



An
Bord
Pleanála

Inspector's Report

ABP-317754-23

Development	Construction of 81 houses and all associated site works.
Location	Gormanston Road, Stamullen, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22/1315
Applicant(s)	Dwellings Developments Stamullen II Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Dwellings Developments Stamullen II Limited
Observer(s)	Transport Infrastructure Ireland (TII)
Date of Site Inspection	31 st July 2024
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located c. 1km east of Stamullen town centre at the edge of the urban area. To the west the site is bound by The Grange residential development and a Gas Networks Ireland station, with associated road access. To the north and partially to the east it is bound by agricultural land. The site is also bound to the east by the M1 Motorway. To the south the site is bound by Gormanston Road.
- 1.2. The appeal site has a stated area of 3.7ha and is irregular in shape. It was formerly in use as agricultural land (tillage). There is a mains gas wayleave running under the southern and eastern portion of the site. The sites boundaries comprise a mature hedgerows and fencing. There is an existing agricultural access to the site from Gormanston Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 81 no. houses (8 no. 2-beds, 59 no. 3-beds and 14 no. 4-beds), a new site entrance, public open space, 166 no. car parking spaces, and all associated works to facilitate the proposed development.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for 2 no. reasons. These are outlined below:

1. It is an objective (STA OBJ 19) of the Stamullen Written Statement (of the Meath County Development Plan, 2021 – 2027) which seeks *‘to facilitate vehicular access to / from the town to commercial and employment uses on lands identified with an E2 ‘General Enterprise & Employment’ and E3 ‘Warehousing & Distribution’ land use zoning objective which would serve, inter alia, Stamullen town and access to the M1 Motorway interchange’.*

It is considered the proposed access road has not been designed as a Link Street as required and as such would prejudice the delivery of objective STA

OBJ 9 of the Development Plan. Therefore, the proposed development, if permitted, would be contrary to the aforementioned development objective provisions of Meath County Development Plan 2021 – 2027 and thereby contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its layout has not provided a separate access to the agricultural lands to the east. This would lead to agricultural traffic and machinery travelling through a residential area thereby creating a traffic hazard. Therefore, the proposed development, if permitted, would endanger public safety by reason of a traffic hazard, and thereby contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report dated 25th November 2022 raised some concerns regarding the proposed development and requested that 5 no. items of further information be sought. These are summarised below:

1. Transportation Section requirements
 - (a) A revised site layout plan showing a Link Road as per Objective STA OBJ 9.
 - (b) A Traffic and Transport Assessment
 - (c) A revised DMURS statement including a Road Safety Audit.
 - (d) details of car parking and bin storage within the curtilage of each house.
 - (e) Turning bays in accordance with 'Recommendations for Site Development Works for Housing Areas'.
 - (f) Tactile Paving in accordance with 'Traffic Management Guidelines'.
 - (g) A separate entrance to retained agricultural lands.
2. Water Services requirements
 - (a) Details of surface water run off rates.
 - (b) Details of flow control device and associated chamber

- (c) Revised design to ensure adequate cover is achieved on all surface water pipes in roads.
 - (d) Justify the requirement for a 525 diameter pipe size from MH S18 to S 26.
 - (e) Concerns the attenuation system is under sized. provide a breakdown of the impermeable and permeable areas.
 - (f) Submit revised surface water attenuation system.
 - (g) Relocate Class 1 petrol / oil separators upstream of the proposed attenuation system.
 - (h) Demonstrate that finished floor levels are a minimum of 500mm above the on site drainage system and adjacent river.
 - (i) Details of the capacity of the existing surface water drain.
3. Address the submission from Transport Infrastructure Ireland (TII)
 4. Address all third parties submissions.
 5. If the above results in significant changes, there may be a requirement to readvertise the proposed development.

The further information response was received on the 2nd June 2023. It was considered to be significant and revised notices were published / erected.

