



An
Bord
Pleanála

Inspector's Report

ABP-315159-22

Development	Construction of 10 no. single storey dwellings and all associated site works.
Location	Kilmainhamwood Retirement Village, Boynagh, Kilmainhamwood, Kells, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22/325
Applicant	Kada Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant of Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellant	Noreen Coen.
Observer	Mary Coen.
Date of Site Inspection	12/09/2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1. The address of the appeal site is Kilmainhamwood Retirement Village, Boynagh, Kilmainhamwood, Kells, Co. Meath. The site has a stated area 3.09ha. and is located within the southern extent of the settlement boundary of the village of Kilmainhamwood. The appeal site forms part of the attendant grounds of Kilmainhamwood Retirement Village and greenfield lands to its east. The site is located to the east of the Nursing Home building and to the south of the existing single storey properties within the retirement village. The retirement village is accessed from an existing entrance off the L-74203-0 to the north, with the main approach road to the village located c. 90m to the west of this entrance.
- 1.2. The site has an irregular shape with the majority of the site comprising greenfield lands to the east of the retirement village which appear to be agricultural use. The site also comprises an area of public open space associated with the single storey properties on the larger landholding. A strip of land to the south of the open space area which is currently overgrown is also included within the appeal site boundary. In terms of topography, the site is relatively flat and is consistent with that of the lands within the immediate surrounds. However, there is a slope within the southern end of the site along the southern site boundary of the open space area.
- 1.3. In terms of the surrounding area, the Kilmainham River lies to the east of the appeal site with Whitewood Lough located further to the south. There are also a number of detached dwellings to the west of the appeal site on the approach road to Kilmainhamwood village. Lands further to the south are typically 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 10 no. single storey dwellings on the appeal site. The 5 no. pairs of semi-detached dwellings are located within the south-western corner of the site and are orientated to the north and west and will overlook a modified and landscaped area of communal open space. A new access road will tie in with the existing internal road serving the retirement village and a new footpath with street lighting is proposed around the periphery of the

open space area.

- 2.2.** Each dwelling within the proposed development has a stated floor area of 77.4sq.m. and is served by a dedicated area of private amenity space to its rear. The dwellings have a pitched roof form with a gable projection to the front and a maximum height of c. 5.2m. Each dwelling within the development will comprise 2 no. bedrooms (1 double and 1 single), bathroom, store, utility and a kitchen/living/dining room. The dwellings will each be served by 2 no. in curtilage car parking spaces (i.e. 20 no. spaces in total).
- 2.3.** The proposal includes a degree of fill (c. 1.8m) within the southern portion of the site and a new retaining wall is proposed along the southern site boundary. The proposal also includes the connection to public serves, landscaping and all other associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted planning permission subject to compliance with 37 no. standard conditions.

Conditions of note included:

Condition No. 2 requires the Applicant to enter into an agreement with the Planning Authority pursuant to Section 47 of the Planning Act (as amended) restricting occupancy to persons aged 55 years or older or to persons with a certified medical need for sheltered housing and spouses or partners of such persons.

Condition No. 32 requires the submission for agreement of a properly constituted Owner's Management Company for the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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 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.

In terms of their assessment of the application, the Planning Authority noted that the proposal to construct 10 no. semi-detached dwellings and associated development was not considered to qualify as 'residential/sheltered housing' or indeed satisfy the G1 (Community Infrastructure) zoning that applies to the portion of the site within which the dwellings are to be located. The Applicant was afforded the opportunity to respond to this issue by way of additional information. A summary of the matters raised within the report that were to be addressed by way of additional information included:

- The submission of a revised development description to include 10 no. semi-detached 'Sheltered Housing Units'.
- The submission of a justification for the extent of the proposed red line boundary which includes adjacent lands to the immediate east of the retirement village.
- A clarification as to when the subject lands were required.
- The submission of a revised watermain design to address concerns raised by Irish Water.
- The submission of a comprehensive response to the issues raised by the third party observations on the file.

Following the submission of additional information, the Planning Authority in their Second Planning Report deemed the proposal to be acceptable. It is noted that the red line site boundary was substantially modified at additional information stage and its overall size reduced. The development description was also modified to describe the proposals as 'sheltered housing units'. A grant of permission was recommended subject to compliance with 37 no. conditions.

3.2.2. Other Technical Reports

Transportation Department: Report received stating no objection subject to compliance with conditions.

Public Lighting: Report received stating no objection subject to compliance with a condition.

Housing Department: Initial report on file recommending additional information clarification as to when the subject lands were required. Second report on file stating Part V is to be met by delivery of units on site.

Environment: Report received stating no objection subject to compliance with a condition.

Water Services: Report received stating no objection subject to compliance with conditions.

3.3. Prescribed Bodies

Irish Water: Initial report on file recommending additional information requiring the Applicant to submit a revised watermain design. Second report on file stating no objection subject to compliance with conditions.

3.4. Third Party Observations

Two (2) no. third-party observations were received by:

- Noreen Cohen; and,
- Mary Cohen.

It is noted that Noreen Cohen is a Third Party appellant and Mary Cohen has made an observation to the appeal. The matters raised are similar to those raised in the grounds of appeal and the observation on the file which I will discuss in detail in Section 6.0 of this Report.

4.0 Planning History

4.1. Appeal Site & Larger Landholding.

21/381 (ABP-310251-21): Planning permission granted by the Planning Authority and refused by the Board for the construction of 33 no. detached single storey two-bed modular housing units and all associated site works. The application was refused for

the following 1 no. reason:

1. On the basis of the documentation submitted with the planning application, including the description of the proposed development as set out in the statutory notices which refers to 33 housing units, it is considered that the scale of residential development on this site, would materially exceed the quantum of residential development associated for Kilmainhamwood, recorded within the core strategy of the Meath County Development Plan 2013-2019, which sets out to ensure towns and villages grow at a suitable and sustainable scale, and states that measures must be put in place to ensure that the quantum and scale of residential development that will take place in urban centers complies with that shown in Table 2.4 therein. The proposed development would, therefore, be contrary to the Core Strategy of the Meath County Development Plan 2013-2019 and would, therefore, be contrary to the proper planning and sustainable development of the area.

