



An
Bord
Pleanála

Inspector's Report

ABP-315540-23

Development	Construction of 29 houses, car parking, landscaping and all associated site works.
Location	Sites Nos. 5-33 inclusive, The Oaks, Archerstown Demesne, Milltown, Ashbourne, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22/323
Applicant	Lotara Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission.
Appellants	Lotara Developments Ltd.
Observers	None.
Date of Site Inspection	22/09/2023.
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The address of the appeal site is Sites Nos. 5-33 inclusive, The Oaks, Archerstown Demesne, Milltown, Ashbourne, Co. Meath. The site is located on residential zoned land towards the eastern periphery of Ashbourne, c. 0.65km from the town centre. The site has a stated area of c. 0.935ha. and has been substantially cleared and includes a construction compound and general construction waste. In terms of topography, the site is relatively flat and is consistent with that of the surrounding sites.
- 1.2.** Access to the site is via an existing estate road which serves The Oaks development to the immediate north of the appeal site. This development comprises a combination of detached and semi-detached double storey dwellings and their rear amenity spaces have a direct abuttal with the appeal site. The estate road then continues along the eastern, southern and western red line boundary where it provides vehicular access to 2 no. pairs of semi-detached dwellings to the immediate west of the appeal site. Construction hoarding is located along the eastern side of this section of the internal access road and forms the western boundary of the appeal site. To the west of the internal road is an area of open space associated with The Beaches residential development.
- 1.3.** To the south of the internal estate road is a greenfield area with dwellings in the White Park Development located to further to the south. I note that a dense hedgerow forms the boundary with these properties. To the east of the site is Archerstown Road and the boundary separating the estate road and Archerstown Road comprises a brick wall with railings above. There are a number of detached dwellings which are accessed off Archerstown Road with the remainder of the lands to the east of the site predominantly in agricultural use.

2.0 Proposed Development

- 2.1.** The proposed development originally sought planning consent for the construction of a residential development comprising a total of 29 no. dwellings. The scheme included 28 no. semi-detached and 1 no. detached double storey, 3 no. bedroom dwellings. Each dwelling had a stated floor area of c. 119sq.m. and the dwellings had pitched roof forms with a maximum height of c. 9.5m.

- 2.2.** Private open space was proposed in the form of back gardens and open space areas ranged in size from c. 85sq.m. to 275sq.m. Access to the site is via the existing internal access road serving The Oaks residential development. No public open space appeared to be provided as part of the proposed development. However, an additional area of open space was identified to the south of the appeal site on the southern side of the internal access road.
- 2.3.** Following concerns raised by the Planning Authority at further information stage, the proposed development was modified and a total of 13 no. detached and semi-detached dwellings were omitted from the scheme. In lieu of the proposed dwellings, the proposal sought to provide 3 no. apartment blocks comprising a total of 24 no. apartments (12 no. 2 bed and 12 no. 3 bedrooms apartments). A total of 16 no. dwellings are also proposed as part of the scheme and are located within the eastern portion of the site and are directly accessible from the western side of the existing estate road. Car parking is proposed to be provided in the front setback of each dwelling (2 no. spaces) and private amenity space is proposed in the form of rear landscaped gardens.
- 2.4.** Each apartment block had a 3 no. storey height with a gable side pitched roof form. The apartment blocks are proposed to be located within the western portion of the site and are orientated to the west towards the existing open space area serving The Beaches development. Materials and finishes for the proposed apartments blocks comprise a combination of brick and render for the principal elevations with a concrete tile roof. Apartments within each block have floor areas that range from c. 90sq.m. for the 2 no. bedroom apartments to c. 114sq.m. for the 3 no. bedroom duplex apartments. Private open space is provided in the form of a rear gardens for the ground and first floor level duplex units with projecting balconies provided for the upper floor level units.
- 2.5.** A new area of public open space is now proposed within the north-western corner of the site which has a stated area of c. 788sq.m. Two (2) no. bicycles parking stores are also provided to the east and south of the open space area with additional stores provided to the south. The red line site boundary was modified at further information

stage and now encroaches into the open space area to the west of the site on the western side of the estate road. The red line boundary was modified to provide designated car parking for the apartments within the scheme. Perpendicular parking is proposed to be provided on either side of the estate road a total of 48 no. car parking spaces will serve the apartments (including 2 no. limited mobility spaces). 6 no. visitor car parking spaces have also been proposed.