The planners report dated 12th July 2023 considers that all items of further information were not adequately addressed and recommended that permission be refused for 2 no. reasons, as outlined above.

3.2.2. ***Other Technical Reports***

Public Lighting Section: Email dated 17th October 2022 raise no objection subject to a condition to agree the final details of the proposed public lighting.

Housing Section: Note dated 18th October 2022 states that Part V to be met by the delivery of units on site.

Water Services: Report dated 21st October 2022 recommended that further information be sought. This is reflected in the FI request summarised above.

Broadband Officer: No objection subject to conditions.

Fire Services Department: Report dated 9th November 2022 raised no objection in principle.

Transportation Section: Report dated 23rd November 2022 recommended that further information be sought. This is reflected in the FI request summarised above. The report dated 27th June 2023 considered that the items of further information has not been adequately addressed and recommended that permission be refused for 2 no. reasons, which are reflected in the reasons for refusal outlined above.

3.3. Prescribed Bodies

Uisce Eireann: Report dated 6th October 2022 raised no objection subject to standard conditions.

Transport Infrastructure Ireland (TII): Report dated 7th October 2022 considered that the proposed development is at variance with official policy in relation to control of development on / affecting national roads, as outlined in Spatial Planning and National Roads Guidelines, as the proposed development by itself or by the precedent it would set would adversely affect the operation and safety of the national road network.

It is recommended that clarity is required with regard to the following: -

- Insufficient data has been submitted to demonstrate that that the proposed development would not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- A Traffic and Transport Assessment is required to assess the potential impacts.
- The scheme includes a road proposal which may in the future expect to provide access to lands to the north of the site. Any provision of a new vehicular link from Stamullen to the M1 Dublin to Belfast motorway at Junction 7, would adversely affect the strategic role and function of the national road and be at variance with national policy for the following reasons: -
 - The proximity to the M1.

- The development would facilitate a direct connection from the settlement of Stamullen and its hinterland to the motorway network, creating an unsustainable reliance upon the M1 for locally generated traffic movements.
- Lack of justification for the development.
- Previous decisions of An Bord Pleanála.

Report dated 16th June 2023 notes that the Authority's position remains the same.

3.4. Third Party Observations

8 no. third party submission were received by the planning authority. The majority of the submissions raised no objection in principle to the provision of a residential development on the appeal site. The concerns raised are summarised below:

- Negative impact on existing residential amenity in terms of loss of privacy and overshadowing.
- Traffic hazard.
- Surrounding road network is at capacity. There is a lack of public transport.
- Stamullen village is at capacity. There is a lack of social infrastructure to accommodate a residential development of this scale.
- Loss of hedgerows / negative impact on biodiversity.
- Negative impact on capacity of existing water, wastewater and electricity infrastructure.
- Noise from the motorway would negatively impact on future residents.
- Requirement for public art within the site.

4.0 Relevant Planning History

Appeal Site

Reg. Ref. SA/901417: Permission was refused in 2009 for the construction of a new access road along the sites western boundary. The reason for refusal states: -

The proposed road is considered to represent haphazard and non-integrated form of development which would materially contravene the overall specific objective STA 10 section (b) for the area which seeks ‘the delivery of vehicular access from the Gormanstown Road to the industrial zoned lands to the north through the 3.02 ha tract of land to the east of Stamullen village’. The proposed road would represent an inefficient road network which would not realise the overall roads objective for the East Meath Local Area Plan 2005 and as such would be contrary to proper planning and sustainable development of the area.

Surrounding Sites

ABP. 301284-18, Reg. Ref. AA/170598: Permission was refused in 2019 for the construction of a 232m link road between the distributor road within City North Business Campus and the distributor road provided to serve a residential development permitted under Reg. Ref. AA/170505. The road would provide direct access from Gormanstown Road to the Business Campus via this residential estate. The proposed road is located c. 300m west of the appeal site.