21/295: Planning permission granted by the Planning Authority in May 2021 for internal alterations and extensions to the existing nursing home to provide a further 12 no. single ensuite bedrooms, staff facilities, storage and a new entrance and reception area, single storey link structures joining the wings of the existing nursing home, single storey courtyard style extension to the east, consisting of 40 no. single ensuite bedrooms, communal facilities and private gardens, 34 no. additional car parking spaces, new vehicular entrance from Boynagh Close to the north, new utility building to the north consisting of sub-station, gardeners store, bin store, plant rooms and generator and all associated works at Kilmainhamwood Nursing Home.

KA110831: Planning permission granted by the Planning Authority in 2011 for erection of a covered set-down area and porch to the front and single storey extensions to the sides and rear of the existing building.

KA/406: Extension of Duration of 99/1939 granted by the Planning Authority in January 2010.

99/1939: Planning permission granted by the Planning Authority in December 1999

for a change of design & the increase from 14 no. 1 bed special care homes previously approved Ref. No. 98/318 to 16 no. 1 bed & 4 no. 2 bed special care homes (total 20 no.)

99/1708: Planning permission granted by the Planning Authority in February 2000 for the Retention & Completion of boiler room, laundry & ancillary services, building to previously approved 50 bed nursing home.

98/318: Planning permission granted by the Planning Authority in February 1999 for the construction of a 50 no. Bed Nursing Home, Day Care Centre, 14 no. special care homes, 38 no. retirement homes with ancillary services and administration office on a revised site.

5.0 Policy Context

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

Kilmainhamwood is identified as a Rural Village under the Meath County Development Plan (CDP), 2021-2027. The vision for 'Kilmainhamwood' as detailed in Section 2 of the town's 'Written Statement' is 'to define, consolidate and strengthen the commercial and historic village centre, and encourage development which will improve the character and structure of the village centre, and define the school and retirement home public spaces, and to preserve and enhance the quality of the village's built and natural environment, while catering for the needs of the entire local community to ensure the sustainable development of the village as an attractive place to live, work recreate and visit. Only natural/organic residential growth will be encouraged over the lifetime of the Development Plan in line with the Development Plan Core Strategy'.

Under Map 23(a) of the current CDP, the western portion of the site within which the dwellings are to be located, is attributed a G1 (Community Infrastructure) zoning, the objective of which is 'To provide for necessary community, social, and educational facilities'. The eastern portion of the site is attributed an F1 (Open Space) zoning, which seeks 'To provide for and improve open spaces for active and passive recreational amenities'.

Relevant Village Development Objectives (Section 5.0) include:

- **KILM 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 Kilmainhamwood as set out in Table 2.12 of the Core Strategy is not exceeded.
- **KILM OBJ 2:** To support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.
- **KILM OBJ 4:** To liaise with and support Irish Water to endeavour to provide adequate water services to meet the development needs of the Village within the Plan period.
- **KILM OBJ 17:** To ensure that all new development respects the scale, form and character of the village.

Chapters of the current CDP which are relevant to the consideration of this appeal include:

Chapter 2 – Core Strategy

Chapter 3 – Settlement & Housing Strategy

Relevant Settlement Strategy Policies & Objectives include:

- **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 OBJ 1:** To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.
- **SH OBJ 10:** To ensure that in Villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%.
- **SH OBJ 3:** To ensure the implementation of the population and housing growth

allocations set out in the Core Strategy and Settlement Strategy.

Section 3.8.8 (Housing for Older People) of the Plan highlights that it is important that provision is made to allow older people to live independently in their local community for as long as possible. Living close to local services and facilities creates a convenient lifestyle for older people and encourages them to remain active and healthy. The Plan supports the provision of a mix of house types that provide a choice for older people and encourages private developers to incorporate the principles of universal design into new residential properties.

Section 3.8.9 (Design Criteria for Residential Development) of the Plan acknowledges 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. New developments should include a suitable mixture of house types that will support the creation of a sustainable community. In addition, the principles of universal design that support the optimal design and layout of buildings and neighbourhoods that cater for all age groups, and the promotion of energy efficiency to improve the environmental performance of buildings and the integration of renewable technologies into the design of new buildings is also encouraged.

In terms of appropriate 'densities', Section 3.8.10 of the Plan notes that in smaller Towns a density of up to 25 units/ha is considered appropriate whilst in Villages any development should take cognisance of the prevailing scale and pattern of development in the locality and the availability of public services.

Relevant Housing Development Policies include:

- **SH POL 7:** To encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities, and services that meet the needs of the entire community and accord with the principles of universal design, in so far as practicable.
- **SH POL 13:** To require that all new residential developments shall be in accordance with the standards set out in the Development Management

Standards and Land Use Zoning Objectives set out in Chapter 11 of this Plan, in so far as is practicable.

Chapter 7 – Community Building Strategy

Relevant Policies include:

- **SOC POL 7:** To promote and encourage social inclusion through universal access to services and facilities and to encourage the upgrade of community facilities.
- **SOC POL 8:** To continue to provide care facilities for older people, such as own homes (designed to meet the needs of older people), sheltered housing, day-care facilities, nursing homes and specialised care units at appropriate locations throughout the County.
- **SOC POL 9:** To provide and promote adaptability and flexibility in the design of homes and community facilities.
- **SOC POL 10:** To require that all residential care facilities for the elderly comply with all relevant standards set out in the 'National Quality Standards for Residential Care Settings for Older People in Ireland' published by the Health Information and Quality Authority (February 2009) or the relevant standards for any subsequent national guidelines.
- **SOC POL 11:** To support the implementation of the Meath County Age Friendly Strategy, 2017-2020 (or its replacement) in consultation with the relevant agencies and authorities.
- **SOC POL 13** To ensure that all buildings, public and open spaces, recreational and amenity areas are accessible for people with disabilities, having regard to the Building Regulations, the objectives of 'Building for Everyone' (National Disability Authority) and 'Access for the Disabled' (No. 1 to 3) (National Rehabilitation Board).