2.6. Key development figures following the submission of revised plans by way of further information are detailed as follows:

- Unit Nos.: 40. No units (16 no. houses and 24 no. apartments).
- Unit Mix: 16 no. three bedroom houses, 12 no. 2 bed apartments & 12 no. 3 bedrooms apartments.
- 82 no. car parking spaces.
- Additional Communal open space: 788sq.m.
- Density: c. 40 units per ha.
- Dual aspect: 100%.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused planning permission for the following reason:

1. Having regard to the location of the proposed development site, i.e. the proposed development site is partially situated in Flood Zone A and Flood Zone B, it is considered that the proposed development, as presented, would be contrary to policies INF POL 18 and INF POL 20 of the Meath County Development Plan, 2021 to 2027, would be contrary to the DoEHLG Flood Risk Guidelines entitled '*The Planning System and Flood Risk Management*' (i.e. a) *the applicant has not applied the development management Justification Test as requested and therefore has failed to address the Further Information request and b) The applicant has not submitted a Flood Risk assessment which is appropriate to the scale and nature of risk to and from the potential development nor sufficiently detailed information to enable an assessment of flood risks associated with the subject site*). Accordingly, to grant the proposed development would contravene materially the abovementioned policies of the

County Development Plan, would be prejudicial to public health, would pose an unacceptable risk to the owner/ occupiers of the proposed development, would be contrary to ministerial guidelines issued to the Planning Authorities under Section 28 of the Planning and Development Act, 2000 to 2022, and would therefore be contrary to 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 was satisfied that the principle of development was acceptable on the residential zoned lands. However, concerns were raised with the respect to the net density which was in their view to be below the recommended standards. The Planning Authority also noted that there was little variety in the dwelling design types or indeed the unit typologies and a wider variety of external finishes/designs was encouraged. Further information was requested with respect to the following matters:

- The Applicant was requested to apply the development management Justification Test given the appeal site lies partially within Flood Zone A & B.
- The Applicant was requested to justify the density of development proposed as discussed above. Where it was considered that the residential density is excessively low and cannot be suitably justified, the Applicant was invited to present revised proposals for a suitably increased net residential density.
- The Applicant was requested to submit a revised Design Statement and present a greater variety of house design finishes. The Applicant was also requested to provide dual elevations on all corner sites and ensure passive surveillance is maximised across the development.

- Submission of a Landscape Boundary Plan.
- A requirement from the Transportation Department for all footpaths to have a minimum width of 2m.
- The Applicant was invited to respond to the issues raised by Inland Fisheries Ireland.
- The Applicant was invited to respond to the issues raised by the Third Party observers.

3.2.1.3. As part of the further information response, the design of the development was modified whereby apartments were now incorporated into the scheme as outlined in Section 2 of this report. The Applicant also confirmed in their response that a Justification Test was not required as all dwellings within the development were not susceptible to flood risk. Notwithstanding the response, the Planning Authority formed the view that the proposed development would be contrary to policies INF POL 18 and INF POL 20 of the Meath County Development Plan, 2021 to 2027 and planning permission was refused for the proposed development.

3.2.2. Other Technical Reports

Transportation Department: Report received stating no objection subject to compliance with a condition. Updated Report on file also stating no objection subject to conditions.

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

Environment Department (Flooding): Report received requesting additional information with respect to the matters outlined above. Second report on file recommending a refusal of permission.

Housing Department: Report on file confirming that Part V has been complied with through the parent permission.

Chief Fire Officer: Report received stating no objection subject to compliance with

conditions.

3.3. Prescribed Bodies

Inland Fisheries Ireland: Report received which provided recommendations with respect to the construction phase of the development that should be taken into account as the site is located within the catchment of the Broadmeadow River, an important salmonid system with Brown Trout throughout and Salmon in the lower reaches.

Irish Water: No objection subject to conditions.

3.4. Third Party Observations

3.4.1. A total of 3 no. third-party observations were received by the Planning Authority during the prescribed period. Following the submission of an amended scheme by way of further information, a further 29 no. observations were received by the Planning Authority. The various issues raised in the observations can be summarised as follows:

- Concerns regarding traffic safety and access. Consideration should be given to the introduction of a 30km speed limit.
- Concerns regarding the construction phase of the development.
- Concerns regarding the adequacy of the site notice.
- Concerns regarding flood risk.
- Concerns regarding the density of development.
- It was considered that the duplex apartments were not in keeping with the character of the site and surrounding area.

4.0 Planning History

4.1. Appeal site.

4.1.1. **2172:** Application deemed to be withdrawn by the Planning Authority which sought consent for the construction and completion of development on part of approved site (Parent Planning Permission An Bord Pleanála PL. 17.210615 & Meath Co. Co. Reg. Ref DA/30397 and Reg. Ref. AA/150318 expired) of 29 no. dwellings and all associated works on serviced sites with vehicular and pedestrian access from existing internal estate road. The planning application was being submitted to enable the

completion of the development as approved under AA/150318. Further information was requested with respect to flooding issues. The application was deemed to be withdrawn following the non-receipt of the response to the request for further information.

4.1.2. **AA202080:** Extension of Duration of Planning Permission AA/150318 refused by the Planning Authority which originally permitted the development of 92 no. dwellings and all associated works on a site constructed under PL 17.210615 (reg. ref. DA/30397). The EOD was refused for the following reason:

- It is the policy of the Meath County Council Development Plan 2013-2019 (as varied) To have regard to the "Planning System and Flood Risk Management - Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) through the use of the sequential approach and application of the Justification Tests for Development Management and Development Plans, during the period of this Plan (WS POL 29) and 'To ensure that a flood risk assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the Planning System and Flood Risk Management - Guidelines for Planning Authorities" (DoEHLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to the potential development (WS POL 32).