The reason for refusal states: -

‘Having regard to the location of the proposed development in relation to the M1 motorway, a strategic route of European and national importance, to the nature of the proposed development which would facilitate a direct connection from the settlement of Stamullen and its hinterland area to the Motorway network, and to the absence of justification for the development in national and regional policy documents, the Board is not satisfied that the proposed development would not adversely affect the strategic role and function of the national road network. The proposed development would, therefore, conflict with policies to protect investment in national roads, as set out in the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in January, 2012, and be contrary to the proper planning and sustainable development of the area’.

ABP. 313292-22, Reg. Ref. 22/51: Permission was refused in 2023 for 99 no. residential units and a childcare facility c. 1km south west of the appeal site. The 2 no. reasons for refusal are as follows: -

1. The site is located in an area zoned 'Rural Area' with objectives CS OJJ 1 and SH OBJ 1 in the Meath County Development Plan 2021-2027. The Board considers that the proposed development would materially contravene the zoning objective, as set out in the plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, which includes a proposal to provide a temporary wastewater treatment plant discharging to the public sewer, is considered to be premature having regard to the existing deficiencies and inappropriate treatment facilities for the village pending the upgrade works to the Stamullen Wastewater Treatment Plant and related connection to a new network connection to the Balbriggan Wastewater Treatment Plant. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Meath County Development Plan 2021 - 2027

The majority of appeal site is zoned A2 New Residential with the associated land use objective to provide for new residential communities with ancillary community facilities as considered appropriate. The eastern portion of the appeal site is zoned F1 Open Space with the associated land use objective to provide for and improve open space for active and passive recreational amenities

There is also a Roads Objective along the western boundary of the appeal site.

Stamullen is identified as a Self-Sustaining Town in the settlement hierarchy. Self-Sustaining Towns are described as towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self sustaining.

Section 2.10.4 notes that Stamullen had a population of 3,361 in 2016. It is envisioned that the population will increase by 500 persons to 3,861 by 2027. The Core Strategy sets out a household allocation of 290 no. units for Stamullen up to 2027.

Volume 2 of the plan sets out written statements and maps for settlements in the County. The written statement for Stamullen notes that the town has developed as a commuter settlement, primarily due to its proximity to Dublin and associated road and rail links via the M1 Dublin-Belfast Motorway and Gormanston Rail Station.

The development of Stamullen has been influenced by the Delvin River to the south and the motorway to the east, which has resulted in the town development being concentrated on the northern side of the Gormanston Road. The City North Business Park is an important location for employment in the area however connectivity between the town and the Business Park is an issue due to the absence of a direct road link.

Although served by Junction 7 of the M1 Motorway, there is no direct connection into the town from the motorway. It is an objective of the plan to advance the possible upgrading of M1 Junction 7 to improve its capacity inclusive of the facilitation of vehicular access to / from Stamullen via the City North Business Campus to the M1 Interchange.

The following policies and objectives specifically relating to Stamullen are considered relevant.

STA POL 1: To promote the sustainable growth of Stamullen and consolidate its role as a Self-Sustaining Town and local service centre.

STA OBJ 8: To facilitate vehicular access to / from the town to commercial and employment uses on lands identified with an E2 'General Enterprise & Employment' and E3 'Warehousing & Distribution' land use zoning objective which would serve, inter alia, Stamullen town and access to the M1 Motorway interchange.

The following development plan policy and objectives are considered relevant:

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 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 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.

DM OBJ 14: The following densities shall be encouraged when considering planning applications for residential development:

- Residential Development Beside Rail Stations: 50 uph or above
- Regional Growth Centres/Key Towns: (Navan/Drogheda) - 35-45 uph
- Self-Sustaining Growth Towns: (Dunboyne, Ashbourne, Trim, Kells): greater than 35uph • Self-Sustaining Towns: 25uph - 35uph
- Smaller Towns and Villages: 25uph - 35 uph
- Outer locations: 15uph – 25uph

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.