Chapter 11 - Development Management Standards and Land Use Zoning Objectives

- Section 4 - General Standards applicable to all Development Types
- Section 5 – Residential Development Standards
- Section 7 – Community Development Standards
- Section 9 – Parking Standards

5.2. National Policy and Guidance

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018).
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection - Guidelines for Planning Authorities 2011.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

5.3. Natural Heritage Designations

There are no Protected Sites within the immediate vicinity of the appeal site. The nearest designated site is the Killyconny Bog (Cloghbally) Special Area of Conservation (SAC) (Site Code: 000006) c. 11.8km to the south of the site.

5.4. EIA Screening

Having regard to the nature and scale the proposed development which consists of the construction of a total of 10 no. residential units and associated site works, and its location on zoned land within the settlement boundary of Kilmainhamwood Village, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party appeal has been prepared on behalf of Noreen Coen who is the owner occupier of a residence within Kilmainhamwood Retirement Village. The Applicant's grounds of appeal can be summarised as follows:

Ground 1

- The submission notes that the drawings for housing units within the development are a typical design type and lack details of the substructure which is contrary to the requirements of the Planning and Development Regulations and Case Law. In addition, the drawing for the storm water retention basin lacks detail and section drawings. Further to this, there is no detail for the proposed retaining wall along the southern side boundary and the proposed shed which is located adjacent to this boundary. The submission refers to Case Law where Mr Justice Humphreys granted an *order for certiorari* in *Sweetman No. 1 Sweetman – v -An Bord Pleabála & Ors [2021] IEHC 390* where typical drawings and the notion of a Rochdale Design Envelope were discussed in the judgement.

Ground 2

- The Chief Executives Order (828/22) sought further information seeking revised plans and the Planning Authority invited the Applicant to revise the application from what was originally a housing development to 'Sheltered Housing'. The Planning Authority sought to amend the development using Article 33 which only allows the Planning Authority to seek additional information. The Planning Authority therefore had no power to seek a revised design under Article 33 as per the wording of the information further information request.

Ground 3

- It is stated that the Site Location Map did not indicate that the site notice was erected at each entrance to the site as required under Article 19. A wayleave in favour of Meath County Council / Irish Water should have been indicated on the submitted Site Location Map. It is stated that the site can be accessed from the road that leads through the site to the Kilmainhamwood Sewage Treatment Plant and no notice was displayed at this access. Furthermore, there is no evidence that the Planning Authority inspected the second site notice erected on 1st October 2022. It is stated that the Planning Authority is permitted to grant permission only where it is satisfied that the relevant legislation is complied with. The appeal submission refers the Board to the case of *Marshall v Arklow*

Town County Council [2004] 4 IR 92 where the grant of permission was quashed due to the Planning Authority not inspecting the public notice.

Ground 4

- The submission highlights that there has been a failure to carry out an appropriate scheme of site investigations in accordance with best scientific methods and practice. The appeal submission refers to the case of *Kelly v An Bord Pleanála and Others [2014] IEHC400*. It is stated that the Eurocodes are the European standards providing a common approach for the structural and geotechnical design of buildings and infrastructures and the submission refers specifically to Eurocode 7 EN 1997-1:2004. Extracts are provided from the document which describe some of the necessary investigations for a scientific approach of appraising a site. The submission notes that it is obvious that a Site Investigation Report as per Eurocode 7 would inform any Appropriate Assessment process.

Ground 5

- The submission notes that the application does not contain an Appropriate Assessment Screening Report. With the trend of improving water quality in the upper River Dee, the submission contends that it is a reasonable expectation that it will shortly be designated as an SAC. The submission refers to a passage from the Holohan Case D-461/17 which discusses the issue of Appropriate Assessment.

Ground 6

- Page 9 of the Applicant's consultant's (ORS) report indicates that it is proposed to provide a new wetland area as part of the development proposal. The submission notes that this will effectively amend the infrastructure for other developments that require planning permission and assessment under the Habitats Directive. The report indicates that consent from Irish water has been provided on a provisional basis subject to compliance with its Code of Practice. The development proposes to relocate a foul and storm water sewer that serves a previous development which is to run between House Nos. 4 and 5. It is

submitted that the proposal is contrary to Section 3.5.11 of the Irish Water Code of Practice. Furthermore, the angle between F4, F5 and F6 on the submitted plans would be substantially less than 90 degrees which is contrary to Section 3.5.13 of the Irish Water Code of Practice. The appellant further contests the right of the Applicant to relocate the existing foul sewer which runs through the area of open space.

Ground 7

- The submission notes that the Meath County Development Plan sets out various provisions in relation to the development of 'sheltered housing' and is quoted in detail within the submission. It is stated that Kilmainhamwood is not a suitable location for the expansion of sheltered accommodation for the following reasons:
 - o There are inadequate local shops and the sole shop was closed for a lengthy period recently and is located too far from the retirement village.
 - o There is no local GP practice and health care centre.
 - o The bus service is infrequent.
 - o The proposal would increase the scale of the facility too much.
 - o The proposal does not provide for off street parking for the existing houses.
 - o The proposal will take away green space and parking for the existing houses.

Ground 8

- The submission refers to Section 6.4 of the National Planning Framework which deals with the matter of 'Age friendly Communities'. It is stated that there is nothing in the application that demonstrates that the proposal can accord with the National level policy provisions.

Ground 9

- The submission notes that Condition No. 2 of Ref. 98/318 require the development to be run as a single and integrated health care and retirement facility and shall not be subdivided unless otherwise permitted by a separate

planning application. However, it is stated that several of the houses are privately owned without integrated supports. The appeal submission refers to the case of *Lanigan & anor t/a Tullamaine Castle Stud -v- Barry & anor t/a Tipperary Raceway and another [2016] IESC 46* which confirms that planning conditions remain enforceable indefinitely.

Ground 10

- Concerns raised regarding nuisance and impact on residential amenity through noise. It is stated that this is a community that has the very highest expectation of peace and a quiet environment. Concerns are highlighted with respect to the condition (Condition No. 17) attached to the permission which permits noise during the construction phase of the development up to a certain level. It is stated that such a level of noise and such a duration would be a huge adverse impact on the residential amenity of the area. It is also stated that no site investigation report has been submitted and the need for rock breaking etc. cannot be excluded.