The Site-Specific Flood Risk Assessment submitted by the applicant has been reviewed within the context of the aforementioned guidelines. The Flood Risk Assessment submitted by the applicant is not sufficiently detailed to enable an assessment of flood risks associated with the subject site as is required by the aforementioned guidelines. Therefore, the proposed development does not have sufficient regard to and is therefore not in compliance with policies WS POL 29 and WS POL 32 of the Meath County Development Plan (as varied).

4.1.3. **AA160017:** Application deemed to be withdrawn by the Planning Authority which sought consent for development on part of already approved site (approved Planning Permission Reg. Ref. AA/150318). The development consisted of the change of house types with vehicular and pedestrian access from existing internal estate road as previously approved. FI was sought by the Planning Authority on matters relating to

flood risk. The application was deemed to be withdrawn following the non-receipt of the response to the request for further information.

- 4.1.4. **AA150318:** Planning permission granted by the Planning Authority for development on part of already approved site (Parent Planning Permission An Bord Pleanála PL 17.210615 & Meath Co. Co. Reg. Ref. DA/30397). The development comprised the construction of 94 no. dwellings comprising 78 no. 2 storey, 3 bedroom semi-detached dwellings and all associated works. The development would result in a total no. of units within Archerstown Demesne of 136 (a reduction of 1 no. unit from that previously approved). Permission was Granted on 14th October 2015.
- 4.1.5. **DA130774:** Extension of Duration of Planning Permission DA/900743 granted by the Planning Authority on 22nd November 2013 (Expiry date 16/12/2018). DA/900743 permitted a change of house type for 108 houses and a creche from that was previously granted under reg. DA 30397 and later under DA 70388 for the following: The Elms no's 1-12 inclusive, no's 14-25 inclusive, 27-56 inclusive and no 26 the creche. The Beach no's 1-12 inclusive and no's 14-27 inclusive. The Oak's no's 1-12 inclusive and no's 14-29 inclusive.
- 4.1.6. **DA130773:** Extension of Duration of Planning Permission DA/101309 granted by the Planning Authority 20th November 2013 (Expiry date 16/12/2018). DA/900743 permitted a change of house type to that previously granted under planning reference DA/30397 (PL17.210615) and DA/900743 with revised site boundaries and site services.
- 4.1.7. **DA130316:** Planning permission granted by the Planning Authority for the change of house type that granted under Planning Ref. DA/101309. Permission was Granted on 17th October 2013.
- 4.1.8. **DA120431:** Extension of Duration of Planning Permission DA70388 granted by the Planning Authority on 4th July 2012. DA70388 permitted a change of house type with revised site layout to that previously granted under DA/30397.

- 4.1.9. **DA101309:** Planning permission granted by the Planning Authority for a change of house type to that previously granted under planning reference DA/30397 and PL.17210615 and DA900743 with revised site boundaries and site services. Permission was Granted on 17th October 2011.
- 4.1.10. **DA900743:** Planning permission granted by the Planning Authority for a change of house type for 108 houses and a creche from that previously granted under DA/30397 and later under DA 70388. Permission was Granted on 17th August 2009.
- 4.1.11. **DA70388:** Planning permission granted by the Planning Authority for a change of house type with revised site layout to that previously granted under DA/30397. Permission was Granted on 5th November 2007.
- 4.1.12. **DA30397 (ABP Ref. No. PL17.210615):** Planning permission granted by the Planning Authority and the Board for the construction of 119 no. residential units in mixed house types with all necessary roads, footpaths, services and a new site entrance. The development also included the provision of a childcare facility.
- 4.1.13. **01960 (ABP Ref. No. 17.131036):** Planning permission granted by the Planning Authority and refused by the Board for 18 no. two bed town houses, 4 no. three bed apartments, 40 no. three bed townhouses, 14 no. four bed detached dwellings with detached domestic garages, 24 no. five bed detached dwellings with detached domestic garages with all associated roads, footpaths & services as required. A creche facility was also provided within the development.

5.0 Policy Context

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

- 5.1.1. Ashbourne is identified as a Self-Sustaining Growth Town under the Meath County Development Plan (CDP), 2021-2027. The 'Vision' for Ashbourne as detailed in Section 3 of the town's 'Written Statement' is 'For Ashbourne to develop as a vibrant, modern and integrated town around a strong employment and service centre, where future growth builds upon the town's expansion and investment to support a sustainable, diverse and attractive settlement'.

5.1.2. Under Map 1(a) of the current CDP, the appeal site is attributed an A1 (Existing Residential) zoning, the objective of which is 'To protect and enhance the amenity and character of existing residential communities'.