Chapter 2: Core Strategy, Chapter 3: Settlement and Housing Strategy, Chapter 5 Movement Strategy, Chapter 6: infrastructure and Chapter 11 Development Management Standards and Land Use Zoning Objectives are also considered relevant.

5.2. *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031*

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

5.3. ***National Planning Framework***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

Section 3.2 notes the importance of the Dublin-Belfast Economic Corridor and to the high levels of population growth in the region in the last 20 years. For the Mid-East region, it refers to the importance of a more balanced and sustainable pattern of development in the future, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth. It states that housing development should therefore be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than on unsustainable commuting patterns. Priorities for the region include enhanced emphasis on measures to promote self-sustaining economic and employment-based development opportunities.

Section 8.3 Recognises the importance of the Dublin-Belfast Corridor as the largest economic agglomeration on the island and the national entry point to the island through its ports and airports. Policies seek to support and promote the development of the corridor and key settlements within it and to improve and protect key transport corridors such as the TEN-T network and the strategic function of the Dublin to Belfast road network from unnecessary development and sprawl.

Relevant Policy Objectives include:

- National Strategic Outcome 2 – Seeks to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes

in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 73c – Requires planning authorities and infrastructure delivery agencies to focus on the timely delivery of enabling infrastructure to priority zoned lands in order to deliver planned growth and development.

5.4. *Spatial Planning and National Roads Guidelines for Planning Authorities*

These section 28 Guidelines refer to the primary purpose of the national road network *‘to provide strategic transport links between the main centres of population and employment, including key international gateways such as the ports and airports and to provided access between all regions’*. The document states that considerable investment has been made in the national road network, including along the Dublin-Belfast corridor connecting the Republic and Northern Ireland. It states that having made this investment it is important that the efficiency, capacity and safety of the road network is maintained. Key principles of the policy document include that land use and transportation policies be integrated, to minimise the need for travel, and that development be plan led.

Section 2.7 refers to development at national road interchanges or junctions and states that *‘planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and*

interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users’.

It further states that ‘*in certain circumstances, additional junctions, or enhancements to existing junctions on national roads, may become necessary to service development needs of national and strategic importance or in cases where a proposed development is demonstrated by the planning authority to be more appropriately located proximate to such junctions’.* The criteria includes:

- Need for additional connectivity by reference to national/regional policy documents,
- Consistency of Development Plan with these national/regional policy documents,
- Early identification of strategic land uses through the plan making process,
- Demonstration that all other options for servicing development needs have been examined,
- Ensuring that additional traffic loading can be accommodated at the junction concerned and on the national road network,
- Ensuring that the development will not give rise to an undesirable precedent for further traffic generating development at or in the vicinity of the development,
- Compliance with design standards,
- Details of demand management measures, and
- Funding.

5.5. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, 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

5.6. **Other Relevant Guidance**

- Design Manual for Urban Roads and Streets, 2013

5.7. **Natural Heritage Designations**

The appeal site is not located within or adjacent to a designated site. the nearest designed site is the River Nanny Estuary and Shore SPA, located c. 3km north east of the appeal site.

5.8. **EIA Screening**

5.8.1. An EIA Screening Report was submitted as Appendix 4 of the Planning Report.

5.8.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.8.3. The proposed development is to for the construction of 81 no. houses on a 3.7 ha site. The site is located in the urban area (other parts of a built-up area) and is, therefore, below the applicable threshold of 10ha. There are no excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would

use the public water and drainage services of Uisce Eireann and Meath County Council, upon which its effects would be marginal.

- 5.8.4. Given the information submitted by the applicant, having carried out a site visit on the 31st July 2024 and to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, I am satisfied that 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal relate to the 2 no. reasons for refusal and are summarised below.