Ground 11

- The appellant maintains that she was induced to purchase her home on foot of contracts for written agreements to establish an Owners Management Company to hold and manage the common areas and refers to the documentation attached to the appeal submission. The Applicants maintain that they lawfully hold the common areas which they propose to return to Boynagh Cross Property Management Company in due course. They also maintain their entitlement to reroute the foul sewer line within 21 years. It is stated that the Board cannot determine the ownership issue and are invited to refer the matter to the High Court as per section 50.1 of the Planning Act.

Ground 12

- It is stated that the Board previously concluded that there was insufficient services in Kilmainhamwood to support additional housing within the retirement complex. The previous reasons for refusal are cited within the appeal submission.

6.2. Planning Authority Response

A response has been received by the Planning Authority dated 20th December 2022 which requests the Board to uphold the decision of the Planning Authority to grant planning permission for the proposed development.

6.3. First Party Response

None.

6.4. Observations

An observation has been received by Mary Coen who is the owner occupier of a residence within Kilmainhamwood Retirement Village. The issues raised within the observation can be summarised as follows:

- The observer notes that they have resided within the retirement village for over two decades and they are at a stage in life when peace and quiet as well as high levels of residential amenity is valued and fundamental to their wellbeing.
- Concerns are highlighted that the proposed development will impact their current parking arrangement as House Nos. 29-39 were not provided with dedicated off-street car parking. It is also highlighted the aforementioned dwellings were not provided with gardens of a depth which would be typically required from the Development Plan standards i.e. 11m.
- The observer highlights a concern around the accessibility of Kilmainhamwood and notes that the village is not served by the Council's Winter Gritting Regime. The village lies in a valley and all roads leading to and from the village must use roads which are steep and have lots of sharp turns. In addition, the village is not well served by bus services.
- It is noted that the prime reason the observer purchased a property within the retirement village was that it was marketed as an integrated health care facility. However, it is stated that this is not that case as was required under the previous grants of planning permission and there is no warden to call to homes or even a panic button or intercom facility available.
- Concerns raised with respect to the nature of the proposed development which refers to houses within the development description. This is considered to be

contrary to the zoning objective.

- Concerns highlighted with respect to the loss of open space which was promised to be given over to Boynagh Cross Management Company Limited. It is noted that the Applicant should not have been afforded the opportunity to amend the scheme pursuant to Article 33 of the Planning Regulations.
- In terms of site ownership, it is reiterated that the Applicant had promised that the open space areas were to be given over to Boynagh Cross Management Company Limited and transferred to the house owners. It is not their intention to build houses within the open space area and the observer disagrees with their contention that they are entitled to vary the layout of the development.
- The observer refers to policies (DM OBJ 67) of the County Development Plan and notes that the Plan has been adopted without the recognition that the 2009 standards have been replaced by the 2016 version, *National Standards for Residential Care Settings for Older People in Ireland 2016*.
- The observer notes that the term sheltered housing seems to be quite vague and it is simply a label to allow a planning grant on community zoned land for dwellings which will not have integrated support services.
- Concerns raised with respect to noise and dust and the high limits that have been conditioned during the construction phase of the proposed development.
- Concerns that the application was not accompanied by a Natura Impact Statement.

6.5. Further Responses

None.

7.0 Assessment

The main issues to be considered are those raised in the Third Party's grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The various matters can therefore be dealt with under the following headings:

- Principle of Development & Compliance with the Settlement Strategy
- Layout, Design & Residential Amenity
- Access & Car Parking
- Drainage & Flooding
- Other Matters
- Appropriate Assessment

7.1. Principle of Development & Compliance with the Settlement Strategy

7.1.1. The appeal site is located within the settlement boundary of the village of Kilmainhamwood. The proposed development originally sought planning permission for what was described in the public notices as 10 no. semi-detached dwellings. The Applicant's covering letter with the application noted that the proposed housing units were to be used as part of the overall integrated retirement facility and the potential future users would avail of existing services within the facility such as the daycare center and all other additional services for the elderly. Notwithstanding this, the Planning Authority in their initial assessment formed the view that the proposal did not qualify as 'Residential/Sheltered Housing', nor did it satisfy the relevant zoning objective that is applicable to this portion of the site. The Applicant was then afforded the opportunity to address this issue and revise the development description accordingly. As per Map 23(a) of the current CDP, the area of the site within which the proposed residential units are to be located, is attributed a G1 (Community Infrastructure) zoning. The objective of which seeks 'To provide for necessary community, social, and educational facilities'. In response to the concerns of the Planning Authority, the Applicant amended the development description at additional information stage and described the units within the development as 10 no. 'Sheltered Housing Units'. This response was deemed to be acceptable, and conditions were attached to the Notification to Grant Permission which restricted occupancy of the units to persons of a certain age or with a certified medical need for sheltered housing.

7.1.2. The appellant and the observer in this case has raised significant concerns with respect to principle of development at this location. They have contended that the village of Kilmainhamwood is not a suitable location for the expansion of sheltered accommodation as there are inadequate local shops, no local GP practice/health care centre, an infrequent bus service and the proposal would increase the scale of the existing facility by too much. Section 3.8.8 (Housing for Older People) of the current County Development Plan highlights that it is important that provision is made to allow older people to live independently in their local community for as long as possible. The Plan supports the provision of a mix of house types that provide a choice for older people and encourages private developers to incorporate the principles of universal design into new residential properties. Policy SOC POL 8 of the Plan is also relevant in this regard which seeks 'To continue to provide care facilities for older people, such as own homes (designed to meet the needs of older people), sheltered housing, day-care facilities, nursing homes and specialised care units at appropriate locations throughout the County'. There are also a range of other policy provisions at local and national level that seek to support developments of this nature at appropriate locations. I note that the appeal site is located within Kilmainhamwood Retirement Village, where this particular use type is well established. I am also conscious of the planning history (Ref. Nos. 98/318 & 99/1839) of the appeal site which previously permitted housing units for the purposes of special care homes within this portion of the site. Having regard to the established use on site, the location of the site within the settlement boundary of Kilmainhamwood Village and the G1 Zoning provisions that applies to the lands, I am satisfied that the proposal is generally in accordance with the pertinent policy of the County Development Plan and the site is a suitable location for a development of this nature. In this regard, I consider the principle of development to be acceptable. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration the design and layout, access, the impact on the amenities of adjoining residents and the sustainable planning and development of the area. The following sections of this report will discuss these matters in further detail.

