notation and the highlighted works are located outside the Applicant's red line boundary. The Planning Authority's Transportation Department have raised no concerns from a traffic safety perspective, and I would generally concur with this finding given the alignment of this road and the sightlines that can be achieved. As noted however, I would share the Planning Authority's concerns regarding the reliance on the through road to serve the G1 zoned lands to the south of the site. It is my view that this access arrangement is undesirable given it bisects the scheme's public open space and the volumes of traffic that would arise in the future. Given the current arrangement of dwellings, the development is dominated by internal roads, and this will be exacerbated once the through road would be constructed in its entirety. I'm also conscious that the current layout fails to have regard to the CDPs strategic roads objective (RT 4).

- 7.3.2. In terms of car parking, the Applicant as part of the further information response noted that a total of c. 70 no. spaces would serve the development proposal. However, when examining the submitted plans, it would appear that the development is served by 64 no. resident spaces and 9 no. visitor car parking standards (i.e. 73 no. spaces in total). Whilst the quantum of car parking accords with the numerical standards of the current CDP, I note that the Planning Authority has raised concerns regarding the quality of some of the spaces, the turning bays and how spaces can cater for EV charging. I note that the policy provisions contained within the Compact Settlement Guidelines may afford an opportunity for a reconfigured access arrangement and a reduction in the quantum of car parking should a revised proposal be forthcoming for the lands.

7.4. Residential Amenity

- 7.4.1. Observers to the appeal have raised concerns regarding the potential impact of the proposed development on the residential amenity of their properties. There are 2 no. observers who reside within detached dwellings to the north-east of the appeal site. These dwellings have a frontage to the R161 and are served by amenity areas to their

rear. The observations have highlighted concerns with respect to the potential for overlooking from the dwellings and apartments within the development. I note that there are 2 no. terraces of dwellings located to the immediate south-east of the observer's properties. The proposed dwellings within this area of the site have a pitched roof form with a maximum height of c. 8.8m above natural ground level. The dwellings have setbacks that range from c. 11m to c. 13.5m and the minimum separation distances from first floor habitable room windows generally exceed 22m. The apartment building is positioned to the south-west of these properties and a minimum setback of c. 12m is provided from the shared boundary. The proposed apartment building has a maximum height of c. 9.3m above natural ground level and I note that the internal access road serving the site separates the apartment block from the neighbouring residential properties. I have considered the shadow diagrams which support the application, and it is evident that the additional overshadowing of adjoining properties is negligible. Having regard to the scale, height and form of the proposed apartment building and dwellings and the separation distances provided from adjoining properties, I am satisfied that the proposed development will not unduly compromise the residential amenity of the properties within the vicinity of the site by reasons of overlooking, overshadowing, loss of daylight/sunlight or by being visually overbearing. The proposed development is therefore considered to be acceptable having regard to the residential amenity of the observer's properties.

- 7.4.2. The established residential development of Manorlands is located to the east of the appeal site and the rear amenity space of a number of properties within this development have a direct abuttal with the appeal site. A terrace of 7 no. double storey dwellings is located within the eastern portion of the site (House Type A, B & C). The dwellings have a c. 8.8m height and minimum setbacks of c. 11m are provided from the common boundary. Overall, I am satisfied that the separation distances provided are adequate and the residential amenity of the adjoining properties within the Manorlands development is preserved. However, House No. 8 is located to the north of this terrace and this dwelling is set back a minimum of c. 1.9m from the eastern site boundary. It is evident from reviewing the shadow study that this dwelling results in additional overshadowing of the immediately adjoining property in the afternoon and evening period given its siting relative to the common boundary. There is also a window to the landing at first floor level that would need to be obscured given the

potential for overlooking. Whilst I am generally satisfied that the residential amenity of the properties to the east are preserved within the current layout, additional setbacks could be provided from first floor level façade of House No. 8.

7.4.3. In terms of the amenity of the proposed dwellings, the internal floor areas range in size from c. 108sq.m. to c. 160sq.m. and are in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government). In addition, the dwellings are served by dedicated private amenity spaces in the form of rear gardens which have minimum lengths of c. 11m and floor areas that range from (c. 64sq.m. – c. 188sq.m.) which exceed the relevant development management standards set out in Table 11.1 (Minimum Private Open Space Standards for houses) of the current CDP. The amenity space of each dwelling is directly accessible from the ground floor kitchen/dining rooms. Notwithstanding the concerns raised by a Third Party observer, the dwellings within the development are generously sized and will in my view provide a good standard of amenity to its future occupants.