Reason 1: Objective STA OBJ 9

- The proposed development is fully compliant with Objective STA OBJ 9. A 5.5m wide street has been provided in a north south direction through the site. The objective does not specify that this street should be designed as a link road.
- A link road would need to be c. 6m - 6.5m in width, with cycle lanes, and would result in substantial changes to the scheme. This would reduce the density resulting in a poor urban design response, focused solely on vehicular traffic.
- The response to further information included detailed reference to the planning history in the Stamullen area.
- There are many reasons why this link road has not been provided to date. the primary reasons are set out in the reasons for refusal under ABP. 301284. There is no certainty around the future delivery of the objective to link Stamullen to the M1 at this eastern location.

- The site is bound to the north by agricultural lands. Therefore, it cannot provide a connection to the M1. There are no plans to develop this adjacent site.
- The provision of a link road within the scheme would likely be subject to an appeal by TII.
- Permission was refused for a link road at Silverbanks, which is a much more advantageous point further west. Should Meath County Council and TII agree to a connection to the M1 at a future date it is considered that the primary route would be via the permitted Arterial Street via Silverbanks.
- The proposed layout provides for housing backing onto existing housing.
- The layout does not preclude a future connection. A pedestrian / cycle link could also be provided at a future date.

Reason no. 2: Agricultural Access

- There is no conflict with maintaining the location of the agricultural entrance. Moving it would be unnecessary and it would bisect the public open space.
- The gate would be used c. 4 times per year by agricultural machinery, tractor, trailer etc or a jeep. The same street would be served by a refuse truck every 2 weeks.

The proposed scheme is fully compliant with policies and objectives of the development plan, and it is requested that the decision of Meath County Council be overturned.

6.2. Planning Authority Response

The correspondence and content of the first party appeal are noted. It is considered that all the matters raised have been addressed in the planner's report. It is requested that the Board uphold the decision to refuse permission.

6.3. Observations

An Observation was received from Transport Infrastructure Ireland (TII) which states that the authority's position is the same as that stated in the original submission to the planning authority dated November 2022 and reiterated in June 2023. Both previous

submissions are attached with the Observation. To avoid repetition, a summary of the submissions from TII are outlined in Section 3.3 above.

6.4. Further Responses

None

7.0 Assessment

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local / regional / national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Reason for Refusal no. 1 – Objective STA OBJ 8
- Reason for Refusal no. 2 – Agricultural Entrance
- Design Approach
- Residential Amenity

7.1. Reason for Refusal no. 1 – Objective STA OBJ 8

- 7.1.1. It is noted that both the planning authority and the applicant refer to Objective STA OBJ 9. However, this objective in the written statement for Stamullen as set out in Volume 2 of the development plan aims *‘to improve junction layouts within the town’*. It is my opinion that that the relevant Objective is STA OBJ 8 which aims *‘to facilitate vehicular access to / from the town to commercial and employment uses on lands identified with an E2 ‘General Enterprise & Employment’ and E3 ‘Warehousing & Distribution’ land use zoning objective which would serve, inter alia, Stamullen town and access to the M1 Motorway interchange’*. This is the objective that I refer to in my assessment below. I am satisfied that this is a minor error and does not materially affect my assessment.
- 7.1.2. The land use zoning maps indicate a road objective through the appeal site which would connect Gormanston Road, to the south of the site, to undeveloped lands zoned E3 Warehousing and Distribution immediately north of the appeal site. There is an

existing road network c. 120m north of the site's northern boundary. This road network serves and existing Circle K Service station, the City North Business Centre and access to the M1 (Junction 7).