5.1.3. Relevant Town Development Policies and Objectives (Section 7.0) include:

- **ASH POL 1:** To support the consolidation of development of Ashbourne which facilitates the provision of residential development and employment, retail, community, and recreational facilities in order to create a more compact and self-sufficient settlement.
- **ASH 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 Ashbourne as set out in Table 2.12 of the Core Strategy is not exceeded.
- **ASH OBJ 5:** To manage flood risk and development in Ashbourne in accordance with policies and objectives set out in section 6.10 of Volume 1 of the County Development Plan 'Surface Water and Flood Risk Management'.

5.1.4. 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 Ashbourne 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'*.

5.1.5. Table 2.12 of the Development Plan sets out the household allocation for the settlement of Ashbourne between 2020 to 2027 is 1,349 units.

5.1.6. 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’.

5.1.7. 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 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.

5.1.8. The following policies and objectives of the current Plan are of note and are relevant to the consideration of this appeal:

- **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.

5.1.9. 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.

5.1.10. Chapter 6 set outs the Plan’s Infrastructure Strategy and Section 6.10 of the Plan includes policies with respect to Surface Water and Flood Risk Management. The following policies are noted:

- **INF POL 18:** To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use

of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.

- INF POL 20: To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.
- INF OBJ 23: To protect and enhance the County’s floodplains, wetlands and coastal areas subject to flooding as “green infrastructure” which provide space for storage and conveyance of floodwater and ensure that development does not impact on important wetland sites within river/stream catchments.

5.1.11. Chapter 11 of the Development Plan sets out the Development Management Standards and the Land Use Zoning Objectives. Of relevance 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).

5.1.12. **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.

5.1.13. **Appendix 4 ‘Environmental Assessments, SEA, AA and SFRA**

- Section 3.1.10 states that Ashbourne is the subject of a flood alleviation scheme. The alleviation scheme design included re-modelling of the watercourses within Ashbourne and the pre-scheme flood mapping has been used in the consideration of the Flood Zones.
- Section 4.11 states that for any development proposal in an area at moderate or high risk of flooding, which is considered acceptable in principle, must demonstrate that appropriate mitigation measures can be put in place and that residual risks can be managed to an acceptable level.
- Section 4.11 states that flood mitigation measures should only be considered once it has been deemed 'appropriate' to allow development in a given location and that it will be predominantly relevant to existing developed areas as all other undeveloped sites in Flood Zone A have been re-zoned to a less vulnerable land use (unless subject to an extant permission). The Planning Guidelines do not advocate an approach of engineering solutions in order to justify a development which would otherwise be inappropriate.

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) 2023

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

5.7.1. There are no European designated sites within the immediate vicinity of the site. The watercourse to the south of the site is a tributary of the Broadmeadow River which flows to Malahide Estuary SPA (Site Code: 004025) and SAC (Site Code: 000205), and which are located c. 14km to the south-east of Ashbourne.

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 statement provides an overview of the proposed development and the policy that is considered relevant to the consideration of the appeal. A summary of the site's planning history is also provided. The grounds of appeal can be summarised as follows:

Flood Risk

- 6.1.2. The submission notes that in response to the Planning Authority's request to prepare a Justification Test, a revised Site Layout Plan was submitted at further information stage which demonstrated that all houses are now situated outside Flood Zones A and B as defined in the OPW CFRAM flood mapping and Meath County Council's flood mapping. In accordance with the Flood Risk Management Guidelines, the submission contends that a Justification Test is therefore no longer required as only the open space area falls within the zone. The submission notes that for lands within Flood Zone C, all development is considered 'appropriate', and a Justification Test is therefore not required. While it is accepted by the appellant that a portion of the site may be within Flood Zone A or B, this portion of the site in the revised site layout has been assigned to public open space use which is defined as 'water compatible development' in the Guidelines. It is therefore contended that the Planning Authority was incorrect in stating that a Justification Test was required.

Emergency Access

- 6.1.3. The submission acknowledges that a second concern raised by the Planning Authority related to the lack of access for emergency vehicles in the case of a flood event. It is highlighted that such access can easily be provided from the existing residential estate to the west of the application site. They go on to note that the subject site is not blocked

off from this roadway by any physical boundaries/obstructions and therefore alternative access to the west estate road is available further south, over the existing open space if required.

Long Established Principle of Development

- 6.1.4. While the lands have not been developed to date, the appellant notes that the site is zoned for residential development in the current and previous County Development Plans and is therefore long established. It is also highlighted that permission has been granted for development of houses on the subject site since 2006.

Original Site Layout

- 6.1.5. The appellant notes that a revised site layout in response to the request for further information was submitted which increased the number of units within the development from 29 to 40. However, it is noted that the Applicant prefers the original site layout of 29 dwellings on the basis that the application provides for the completion of an unfinished housing development. The appellant refers to the provisions of the Planning and Development Act 2000 (as amended), which states that "where an appeal is brought against a decision of a planning authority and is not withdrawn, the Board shall determine the application as if it had been made to the Board in the first instance and the decision of the Board shall operate to annul the decision of the planning authority as from the time when it was given." Having regard to the character and layout of the existing housing development which will be completed by the proposed development, it is contended within the submission that the original site layout of 29 houses better meets the needs of the proper planning and sustainable development of the area.