7.4.4. In terms of the amenity of the apartments within the development, I note that their floor areas range in size from between 85sq.m. and 143sq.m. Having examined the plans and particulars, it is evident that the proposed development, as modified by way of further information, are in compliance with the relevant Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines in terms of minimum floor areas (SPPR 3) and dual aspect (SPPR 4). In addition, the proposal meets the minimum recommended standards with respect to internal storage and private amenity space. However, the proposal fails to comply with SPPR 5 given the ground level floor to ceiling height does not provide the required 2.7m (2.55m proposed). Notwithstanding this, I note that this could reasonably be addressed by way of condition in the event the Board was minded to grant permission for the proposed development. Overall, the proposal is generally considered to be in compliance with the relevant requirements of the Apartment Guidelines and I am satisfied the units within the proposed development and their respective private amenity spaces will afford an acceptable standard of amenity to its future occupants.

7.4.5. The proposed development is to be served by a centrally located public open space area. The open space is to be bisected by an internal through road which is proposed to serve the G1 zoned lands to the south of the site. As noted previously, the through road shall be temporarily grassed over until the community facilities to the south are completed. I note that no permission currently exists for these facilities nor has a master plan been agreed with the Planning Authority for these lands. In total, c. 2,324sq.m. of public open space will serve the proposed development. Objective DM OBJ 26 of the current Plan notes that public open space shall be provided for residential development at a minimum rate of 15% of total site area. Whilst the proposal would exceed the quantitative standard (i.e. c. 16% provided), the policy of the Plan notes that in all cases, lands zoned G1 Community Infrastructure cannot be included as part of the 15%. As detailed earlier in this report, the majority of public open space area serving the proposed development would appear to fall within G1 zoned lands. Further to this, I would have concerns regarding the quality and functionality of this space given it is bisected by a through road. From a review of the Applicant's landscape drawings, no consideration appears to be given to proposals for children's play within the development. For these reasons, the development is considered to be contrary to DM OBJ 26 of the current Plan and should therefore be refused permission. As noted in Section 7.1 of this report, this is considered to be a new issue for the Board's consideration.

7.5. Other Matters

7.5.1. I note that the observations to the appeal have included allegations of unauthorised developments associated with the Applicant and it is stated that the Planning Authority have failed to address the issue of refusal under Section 35 of the Planning and Development Act, 2000 (as amended). The observers highlight that there is a significant track record of unauthorised and illegal developments together compliance issues across sites operated by the applicant/appellant around County Meath and other counties across the country. Specific examples are provided within an appeal observation. The Board was therefore requested to have regard to Section 35 of the Planning and Development Act, 2000 (as amended) which provides for the refusal of planning permission for past failures to comply. The observers claim that that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission, if granted. Given

my recommendation to refuse permission for the proposed development as outlined in the foregoing sections, I do not consider the inclusion of a specific refusal reason to be necessary in this instance in the context of Section 35 of the Planning and Development Act, 2000 (as amended). With respect to the matters of non-compliance, I note that Planning Enforcement is the role of the respective Planning Authority, and An Bord Pleanála has no role in this matter.

7.6. Appropriate Assessment

7.6.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 600m to the north of the site. As part of the development management process, it is necessary to determine whether the proposed development would be likely to have significant effects on those Natura 2000 sites, and therefore, whether an appropriate assessment is required.

7.6.2. The conservation objectives of the relevant sites are as follows:

European Site	Qualifying Interest	Conservation Objectives
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	[7230] To maintain the favourable conservation condition of Alkaline fens in River Boyne and River Blackwater SAC. [91E0] To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>)* in River Boyne and River Blackwater SAC. [1099] To restore the favourable conservation condition of River Lamprey (<i>Lampetra fluviatilis</i>) in River Boyne and River Blackwater SAC. [1106] To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>) in River Boyne and River Blackwater SAC.

		[1355] To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne and River Blackwater SAC.
River Boyne and River Blackwater SPA (004232)	A229 Kingfisher Alcedo atthis	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

7.6.3. The Planning Authority have refused permission for the proposed development as the Applicant had failed to demonstrate that the proposed development would not have a significant adverse effect on the Natura 2000 sites. This was based on the lack of information submitted with the application and having regard to the location of the application site relative to the River Boyne SAC and SPA. The proposal was therefore considered to be contrary to HER POL 32 of the current Plan. As part of the Planning Authority's request for further information, the Applicant was requested to provide details regarding the development's surface water management proposals/SuDS and their efficacy. As part of their response, the Applicant referred to the Civil Engineering Report which was submitted with the original application. This response was not deemed to be acceptable by the Planning Authority and permission was subsequently refused.