- 7.1.3. At present Stamullen town centre is not directly connected to the M1 or the City North Business Centre or associated zoned lands. Access to these lands is via a circuitous route via Gormanston. Therefore, the aim of Objective STA OBJ 8 is to improve connectivity between the town and the commercial and employment land uses to the north of the town and the M1.
- 7.1.4. Having regard to the observation by Transport Infrastructure Ireland (TII) there is a conflict between Objective STA OBJ 8 and national policy in relation to the control of development on / affecting national roads, as outlined in Spatial Planning and National Roads Guidelines. The observation from TII considers that the proposed development by itself or by the precedent it would set would adversely affect the operation and safety of the national road network.
- 7.1.5. Section 2.7 of the Spatial Planning and National Roads Guidelines refers to development at national road interchanges or junctions and states that *'planning authorities must exercise particular care in their assessment of development / local area plan proposals relating to the development objectives and / or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users'*.
- 7.1.6. In addition, National Strategic Outcome 2 of the National Planning Framework seeks *to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements*. The need for additional connectivity to the motorway at Stamullen is not identified in the National Planning Framework or the Regional Spatial and Economic Strategy. Therefore, it is my view that the policy objective in the development plan to provide additional connectivity is not support by national or regional policy or by TII.

- 7.1.7. There is an additional road objective located c. 300m west of the appeal site. This objective is also to connect Gormanston Road to the undeveloped lands zoned E3 Warehousing and Distribution to the north, via the recently constructed Silverbanks residential development, permitted under ABP. PL17.237144, Reg. Ref. SA/0900975 and amended under Reg. Ref. AA/170505. The Silverbanks residential development was designed with a north-south distributor road, which connects Gormanston Road to the northern boundary of the Silverbanks development. This scheme also includes an east – west distributor road. Conditions 6 and 7 of the grant of permission (ABP. PL17.237144) required the provision of cycle and pedestrian connectivity to enterprise and employment lands to the north of this residential development. During my site visit on the 31st July 2024 it was noted that there is a pedestrian / cycle route provided along the northern boundary of the Silverbanks Residential development, which provides connectivity to the Circle K service station and wider City North Business Campus.
- 7.1.8. Permission was refused (ABP. 301284-18, Reg. Ref. AA/170598) in 2019 for the construction of a 232m link road from the northern boundary of existing north – south distributor road within the Silverbanks residential development and the southern boundary of the City North Business Campus. The reason for refusal considered that the proposed development would adversely affect the strategic role and function of the national road network and would, therefore, conflict with policies to protect investment in national roads, as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities.
- 7.1.9. Having regard to the observation by TII, and the recent refusal of planning permission for a link road (ABP. 301284-18, Reg. Ref. AA/170598), c. 300m west of the appeal site it is my opinion that the provision of a link road through the appeal site would adversely affect the strategic role and function of the national road network and would, therefore, conflict with policies to protect investment in national roads, as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities and National Strategic Outcome 2 of the National Planning Framework.
- 7.1.10. With regard to the proposed development, the layout provides for a c.5.5m wide road from the site's southern boundary with Gormanston Road to the site's northern boundary with existing agricultural lands, which are zoned E3 Warehousing and

Distribution. The applicant notes that Objective STA OBJ 8 does not specifically state that there is a requirement to provide a link road and that the proposed layout provides for a north – south vehicular route through the site, which is in accordance with the provision of Objective STA OBJ 8. I agree with the applicant that the objective does not specify the nature of the road to be provided. Therefore, it is my view that the proposed 5.5m wide road is in accordance with the provisions of Objective STA OBJ 8 as it provides a section of road that would provide a *vehicular access to / from the town to commercial and employment uses on lands identified with an E2 ‘General Enterprise & Employment’ and E3 ‘Warehousing & Distribution’ land use zoning objective which would serve, inter alia, Stamullen town and access to the M1 Motorway interchange’.*

7.1.11. I also agree with the applicant that the existing north-south distributor road within the Silverbanks residential development, c. 300m west of the appeal site could potentially provide future connectivity between Stamullen and the M1, if required at a future date by TII and or national / regional policy.

7.1.12. It is also my view that connectivity between the town centre and the commercial and employment land uses to the north of the town could be improved by cycle and pedestrian links through lands to the north of the appeal site, which are outside of the applicants ownership.