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. None.

6.4. Further Responses

None.

7.0 Assessment

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

- Zoning & Flood Risk
- Layout, Design & Density of Development
- Residential Amenity
- Access & Car Parking
- Appropriate Assessment

7.1. Zoning & Flood Risk

7.1.1. Planning permission is sought for the construction of a residential development on the appeal site. As noted in Section 2 of this report, the scheme originally comprised 29 no. detached and semi-detached houses and was amended at further information stage to provide a combination of apartments and houses across the appeal site (40 no. residential units in total). Under the current Plan, the site is located on lands A1 (Existing Residential). The objective of which seeks 'To protect and enhance the amenity and character of existing residential communities' and I note that residential development is a permitted in principle land use. Historically, the site formed part of a larger development which has since been constructed, with the appeal site comprising the remaining land parcel. The proposed development would therefore now allow for the wider scheme's completion. Overall, I am satisfied that the principle of development is acceptable at this location, whereby the proposal accords with the relevant zoning objective and is fully consistent with the pattern of development in the surrounding area.

7.1.2. Notwithstanding the foregoing, the Planning Authority's singular reason for refusal relates directly to flood risk on site. The Applicant had failed to apply the development management Justification Test as requested, nor had they submitted a Flood Risk Assessment of the development or provide sufficiently detailed information to enable an assessment of flood risks associated with the subject site. The proposal was therefore considered to be contrary to the Policy INF POL 18 and INF POL 20 of the current Plan and the Planning System and Flood Risk Management Guidelines (2009). Within the Applicant's supporting documentation, it is stated that the Applicant had an informal conversation with the overseer of the Ashbourne Flood Alleviation Scheme works (February 2022) prior to submission of the planning application. They go on to note that it was confirmed that the scheme works were substantially complete, and it will significantly reduce long term flood extents and should therefore remove the subject site from Flood Zones A & B. The Applicant also noted that the proposed FFL of all houses within the subject site have been raised a further 150mm, thereby further safeguarding all properties within the development. I note that the site has an extensive planning history and in recent years, an Extension of Duration (EOD) (Ref. No. AA202080) has been refused and applications have been deemed to be withdrawn (Ref. Nos. 2172 & AA160017) by the Planning Authority. As detailed in Section 4 of this report, the EOD was refused for reasons relating to the inadequacy of the Applicant's Site-Specific Flood Risk Assessment (SSFRA). In addition, the 2 no. applications referenced above were also deemed to be withdrawn following non receipt of a response to the request for further information. In both cases, the Planning Authority raised concerns with respect to flooding and more detailed information was requested by way of further information.

7.1.3. The Flood Risk Guidelines set out a risk-based sequential approach to managing flood risk in the assessment of development proposals, which is outlined as follows:

1. Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;
2. Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of

flood risk; and,

3. Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

Ashbourne has a history of flooding with incidents identified in the area in 1986, 2002 and 2014 on the Office of Public Works (OPW) Flood Hazard Mapping website (www.floodinfo.ie). The 2014 Flood Event affected Hunters Lane and Ashwood Lane to the north-west of the appeal site. I note that site itself has no history of flooding. The Ashbourne Flood Alleviation Scheme ('Ashbourne FAS') was commissioned to address these flooding issues and the scheme included the construction of an overflow weir to divert flow to the Broadmeadow River and the improvement of channel and culvert capacity along Channel C1/7 of the Broadmeadow and Ward Scheme. The OPW website confirms that the Flood Alleviation Scheme was completed in 2022.

- 7.1.4. Within their grounds of appeal, the appellant contends that the Planning Authority were incorrect in their assessment of the proposal as all dwellings within the development were proposed to be located within Flood Zone C. The Applicant submitted a revised Site Layout Plan which demonstrated that all dwellings within the development fell outside Flood Zone A & B, and it is argued that there was therefore no obligation to carry out a Justification Test for the proposal. For lands within Flood Zone C (Low Probability of Flooding), the Flood Risk Guidelines indicate that development in this zone is appropriate from a flood risk perspective (subject to assessment of flood hazard from sources other than rivers and the coast) but would need to meet the normal range of other proper planning and sustainable development considerations.
- 7.1.5. When examining the CFRAM maps and the flood mapping for Ashbourne contained within Section 5.2 of the current Plan's Strategic Flood Risk Assessment, Flood Zone A & B covers the estate road serving The Beaches development to the site's west and also the junction of The Beaches and The Oaks to the north-west of the site. The Flood Zones then bisects the public open space area and continues in a south-easterly direction. I note that the Applicant's amended Site Layout Plan (Drawing No. D1036 – 2120) does not show the full extent of the predicted flood zones and only depicts the extent of flooding in the north-western corner of the site and on lands further to the north-west. Table 3.1 of the Flood Risk Guidelines outline the 'vulnerability of different