7.1.3. As detailed in Section 4 of this report, planning permission was previously refused (Ref. 21/381 (ABP-310251-21)) by the Board for the construction of 33 no. housing

units and all associated site works on the appeal site. In that case, the Board considered that the scale of the residential development would materially exceed the quantum of residential development associated with Kilmainhamwood, recorded within the core strategy of the County Development Plan (2013-2019). Within their assessment of the current proposal, the Planning Authority noted that the proposed development complied with SH OBJ 10 of the Plan, the objective of which seeks 'to ensure that in Villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%'. The current proposal results in a 7% increase in the existing housing stock for the village of Kilmainhamwood, increasing the housing stock (as per the Kilmainhamwood Written Statement) from 148 to 158 units. Given the overall scale of the proposed development, the proposal accords with the relevant Village Development Objective (KILM OBJ 1) which seeks '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 Kilmainhamwood as set out in Table 2.12 of the Core Strategy is not exceeded.' I am also conscious of the established use on site, the nature of the proposed development and the conditions recommended by the Planning Authority which restrict occupancy to persons of a certain age or those with a certified medical need for sheltered housing. For this reason, I am satisfied that the proposed development is in compliance with relevant policies and objectives of the County Development and is therefore acceptable.

7.2. Layout, Design & Residential Amenity

- 7.2.1. In terms of layout, the housing units within the proposed development will be arranged in a 'L' shape around the perimeter of the public open space area that serves the existing development. A new access road will tie in with the internal road which serves the existing development and new pedestrian pathway will be provided both through the communal open space and around its perimeter. Unit Nos. 1-4 are to be located to the east of the open space area and are orientated to the west, whilst Unit Nos. 5-10 are located adjacent the southern site boundary and orientated to the north. In order to provide off-street car parking, the front building line of Unit Nos. 1-4 have been set back from the established building line of the existing properties to the north. Vegetation along the southern site boundary is to be cleared and this area of the site is to be infilled given the fall adjacent to this boundary. I note that a minimum separation distance of c. 2.5m is provided between each pair of semi-detached units

and is therefore in accordance with Objective DM OBJ 21 of the current CDP (minimum requirement of c. 2.3m). The proposal includes additional public open space in the form of a communal garden within the south-western corner of the site and a larger landscaped area of open space to the east of Unit No. 5 and to the south of Unit No. 4. A pedestrian footpath is provided within this portion of the site leading to a proposed shed. Overall, I am generally satisfied that the layout of the proposed development is acceptable and in accordance with the various urban design principles as set out in the 'Urban Design Manual – A Best Practice Guide (2009). The streetscape rhythm within the development is being preserved and the housing units will provide passive surveillance of the central open space area. It is also noted that a public lighting scheme forms part of the development proposal. However, it is my view that further clarity is required with respect to the additional open space areas within the development, particularly the communal garden within the south-western corner of the site and how this is integrated within the development. In addition, the boundary treatment between the open space area (south-east corner) and Unit Nos. 4 & 5 should be clarified. Therefore, I recommend the inclusion of a condition requiring the submission of comprehensive landscaping proposals which are to be submitted for the written agreement of the Planning Authority prior to the commencement of development. The proposals shall include all details with respect to boundary treatments and details of hard and soft landscaping throughout the development.

- 7.2.2. The Third Party appellant has raised concerns with respect to the adequacy of the plans and particulars and noted that no details of the proposed shed and retaining wall along the southern site boundary were included in the application documents. In terms of the proposed shed, I acknowledge that it would appear that the Applicant has not submitted plans or elevations for this structure. However, given its modest footprint and location at a removed distance from the existing residences, I consider it reasonable in this instance to attach a condition requiring the Applicant to submit details of same for the written agreement of the Planning Authority prior to the commencement of development. The submitted contiguous elevations show that the ground levels along the southern boundary are to be increased by up to c. 1.8m. The retaining wall will then marginally project above the modified ground level. However, this would not be of a sufficient height to act as a formal boundary treatment given the

variation in levels between the site and the lands to the immediate south. As noted in the foregoing, I have recommended a condition requiring the Applicant to submit details of all boundary treatments. The Applicant shall also be required to submit an elevation of southern site boundary showing details of the retaining wall and the boundary treatment above. Subject to compliance with this condition, I deem the proposal to be acceptable.

7.2.3. With respect to design, the housing units within the proposed development have a single storey form and comprise 5 no. pairs of semi-detached dwellings. The dwellings have stated floor area of 77.4sq.m. and are served by dedicated areas of private amenity space in a form of rear gardens with a minimum depth of c. 5m. The dwellings have a pitched roof form with a gable projection to the front and a maximum height of c. 5.2m. In terms of the palette of materials and finishes, a combination of brick and render with a painted finish is proposed for the principal elevations and each dwelling will have a slate roof. A standing seam zinc finish is also proposed above the entrances to each of the dwellings. Overall, I am satisfied that the dwellings within the proposed development are designed to a good standard and the proposed development is generally in keeping with the established pattern of development in the surrounding area. The proposed materials and finishes are appropriate for the location, are durable and attractive, and they facilitate the integration of the development into the local landscape. In terms of unit mix, I note that Policy DM POL 6 of the Plan seeks 'To require that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends.' Whilst, the proposal only provides 2 no. bedroom units, I am conscious of the nature of the proposed development as 'sheltered housing' and the demographic that they will serve. Therefore, I am satisfied that the proposals are acceptable in this instance.

7.2.4. In terms of the amenity of the proposed dwellings, the internal floor areas (77.4sq.m) are in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government). Each unit within the development comprises 2 no. bedrooms, a bathroom and an open plan kitchen/living/dining room which has direct access to the amenity space to the rear. Table 11.1. of the County Development Plan indicates that a minimum of c. 55sq.m. shall be provided for 2 no. bedroom dwellings and exceptions

to this may only be considered in relation to the redevelopment of brownfield/regeneration sites where a focus should be on design led and performance-based outcomes rather than specific absolute requirements in all cases. However, I note that the Planning Authority had regard to the nature of the proposed development, insofar as the units are targeted towards older persons and persons with limited mobility and therefore deemed the quantum of both communal and private amenity space to be sufficient. Although the quantum of amenity space of each dwelling has not been indicated on the submitted plans and particulars, gardens within the development typically have depths of 5m. Given the nature of the proposed 'sheltered housing' development, I would concur with the Planning Authority's assessment, and I am satisfied that the internal layout of the dwellings and the proposed open space arrangements are acceptable and will afford a good standard of amenity to its future occupants.