7.2. Reason for Refusal no. 2 – Agricultural Entrance

7.2.1. The planning authority’s second reason for refusal considered that the layout, which does not provide for a separate access to the agricultural lands to the east would create a traffic hazard, as agricultural traffic and machinery would be required to travel through a residential area.

7.2.2. There is an existing agricultural entrance to the appeal site at its southern boundary with Gormanston Road. It is proposed to upgrade this entrance to provide a single access point to the proposed residential development and the agricultural lands to the east, both of which are within the ownership of the applicant.

7.2.3. The remaining portion of the site’s southern boundary and the southern boundary of the agricultural lands to the east are set back c. 11m from their southern boundary with Gormanston Road. There is a linear strip of mature hedgerow and a metal crash

barrier between the appeal sites southern boundary and Gormanston Road. This linear strip is outside of the applicant's ownership and therefore, there is no additional potential access from the site's southern boundary. The site is also land locked to the north, east and west. Therefore, the existing entrance is the only potential vehicular access to the appeal site and the agricultural lands to the east.

- 7.2.4. The proposed layout provides for a 5.5m wide agricultural access to the adjacent agricultural lands, at the site's eastern boundary, at the south-eastern corner of the appeal site. Access to the agricultural lands is proposed via a c. 80m long east – west internal road, c. 5.5m in width. The proposed layout includes 8 no. dwellings on the northern side of the access road and an area of public open space on the southern side of the road. There is a 2m wide footpath on the northern side, adjacent to the proposed houses.
- 7.2.5. The applicant states that there is no conflict as that the gate would be used c. 4 times per year by agricultural machinery, tractor, trailer etc or a jeep. The same street would be served by a refuse truck every 2 weeks.
- 7.2.6. Having regard to the design and layout of the scheme, the current use of the agricultural land as a tillage farm, the relatively limited size of the agricultural lands (c. 0.7ha) and to the information provided by the applicant regarding the estimated number of vehicular trips by farm machinery to and from the agricultural lands through the appeal site, I am satisfied that the location of the agricultural entrance would not endanger public safety by reason of a traffic hazard and should not form the basis of a reason for refusal.

7.3. *Design Approach*

- 7.3.1. As outlined above, it is my opinion that the reasons for refusal are unwarranted in this instance. Therefore, it is considered appropriate that the design approach to the scheme be assessed. It is noted that some concerns were raised in the third-party submissions to the planning authority regarding the design and layout of the proposed scheme and its impact on residential amenity, however, the Board may consider this to be a new issue.
- 7.3.2. In the interest of clarity my assessment relates to the scheme submitted by way of further information on the 2nd June 2023.

Density

- 7.3.3. Stamullen is identified in the settlement hierarchy as a Self-Sustaining Town, with a population of 3,361 persons in 2016. Objective DM OBJ 14 of the development plan recommends a density of 25uph - 35uph for Self-Sustaining Towns and the Compact Settlement Guidelines sets out a density range for of 25uph to 40uph for sites at the edge of a Small to Medium Sized towns (population 1,500 – 5,000). Excluding lands zoned for open space, the appeal site has a net developable area (excluding the area zoned for public open space) of 2.98 ha. Therefore, the scheme has a net density of c.27 uph. This is in accordance with both the provisions of Objective DM OBJ 14 and the Compact Settlement Guidelines.