7.6.4. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, and I have also visited the appeal site. The AA Screening Report indicates that there are 2 no. European sites which are deemed to be in the potential Zone of Influence. In this case, a 5km zone of influence was considered to be appropriate due to the moderate scale of development. I consider this to be reasonable. In addition, the AA screening section of the submitted document outlines the mapped geographical spread of sites relative to the subject site in Figure 1. The AA Screening Report indicates that surface water from the proposed development will be discharged to an agricultural drainage ditch c. 200m to the south of the site. The report notes that the ditch flows east and connects to other drainage ditches along the boundaries of agricultural fields, before

converging into a small stream. This stream is not named nor is it included on the EPA database. The stream is culverted underneath the R160 road and then flows northeast along the outskirts of Trim to join the River Boyne, c. 1.5km downstream of the discharge point. Water quality in the unnamed stream is not monitored. The screening report indicates that under the Water Framework Directive Status Assessments, the River Boyne Estuary is of moderate to good status throughout its freshwater and estuarine sections. Section 3.3 of the screening report notes that the only potential pathway to the SAC / SPA is from the surface water outflow during the operation of the proposed development and all other pathways are screened out. I would agree with this conclusion.

7.6.5. In terms of Potential direct impacts, the screening report notes the proposed development site is not located within or adjacent to any Natura 2000 sites, so there is no risk of habitat loss, fragmentation or any other direct impacts. The Site does not contain suitable habitat for any of the fauna associated with the SAC or SPA - river lamprey, salmon, otter, kingfisher – all of which are associated with aquatic habitats.

7.6.6. Potential indirect impacts identified in the Screening Report can be summarised as follows:

Potential changes in water quality (construction phase)	Construction works typically generate fine sediments and may occasionally cause accidental spills of oil or other toxic chemicals, which can be harmful to aquatic / marine habitats and species. However, the only potential hydrological pathway to the SAC / SPA is the surface water outflow, which will only apply during the operational phase of the proposed development. There are no potential pathways to the SAC / SPA during the construction phase. Consequently, there is no risk that pollutants from the construction site could cause significant negative impacts on any Natura 2000 sites, even in a worst-case scenario and in the absence of standard site-management measures.
Foul water discharge (operational phase)	Foul water from the proposed development will be discharged to a local authority foul sewer and treated in the Trim Waste Water Treatment Works. The WWTW's latest Annual

	<p>Environmental Report on the EPA website was reviewed. It has a population equivalent of 12,000, and provides tertiary treatment, with a final discharge point into the River Boyne. The discharge was compliant with the ELVs set in the wastewater discharge licence, and it does not have an observable impact either on water quality or Water Framework Directive status downstream of the discharge point. Irish Water has confirmed that there is capacity in the WWTW to accommodate additional input from the proposed development. Therefore, foul water from the development is not expected to have any impact on the SAC or SPA.</p>
<p>Surface water discharge (operational phase)</p>	<p>Surface-water runoff from roofs and hard surfaces will be collected in gutters and drains and channelled to an attenuation tank. It will also pass through a Class 1 hydrocarbon interceptor. It will then be discharged at greenfield runoff rates along a new pipeline to a drainage ditch approx. 200 m south of the Site. The surface water outflow will then flow east and north-east through agricultural drains and a small stream to reach the River Boyne (and the SAC / SPA) approx. 1.5 km downstream. Rainwater is considered to be unpolluted. Trace quantities of hydrocarbons and silt that may wash off road surfaces will be captured in the hydrocarbon interceptor and attenuation tank. The outflow will then be diluted by other waters in approx. 1.5 km of drainage ditch and stream before reaching the River Boyne, reducing any residual traces of pollutant to negligible concentrations. On this basis, there is no risk that the surface water outflow could have any negative impact on the qualifying interests of the SAC or SPA.</p>

7.6.7. The Screening Report rules out likely significant effects on all Natura 2000 sites referred to, either as a result of the lack of a pathway or connection to same and/or the distance from the relevant Natura 2000 site. I consider this acceptable when considering that there is no evidence that qualifying interests of these sites utilise the proposed site or would be likely to be impacted from construction or operational impacts from the site. Notwithstanding this, there is an indirect pathway whereby

surface water from the site can enter the SAC or SPA via drainage ditches and an unnamed stream as discussed in the foregoing. Therefore, a potential pathway by which silt mobilised from the development site could enter the SAC or SPA. Similarly, oil or other chemicals accidentally discharged from the site could reach this European Sites by the same pathways and by causing a deterioration in water quality effect the Qualifying Interests of the SAC or SPA. Therefore, having examined the submitted information it is my view that the only likely significant risks to the SAC or SPA arise from potential operation related surface water discharges from the development site and the potential for these effects to reach the downstream European site. The following points are noted in this regard:

- The nature and scale of the proposed development, being a moderately sized residential development on zoned land.
- Habitats on the site are not suitable for regularly occurring populations of birds which may be features of interest of the SPA.
- The development will not lead to the loss of any wetland habitat area within the SPA.
- The surface water drainage strategy for the development has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study. The surface water drainage strategy comprises of a below ground drainage network which falls by gravity towards a below ground attenuation tank located in the public open space. A flow control device will be installed on the outlet from the tank to restrict outflow from the developed site to greenfield runoff rates. A bypass interceptor will also be installed upstream of the attenuation tank to capture any hydrocarbons or other contaminants in the event of an oil spillage on site. The manholes each side of the attenuation tank will also be trapped to aid with the collection of suspended solids or silts which will further improve the quality of the discharge water.
- SuDS measures to be implemented in order to restrict surface water drainage. The SuDS measures to be incorporated are best-practice measures which are widely used on most modern development projects are not included to avoid or reduce an effect to a Natura 2000 Site.

7.6.7.1. On the basis of the foregoing, I am satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could

reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

7.6.8. In-combination Effects.

7.6.8.1. The expansion of Trim is catered for through land use planning, including the Meath County Development Plan, 2021-2027 covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is located on A2 and G1 zoned lands within the Trim settlement boundary. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings of the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising.

7.6.8.2. In-combination effects are also considered in the Applicant's screening report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development. The permissions referenced in the Screening Report relate to other residential development and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). The Screening Report concludes that no potential for cumulative or in combination effects arise in this instance. This conclusion is accepted.

7.6.9. Conclusion and Screening Determination.

7.6.9.1. Therefore, in conclusion, having regard to the nature and scale of the proposed development on zoned lands, the nature of the receiving environment, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is an objective (TRM OBJ 3) of the Trim Written Statement (2021-2027) for a Master Plan to be agreed with the Executive of the Planning Authority prior to the lodgement of any planning application for the site (MP 30) and surrounding lands. In the absence of an agreed Master Plan, the proposed development is considered to be in conflict with this policy objective and the proposal is therefore premature pending its formal agreement (MP30). Further to this, the proposed development is considered to be contrary to TRM OBJ 14 (RT4) of the Written Statement as it fails to preserve and secure from further development a corridor for the provision a local distributor road link between the Kinnegad Road and the Longwood Road, given that it is required to be provided as part of a Master Plan for these lands. The development as proposed would serve to prejudice the orderly development of the overall Master Plan area in tandem with the necessary road infrastructure (RT 4). For these reasons, the proposed development fails to accord with the policy provisions of the Meath County Development Plan, 2021-2027 and would therefore be contrary to the proper planning and sustainable development of the area.
2. The majority of the proposed development's public open space appears to be located on lands zoned G1 (Community Infrastructure) of the Meath County Development Plan, 2021-2027. Policy objective DM OBJ 26 of the Plan requires public open space for residential development to be provided at a minimum rate of 15% of total site area. However, in all cases, lands zoned G1 Community Infrastructure cannot be included as part of the 15%. Given the quantum of the development's public open space on G1 zoned land, the proposed development is considered to be contrary to the relevant provisions of the County Development Plan. In addition, the provision of an access road through the site to serve the lands to the south site negatively impacts on the useability and functionality of this space. The proposed development would therefore be

contrary to the proper planning and sustainable development of the area.

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.

Enda Duignan

Planning Inspector

24/01/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315009-22		
Proposed Development Summary	Construction of 24 no. houses and 8 no. apartments and all associated site works.		
Development Address	Manorland (2nd Division), Kinnegad Road, Trim, Co. Meath.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	500 residential units	Class 10(b)(i) Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____**Date:** 24th January 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315009-22	
Proposed Development Summary	Construction of 24 no. houses and 8 no. apartments and all associated site works.	
Development Address	Manorland (2nd Division), Kinnegad Road, Trim, Co. Meath.	
<p>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.</p>		
•	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> • Nature of the Development • Is the nature of the proposed development exceptional in the context of the existing environment? • Will the development result in the production of any significant waste, emissions or pollutants? 	The proposed development is for a residential development within the settlement boundary of Trim and is connected to public services.	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> • Size of the Development • Is the size of the proposed development exceptional in the context of the existing environment? • Are there 		No

significant cumulative considerations having regard to other existing and/or permitted projects?		No
<ul style="list-style-type: none"> • Location of the Development • Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? • Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> • Conclusion 		
<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA not required. 		

Inspector: _____

Date: 24th January 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)