7.2.5. In terms of the amenity of existing dwellings within the retirement village, I note that Unit No. 1 is located to the immediate south of an existing residence. Given the proposed building line of this unit, the northern wall of will project beyond the rear building line of the property to the north and will be located adjacent to its rear amenity space. However, I am conscious of the single storey nature of the dwelling and the set back of the dwelling from the common boundary. Whilst there may be some additional overshadowing of this amenity area in the afternoon, I am satisfied that the proposal will not unduly compromise the residential amenity of this property by reason of overshadowing, loss of daylight/sunlight or by being visually overbearing. Having regard to the scale, height and form of the proposed units and their setback from the existing residences within the retirement village, I consider the proposal to be acceptable having regard to the residential amenity of the surrounding area and is therefore in accordance with the proper planning and sustainable development of the area.

7.2.6. I note that concerns have been raised by the Appellant and Observer with respect to noise related impacts during the construction phase of the proposed development and they have outlined that the maximum limits prescribed under Condition No. 17 of the Notification of Decision to Grant Permission are excessive and will unduly compromise

their residential amenity. Condition No. 26 as recommended by the Planning Authority restricts development on the site between the hours of 8am and 6pm, Monday to Friday and 8am to 2pm Saturday. In addition, no activity on site shall be carried out on Sundays or Bank Holidays. It is my view, that Condition No. 17 (7am – 7pm Monday-Friday) should be modified accordingly so that it aligns with the permitted hours of construction. Given the overall scale of the proposed development and subject to compliance with this condition, I am satisfied that proposed development will not unduly compromise the residential amenity of the existing residences within the retirement village.

7.3. Access & Car Parking

- 7.3.1. The appeal site is proposed to be accessed through the retirement village via the existing entrance off the L-74203-0 to the north of the site. The existing internal road will be extended around the perimeter of the modified central open space area and will facilitate vehicular access to each of the housing units. As per Section 11.9.1 (Parking Standards) and Objective DM OBJ 89 of the County Development Plan, 2 no. off - street car parking spaces are typically required for every conventional dwelling. Whilst the proposed housing units would not constitute a conventional dwelling (i.e. Sheltered Housing), I note that each unit is served by 2 no. off street car parking spaces which are to be located within their front setback. Concerns have been raised by the Appellant and Observer with respect to the adequacy of car parking proposed given there are other units within the retirement village that do not benefit from in-curtilage parking. Notwithstanding this, I am satisfied that the quantum of car parking proposed for a development of this nature is acceptable and is in accordance with the relevant policies of the County Development Plan.
- 7.3.2. The Planning Authority's Transportation Department in their assessment of the development noted that the internal road layout complied with the requirements of DMURS and it had been demonstrated in previous applications by autotrack, that service vehicle access has been accommodated within the proposed development. It is also highlighted that the internal road network will be lightly trafficked with a low speed environment and footpaths are provided on all main and secondary roads. Having regard to the submitted documentation and the commentary of the Planning Authority's Transportation Department, I am satisfied that the access arrangement is

acceptable, and the proposal will therefore not constitute a traffic hazard. I note that the Planning Authority's Transportation Department have recommended a number of general conditions which have been attached to the Notification to Grant permission. I therefore recommend the inclusion of a condition which shall require the Applicant to ascertain and comply with the requirements of Planning Authority's Transportation Department prior to the commencement of development on site.

7.4. Drainage & Flooding

- 7.4.1. The Applicant's Engineering Report and drawings confirms that there is an existing 225mm diameter gravity wastewater drainage pipe running diagonally across the site. This pipe serves the existing nursing home and retirement village. As part of the proposed development, it is proposed to install a new 225mm diameter gravity wastewater sewer within the southernmost internal road of the development. It is stated that this will allow all flows from the existing development together with flows from the proposed development and will run eastwards to connect to an existing outfall manhole directly north of the Kilmainhamwood wastewater treatment plant. The existing section of the 225mm diameter pipe which runs diagonally across the site will then become redundant and the submitted drawings illustrate that it will be decommissioned and removed as part of the proposed development. It is confirmed that the proposed internal wastewater sewer will consist of a series of 150mm to 225mm diameter sewers and all internal wastewater drainage will be separate to surface water drainage infrastructure. The proposed wastewater sewer loading calculations are attached in Appendix C of the submitted Engineering Report and it is provided that the anticipated wastewater volume generated from the development has been calculated in accordance with Irish Water – Code of Practice for Wastewater Infrastructure and Wastewater Infrastructure Standard Details.
- 7.4.2. In terms of surface water drainage, it is submitted within the Applicant's report that it is unclear whether any of the existing development is attenuated via attenuation tanks or if any other SUDs measures have been adopted. I note that DM OBJ 7 of the County Development Plan is relevant to the consideration of this proposal which indicates that 'Sustainable Urban Drainage Systems (SuDS) measures are required to form part of the design of all developments'. As part of the proposal, a new surface water drainage system is proposed to be installed to serve the proposed development and the

previous approved nursing home extension to the north of the site (Ref. 21/295). The proposed surface water drainage strategy for the development will include the collection of runoff from the developed site via below ground gravity pipework which will ultimately outfall to a wetland area which will be located in the greenfield lands to the east of the development. It is stated that the wetland will be designed with adequate storage for the 1 in 100 year storm event of critical duration. In addition, an outlet will be provided from the wetland to the River Dee to the east of the site and this outlet will be flow controlled to limit the surface water outfall from the site to greenfield runoff rates. The Applicant's Engineering Report notes that the surface water drainage areas associated with the previously approved nursing home extension and the subject application have been combined to size the surface water infrastructure which will cater to the entirety of the proposed and permitted developments. It is stated that the wetland will be suitably planted with selected low maintenance wetland shrubs to promote a biodiverse feature.