types of development'. The proposed development is residential in nature and, therefore, is classified as 'Highly Vulnerable Development'. The Applicant considered the open space area which appears to fall within Flood Zone A & B, to be a less vulnerable use and, therefore, did not consider it necessary to carry out a Justification Test for the development. This would not have been the case with the initial iteration of the development as originally submitted as a number of dwellings in the north-western corner of the site would have fallen within an area of the site that was susceptible to flood risk. Whilst I accept that only the open space area would appear to fall within an area that is susceptible to flooding (i.e. Zone A & B), the access road serving the proposed scheme is intrinsically linked to the residential element of the development and, therefore, should also be classified as highly vulnerable. Although located outside the boundary of the appeal site, the estate roads leading to the site are located in Flood Zone A or B and it is therefore my view that a Justification Test is required in accordance with the Flood Risk Guidelines.

- 7.1.6. Given the planning history of the site and the legacy of concerns being raised with respect to the potential for flood risk on site, it is unclear why the application was not supported by a SSFRA. In the absence of an SSFRA, I am not satisfied that the development can be assessed against the Justification Test criteria set out in Box 5.1 of the Flood Risk Guidelines. In this regard, it is my view that the proposal has the potential to be prejudicial to public health and would constitute a risk to people and property and should therefore be refused permission.
- 7.1.7. Within their assessment of the application, the Planning Authority also advised the Applicant to fully investigate an alternative means of emergency access from the site to either the east, via Archerstown Road or to the west, via the existing residential estate road. This was opposed to solely being reliant on the existing means of vehicular access from the estate road to the north. Within their appeal submission, it is contended that such access can easily be provided from the existing residential estate to the west. The appellant notes that the site is not blocked off from this roadway by any physical boundaries/obstructions and alternative access to the west is available further south, over the existing open space. Notwithstanding this contention, it is reiterated that the open space area is bisected by the predicted flood zones and there

is also a linear depression within the open space area which would make it entirely unsuitable to serve as an emergency access route, particularly during a potential flood event. Given the access road serving the development has an abuttal with Archerstown Road to the east, the Applicant should give consideration in any future application to the feasibility of providing an emergency access route along this interface. It is also recommended that any future application be supported by a detailed SSFRA to allow for a robust assessment to be undertaken.

- 7.1.8. In summary, I consider that the proposed development, which is for a use that is highly vulnerable to flood risk, would be contrary to Policies INF POL 18 and INF POL 20 of the Meath County Development Plan, 2021 to 2027, would not be in accordance with the Flood Risk Guidelines, including the Justification Test and would therefore be prejudicial to public health. In this regard, the proposed development should be refused permission for this reason.

7.2. Density, Layout & Design of Development

- 7.2.1. As discussed, the proposed development was amended at further information stage following concerns raised by the Planning Authority regarding the density of development being proposed. The Planning Authority calculated a net residential density of c. 25 units per ha. and referred in their assessment to the site's Outer Suburban/Greenfield location and the recommended density range of between 30 - 35 units per hectare (Net) provided in Appendix A of the Guidelines on Sustainable Residential Development in Urban Areas, 2009. The Planning Authority's request for further information noted that where it is considered that the residential density is excessively low and cannot be suitably justified, the Applicant was invited to present revised proposals for a suitably increased net residential density. Within their response document, the Applicant did not seek to justify the density as originally proposed and revised proposals were submitted which introduced 3 no. apartment blocks. This brought the total number of dwellings to 40 across the site, thereby resulting in a density of 40 units per ha. The revisions to the scheme were noted in the Planning Authority's assessment of the Applicant's response. However, the Planning Authority did not engage with the response in any meaningful way, so it is unclear whether they were satisfied with the Applicant's revised proposals.

7.2.2. I note that since the determination of the Planning Authority, the Guidelines on Sustainable Residential Development in Urban Areas, 2009 have been superseded by 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 Ashbourne (12,679 in 2016 Census as per Ashbourne Written Statement) and the site's location on the edge of the settlement boundary, the site would be classified as a 'Suburban' area, which refers to the low density car-orientated residential areas constructed at the edge of the town. 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 initial density of proposed development, it is evident that the proposal failed to comply with DM OBJ 14 of the current Plan and the recently adopted Compact Settlement Guidelines. I note that DM OBJ 14 encourages densities greater than 35 units per ha. in Self-Sustaining Growth Towns such as Ashbourne. Whilst the appeal submission confirms that the Applicant's preference is for the original site layout of 29 no. dwellings on the basis that it provides for the completion of an unfinished housing development, the proposal does not accord with the relevant policy provisions of the Plan as referenced above or the density ranges set out in the Compact Settlement Guidelines. It is also relevant to highlight that a number of dwellings within the original layout were located within an area of the site that is identified as being susceptible to flood risk and the application and appeal has not been supported by a SSFRA to allow for a detailed assessment to determine the suitability of the proposal.