- 7.4.3. The Third Party appellant has raised concerns with respect to the Applicant's drainage proposals and they contest the right of the Applicant to relocate the existing foul sewer which runs through the open space area. It is also contended within the appeal submission that the proposal fails to accord with the Irish Water Code of Practice. Following initial commentary from Irish Water, the Applicant was invited to revise the watermain design. In addition, the Applicant was requested to submit a revised foul network layout to ensure a minimum 3m clearance from any structure or boundary at additional information stage. I note that Irish Water confirm in their second report on the planning file that they have no objection to the proposed development subject to compliance with standard conditions. Further to this, the Planning Authority's Water Services Department have reviewed the proposed development and confirm that the proposals broadly meet their requirements in terms of the orderly collection, treatment and disposal of surface water. Suitable conditions have been recommended in the event of a grant of planning permission which include a requirement to upsize the proposed attenuation system to cater for 20% climate change, the provision of permeable paving to all private car parking areas and a requirement to submit for agreement the proposed boundary treatment around the proposed wetland/pond. This wetland area is located within the portion of the site that is attributed an F1 (Open

Space) zoning, which seeks 'To provide for and improve open spaces for active and passive recreational amenities'. Overall, I am satisfied that the proposals to locate the wetland area within this portion of the site is in accordance with the relevant zoning objective the Applicant's proposals overall are generally in compliance with the policy provisions of the County Development Plan. It is my view therefore, that the proposed development is acceptable, subject to compliance with suitable conditions.

- 7.4.4. From examining the Council's Strategic Flood Risk Assessment, it is evident that the eastern most extent of the appeal site is located within Flood Zone A. This portion of the site is zoned 'F1' and I note that the footprint of the proposed wetland does not encroach within the portion of the site (i.e. which is designated as Flood Zone A). The Planning Authority's Environment Section reviewed the application and noted that the proposed foul sewer diversion connection point (Manhole 6) is located within Flood Zone A. A condition has been recommended that all foul drainage access chambers and plant items located within Flood Zones A & B shall incorporate sealed covers, to prevent potential ingress of floodwater, to the required Irish Water standards and details. Subject to compliance with this condition, I am satisfied that the Applicant's proposals do not constitute a flood risk on site or elsewhere downstream and the proposed development is therefore considered to be acceptable.

7.5. Other Matters

- 7.5.1. The appeal submission contends that the appellant was induced to purchase her home on foot of contracts for written agreements to establish an Owners Management Company to hold and manage the common areas within the retirement village. Further to this, the observer to the appeal indicates that they purchased their property due to the fact it was marketed as an integrated health care facility. However, it is stated that this is not that case, notwithstanding it being required under the previous grants of planning permission. Further to this, concerns are highlighted with respect to the loss of existing open space and it is contended the owners of dwellings were promised that it would be given over to Boynagh Cross Management Company Limited. Similar issues were raised by the appellant and observer during the application stage and a response to these matters was prepared by a solicitor on behalf of the Applicant and accompanied the additional information response.

7.5.2. Whilst it is evident that the proposal will result in the loss of green space associated with the existing development, in my view this portion of the site offers a limited value to the existing residences within the retirement village and the Applicant's current proposals can create a more attractive environment with more functional and accessible open space areas. Further to this, I consider the other issues raised in the grounds of appeal and observation are civil and/or legal matters, that are outside the statutory remit of this appeal. I also refer to Section 5.13 of the Development Management Guidelines which state that 'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'. The Board is therefore not required to arbitrate on such a matter in the making of a decision with respect to this appeal. Furthermore, it is of relevance to highlight the provisions of section 34(13) of the Planning and Development Act, 2000 (as amended), which states:

- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

7.5.3. Concerns have been highlighted by the appellant and the observer with respect to the adequacy of the site notices and it is stated that there is no evidence the Planning Authority inspected the second notice erected on 1st October 2022. I note that the adequacy of the site notice is a matter for the Planning Authority to consider at the initial validation stage. In addition, Article 26(4) of the Planning and Development Regulations, 2001 (as amended) notes that "Where, on inspection of the land to which the application relates, the planning authority considers that the requirements of articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with sub-article (2), be invalid." I note from the Planning Authority's Planning Reports that concerns with respect to the adequacy of the site notice had not been raised as an issue. From a review of the site and surrounds and the location of the site notices, I am generally satisfied that their location is in compliance with the Planning and Development Regulations, 2001 (as amended) and I note that the location of the site notices did not prevent the concerned party from making representations. Notwithstanding this, I note

that this planning assessment represents my *de novo* consideration of all planning issues material to the proposed development.

7.5.4. The appellant's submission highlights that there has been a failure to carry out an appropriate scheme of site investigations in accordance with best scientific methods and practice and refers specifically to Eurocode 7 EN 1997-1:2004. Within their grounds of appeal, they have quoted extracts from the document which describe some of the necessary investigations for a scientific approach of appraising a site. Having regard to the existing site conditions, including its relatively flat topography, the location of the site on zoned on serviced land within the grounds of the existing retirement village and the overall scale and nature of the proposed development which would typically consist of conventional foundations with some local excavations for services, I am satisfied that the Applicant's proposals are acceptable in this instance and permission can be granted in the absence of a detailed site investigation report.

7.5.5. In terms of allegations by the Third Party Appellant and the Observer in relation to non-compliance with the previous permissions that pertain to the wider site, 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 appeal site is not located within, directly adjoining or proximate to any Natura 2000 sites. However, the nearest designated sites within 15kms of the appeal site include:

- Killyconny Bog SAC (Clogbally) SAC (site code: 000006) – c.11.8kms to the south-west of the site.
- River Boyne & River Blackwater SAC & SPA– c.12.6kms to the south- west, near Kells (site codes: 002299 & 004232).

7.6.2. I note that the proposed development is not accompanied by an AA Screening Report. The Planning Authority's Screening for AA provides that they have considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project) either by itself or

cumulatively with other plans and developments in the vicinity, would not be likely to have a significant effect on European sites.

- 7.6.3. The appeal site is a fully serviced and zoned site, and which is not within or in close proximity to any Natura 2000 sites. The nearest such sites are at a considerable distance as outlined in the foregoing. Subject to standard good practice construction methods and having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, it is my view that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to:

- (a) The nature of the proposed development as 'Sheltered Housing' and the G1 (Community) zoning objective for the site;
- (b) The policy provisions of the Meath County Development Plan, 2021-2027;
- (c) The location of the site within a serviced area, in close in proximity to the Kilmainhamwood Village;
- (d) The pattern of development in the area, and the nature, scale, and design of the proposed development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 15th March 2022 and as amended by further plans and particulars received on the 02nd September 2022 and 30th September 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the Applicant shall enter into an agreement with the Planning Authority pursuant to Section 47 of the Planning and Development Act, 2000 (as amended) providing that the occupancy of the units shall be restricted to persons aged 55 years or older or to persons with a certified medical need for sheltered housing and spouses or partners of such persons. The applicant/management company shall provide the Planning Authority with an annual update in writing of all the sheltered units demonstrating that they are occupied by persons listed in the foregoing.</p> <p>Reason: To ensure that the proposed development is used as specified in the submitted plans and the interest of proper planning and the sustainable development of the area.</p>
3.	<p>Materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved.</p> <p>Reason: in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.</p>
4.	<p>Prior to the occupation of any residential unit in the site, the Applicant shall submit for the written agreement of the Planning Authority, details of a management company for the future management and maintenance of public open spaces, roads, footpaths, communal areas and public lighting</p>

	<p>within the site boundaries onwards from their completion in a satisfactory manner. The company shall indefinitely manage the above and demonstrate capacity to resource and finance their activities. This shall include a layout map of the permitted development showing the areas to be maintained by the Owner's Management Company.</p> <p>Reason: To ensure the adequate future maintenance of this private development and in the interest of residential amenity.</p>
5.	<p>(a) Prior to the commencement of development, the Applicant shall submit for written agreement comprehensive landscaping proposals prepared by a suitably qualified landscape architect which provides details and specifications for all hard and soft landscaping treatments. The landscaping scheme shall demonstrate how communal garden within the south-western corner of the site is to be integrated within the wider development. Further to this, the submission shall provide details with respect to all boundary treatments, including the boundary treatment between the open space area (south-east corner) and Unit Nos. 4 & 5. In addition, the submission shall include design specifications for proposed retaining wall along the southern site boundary and shall include a southern elevation of southern site boundary showing details of the retaining wall and the boundary treatment above.</p> <p>(b) The Applicant shall submit details (plan, section, elevations, finishes) of the proposed shed located in the open space area.</p> <p>(c) Prior to the commencement of development, all existing trees to be retained shall be fenced off and fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed with the planning authority.</p> <p>(d) The Applicant shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved hard and soft landscaping scheme shall be implemented in full in the first planting season following the commencement of the development and finalised prior to the occupation of any units hereby granted planning permission. Any</p>

	<p>plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interest of residential and visual amenities.</p>
6.	<p>Prior to the commencement of development on site, the Applicant shall submit a Construction Environmental Monitoring Plan (CEMP) for the written approval of the Planning Authority,</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
7.	<p>Prior to the commencement of development on site, the Applicant shall submit a Waste Management Plan (WMP) for the construction and operational phase of the development for the written approval of the Planning Authority.</p> <p>Reason: In the interest of waste management and the proper planning and sustainable development of the area.</p>
8.	<p>Prior to the commencement of development on site, the Applicant shall ascertain and comply with the requirements of Planning Authority's Transportation Department.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
9.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority (Water Services Department) for such works and services. The Applicant shall:</p> <ol style="list-style-type: none"> a. Upsize the proposed attenuation system to cater for 20% climate change. b. Submit for agreement the proposed boundary treatment around the proposed wetland/pond. c. The applicant shall apply permeable paving to all private car parking spaces. d. The allowable greenfield discharge rate shall be achieved using a flow control device with a minimum orifice of 100mm. The applicant shall supply a specification for the proposed flow control device which clearly demonstrates the orifice size and discharge rate. e. The applicant shall construct a headwall at the outlet point. The

	<p>proposed non return valves are to be fitted to the headwall.</p> <p>f. All work shall comply with the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2, for New Developments.</p> <p>Reason: In the interest of public health.</p>
10.	<p>All foul drainage access chambers and plant items located within Flood Zones A & B shall incorporate sealed covers, to prevent potential ingress of floodwater, to the required Irish Water standards and details of which shall be submitted to the Planning Authority (Environment Department (Flooding)) for written agreement prior to the commencement of development on site.</p> <p>Reason: In the interest of flood risk prevention and the proper planning and sustainable development of the area.</p>
11.	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>a. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>b. During construction phase of the development, noise levels at noise sensitive locations shall not exceed 70dB(A) during the permitted hours of construction. Noise exceedance activities must be agreed in writing with the Planning Authority prior to the activity taking place.</p> <p>c. During the construction stage, the Applicant shall maintain a</p>

	<p>complaints register. The complaint register shall include details of the complaint and measures taken to address the complaint and prevent repetition.</p> <p>Reason: In the interest of orderly development and to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Prior to the commencement of development, the Applicant shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit within the development for the approval of the Planning Authority. The applicant shall ascertain the requirements of the Planning Authority prior to the submission of the compliance proposals.</p> <p>Reason: to facilitate other licensed operators in providing broadband services to each dwelling within the estate without the need to reopen the road, footpaths or verges.</p>
15.	<p>Public lighting shall be provided on the site and shall be submitted to the Planning Authority for written agreement prior to the commencement of development.</p> <p>Reason: In interest of public safety.</p>
16.	<p>No tree felling, or vegetation removal shall take place during the period - 1st March to 31st August. A bat survey shall be carried out by a suitably qualified ecologist during the active bat season and submitted to the planning authority for record. Any destruction of bat roosting site(s) must be done by a suitably qualified bat ecologist and under license granted by the Minister of Culture, Heritage and the Gaeltacht.</p> <p>Reason: To ensure the protection of bats, a protected species under the terms of the Wildlife Act 1976 (as amended) and listed under Annex IV of the EU Birds Directive (Council Directive 79/409/EEC).</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory</p>

	<p>completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application or the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as</p>

	amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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

04/10/2023