7.2.3. In terms of the layout and design of the development, the modified scheme retained 8 no. pairs of semi-detached dwellings (House Type 1 - 4). All the conventional dwellings within the development are located within the eastern portion of the site and face the existing estate road and Archerstown Road further to the east. The exception to this is Dwelling No. 16 (House Type 3) which is orientated to the south. Each dwelling has

a double storey form with a pitched roof and a maximum height of c. 9.5m. The three (3) no. apartment buildings are located within the western portion of the site and are predominantly orientated to the west. Balconies are also provided on the first and second floor northern elevation of Block A and on the southern elevation of Block C, whereby passive surveillance is provided of the existing and proposed public open space areas. The apartment buildings have a gable sided pitched roof form with a maximum height of c. 12.9m. A varied palette of materials and finishes have been proposed comprising a combination of render, brick and composite timber cladding for the principal elevations with a tile finish being utilised for the roofs. I note that concerns were raised by Third Parties during the application stage regarding the scale and height of the proposed development and they formed the view that the development would be detrimental to the character of the site and the surrounding area. Notwithstanding these concerns, I am satisfied that 3 no. storey apartment buildings can be absorbed at this location and represent an acceptable graduation in height across the site. Overall, I am satisfied that the proposed development is acceptable in design terms, is generally consistent with the pattern of development in the area and would not detract from the visual amenities of the site and surrounds.

7.3. Residential Amenity & Open Space

- 7.3.1. In terms of the amenity of existing dwellings, there is a row of semi-detached and detached dwellings to the north of the appeal site on The Oaks. The rear amenity spaces of these properties have a direct abuttal with the northern site boundary. There are also 2 no. pairs of existing semi-detached dwellings to the west of the appeal site. The dwellings within The Beaches are located c. 75m further to the west of the site. As noted, Block A has a maximum height of c. 12.9m and a setback of between c. 11m and c. 24m is provided from the northern boundary, with a c. 20m setback provided to the properties to the west. Having regard to the overall scale, height and form of the proposed development and the setback of the proposed apartment blocks from the existing residences, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the vicinity of the site by reasons of overlooking, overshadowing, loss of daylight/sunlight or by being visually overbearing.

- 7.3.2. Whilst I am generally satisfied that the separation distances provided are adequate and the residential amenity of the adjoining properties to the north will be preserved, Dwelling No. 1 appears to be set back c. 1m from the shared boundary. The northern wall of this dwelling has a total length of c. 13m and the gable sided dwelling has a maximum height of c. 9.5m. Given the proximity of the dwelling to the northern site boundary, additional overshadowing of the immediately adjoining properties is likely to occur. Should a revised scheme be brought forward for the appeal site, consideration should be given to a revised house type at this location (for e.g. hipped or flat roof) and/or the provision of additional setbacks at first floor level.
- 7.3.3. In terms of the amenity of the proposed dwellings, the internal floor areas range in size from c. 119sq.m. to c. 140sq.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 typically have minimum lengths of c. 12m and floor areas that range from (c. 87sq.m. – c. 1195sq.m.). The exception to this is Dwelling Nos. 15 & 16 which have rear amenity areas with a floor area of 65sq.m. However, all dwellings 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/living/dining rooms, they are generously sized and will in my view provide a good standard of amenity to its future occupants.
- 7.3.4. In terms of the amenity of the apartments within the development, I note that their floor areas range in size from between 90sq.m. and 140sq.m for the 2 and 3 no. bedroom units. 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), dual aspect (SPPR 4) and minimum floor to ceiling heights (SPPR 5). Overall, the proposal is 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. Access & Parking

- 7.4.1. The proposed development will utilise the existing access road serving The Oaks and The Beaches residential estates. This estate road also connects to Milltown Road and Sycamore Drive to the south-west and north-west respectively. Concerns have been raised by Third Parties throughout the application stage regarding traffic safety associated with the proposed development. It is also highlighted within the submissions that consideration should be given to the introduction of a 30km speed limit. The Planning Authority's Transportation Department have reviewed the application and have raised no concerns with respect to car parking or site access. Suitable conditions have also been recommended in the event of a grant of planning permission. Having regard to the overall scale of the proposed development and the established pattern of development in the surrounds, I would concur with the Planning Authority, and I am satisfied that the proposed development would not represent a traffic hazard. I note that the introduction of traffic calming measures on the neighbouring estate roads and outside the application boundary is beyond the scope of this appeal.
- 7.4.2. In terms of car parking, a total of 82 no. spaces are proposed across the site. The dwellings are served by 2 no. in-curtilage car parking spaces with each space provided within the dwelling's front setback. For the apartments, new perpendicular on-street car parking is proposed. Each apartment is served by 2 no. designated spaces (48 no. spaces in total). The proposal also includes 6 no. visitor spaces. Given the quantum of car parking provided, the proposed development is in accordance with the prescribed standards set out in Section 11.9.1 of the current Plan and I am satisfied that the proposal will not result in undue car parking pressures. In addition, the proposal accords with SPPR 3 of the Compact Settlement Guidelines which prescribes a maximum standard of 2 no. spaces per dwelling in intermediate and peripheral locations. In terms of bicycle parking, a total of 67 no. spaces are proposed with an additional 9 no. visitor spaces. These appear to be provided in the form of 5 no. bicycle stores. Although the quantum of spaces complies with both the numerical standards set out Section 11.9.3 of the current Plan and SPPR 4 of the Compact Settlement

Guidelines, I note that no elevations or further details of the structures appear to have been included within the application documents. Notwithstanding this, I am satisfied that this matter could readily be addressed by way of condition in the event that the Board was minded to grant permission for the proposed development.

7.5. Appropriate Assessment

7.5.1. There are no European designated sites within the immediate vicinity of the site. The watercourse to the south of the site is a tributary of the Broadmeadow River which flows to Malahide Estuary SPA (Site Code: 004025) and SAC (Site Code: 000205), and which is located c. 14km to the south-east of Ashbourne. 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.

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

European Site	Conservation Objectives
Malahide Estuary SAC (000205)	<p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
Malahide Estuary SPA (004025)	<p>To maintain the favourable conservation condition of the qualifying interests.</p>

	<p>Qualifying Interests</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
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7.5.3. 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 project is limited in scale and extent and the potential zone of influence is seen to be restricted to the immediate vicinity of the proposed development. However, as mentioned above, there is an indirect pathway via the Broadmeadow River which flows to Malahide Estuary SPA (Site Code: 004025) and SAC (Site Code: 000205). I note that the application is not supported by any documentation regarding the scheme's proposals for the treatment and disposal of surface water on site. Whilst the Planning Authority's Water Services Department have raised no objection to the proposed development and have recommended standard conditions, I note that Inland Fisheries Ireland provided various recommendations within their report on file.

7.5.3.1. As part of their further information response, the Applicant noted that the IFI

submission referred to the potential pollution of the Broadmeadow River catchment during construction as a result of contamination of surface water. They go on to note that specific measures to prevent such contamination include:

- A construction management plan,
- Surface water settlement on site,
- Isolating concrete from local waters, installing and maintaining interceptors as well as compliance with environmental regulations.

I note that the submitted information is rather vague and the application is not supported by either a Construction Management Plan or a Construction Environmental Management Plan. No pollution control measures or best practice construction management measures have been set out by the Applicant. As noted, no details have been provided with respect to the scheme's surface water management strategy and/or its efficacy and it is unclear whether surface water from the development would be discharged to the stream to the south of the site as drainage drawings do appear to have been enclosed with the application.

7.5.3.2. Despite the physical distance between the subject site and nearest European Site, which is approximately 14km, and nature of the proposed development (residential development) within a serviced and suburban setting, I consider it appropriate to apply the precautionary principle in this case. In my opinion, it is not certain that significant effects will not affect a European Site and that the proposed development cannot be screened out at Stage 1. i.e., It should not be assumed that significant effects will not occur as a result of the proposed development, that there are reasonable grounds for concern and that risk cannot be excluded on the basis of the objective information available. The proposed development would therefore be contrary to HER OBJ 33 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. I note that this is a new issue for the Board's consideration as Appropriate Assessment was screened out by the Planning Authority. Should the Board be minded to grant permission for the proposed development, further information is recommended with respect to the Applicant's proposals (i.e. surface water drainage strategy, pollution control measures and/or best practice construction management measures etc.) to

determine whether the proposal could be screened out or if Appropriate Assessment is required. I note that any future application for the development of this site should address this issue.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. INF POL 18 of the Meath County Development Plan, 2021 to 2027 seeks 'To implement the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management...'. In addition, it is policy (INF POL 20) of the Plan 'To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009)'. This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.' The north-western corner of the site and the surrounding road network, upon which access to development site is reliant, are located within Flood Zone A and B. The application is not supported by a Site Specific Flood Risk Assessment nor has a Justification Test as set out in the Guidelines been carried out by the Applicant. In the absence of this information, the proposed development would be prejudicial to public health and would constitute a risk to people and property. In this regard, the proposed development would be contrary to Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009 and Policies INF POL 18 and INF POL 20 of the Meath County Development Plan, 2021 to 2027. 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

09/04/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315540-23		
Proposed Development Summary	Construction of 29 houses, car parking, landscaping and all associated site works.		
Development Address	Sites Nos. 5-33 inclusive, The Oaks, Archerstown Demesne, Milltown, Ashbourne, 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:** 09th April 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315540-23	
Proposed Development Summary	Construction of 29 houses, car parking, landscaping and all associated site works.	
Development Address	Sites Nos. 5-33 inclusive, The Oaks, Archerstown Demesne, Milltown, Ashbourne, Co. Meath.	
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.		
•	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 Ashbourne 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 		<p>No</p> <p>No</p>

significant cumulative considerations having regard to other existing and/or permitted projects?		
<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: 09th April 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)