Design and Layout

- 7.3.4. The proposed scheme comprises the construction of 81 no. 2-storey houses on a 3.7ha site. The houses are laid out in a traditional grid pattern, with 3 no. blocks and a row of houses at the sites western boundary with The Grange residential estate. There is a large area of public open space in the north-east corner of the site, on lands generally zoned for public open space and 3 no. smaller pocket parks located between the residential blocks. It is noted that the 2-storey corner units (House Type B, C1 and G) are designed as dual aspect corner units, which allows for passive surveillance of streets and public spaces. This design feature is welcomed. I have no objection to the proposed layout and consider it appropriate at this suburban location.
- 7.3.5. The 81 no. houses comprise 8 no. (10%) 2-bed houses, 59 no. (73%) 3-bed houses and 14 no. (17%) 4-bed houses. The scheme includes 8 no. house types ranging from an 86sqm 2-bed unit mid terrace house to a 159sqm detached 4-bed house. I am satisfied that the unit mix is appropriate at this location and in accordance with the provisions of SH POL 5 to secure a mix of housing types and sizes.
- 7.3.6. The Housing Quality Assessment submitted with the application indicates that all houses reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines.
- 7.3.7. The houses have a similar design approach with varying elevational treatments. The external materials comprise a render finish with selected elements of grey sandstone

cladding. I have no objection to the proposed elevational treatments and consider that the variation in house style results in a visually interesting scheme which aids with legibility and placemaking. To ensure a high-quality finish it is recommended that a condition be attached to any grant of permission that the final details of the external finishes be agreed with the planning authority.

- 7.3.8. Section 7.7.12.1 of the development plan notes that public art can assist in developing a sense of place and provide an identity and character to a community that is distinctive and unique. This is supported by Objective DM OBJ 38, which requires that all proposals for residential developments over 75 units shall incorporate works of public art. The proposed scheme does not appear to incorporate a piece of public art. However, I am satisfied that this could be addressed by of condition.

Open Space

- 7.3.9. Drawing no. D-132-RFI-SL-PR-102 states that a total of 9,605sqm of public open space is proposed within the overall site, which equates to 26% of the total site area. Objective DM OBJ 26 requires that for residential developments a minimum of 15% of total site area be provided as public open space. It also clarifies that this quantum excludes lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity. A total of c. 3,442sqm of public open space is located on lands zoned for residential uses (2.98ha) This equates to 12% of the net developable area. Therefore, the proposed provision of public open space does not comply with the provisions of Objective DM OBJ 26, as the provision of public open space is less than 15% of the total site area. It is noted that the planning authority's report raised no concerns regarding the quantum of public open space and considered that c. 26% of the site was being provided as public open space.
- 7.3.10. Policy and Objective 5.1 of the Compact Settlement Guidelines requires a minimum of 10% of the net site area to be provided as public open space, save in exceptional circumstances. I am satisfied that the provision of public open space within the proposed scheme is in accordance with the requirements of the Compact Settlement Guidelines.
- 7.3.11. As the proposed provision of public open space does not comply with the provisions of Objective DM OBJ 26, as the provision of public open space is less than 15% of the

total site area and may be considered to be a material contravention. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.3.12. Taking each of these in turn I conclude:

- (i) While I note the development of the site would support compact growth, the proposed development of 81 no. houses would not in my view be considered of national or strategic importance.
- (ii) There are no conflicting objectives, and all objectives are quite clear in the development plan.
- (iii) Policy and Objective 5.1 of the Compact Settlement Guidelines requires a minimum of 10% of the net site area to be provided as public open space, save in exceptional circumstances. The proposed layout provides for 12% of the total developable site area (2.98 ha) as public open space. I am satisfied that the provision of public open space within the proposed scheme is in accordance with the requirements of the Compact Settlement Guidelines.
- (iv) The pattern of development and permissions granted in the area since the making of the development plan do not suggest a predisposition to granting

permission for residential developments with an under provision of public open space.

7.3.13. Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to material contravene Objective DM OBJ 26 of the Meath County Development Plan 2021-2027, would be justified in this instance under sub sections (iii) having regard to Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024.

7.3.14. Overall, I have no objection to the quantum of public open space. However, if permission is being contemplated it is recommended that a condition be attached that the final details of play spaces and seating areas, to be provided within the areas of public open space, be agreed with the planning authority.

Childcare Facility

7.3.15. Section 3.3.1 of the Childcare Facilities Guidelines states that in relation to new housing areas, a standard of one childcare facility providing for a minimum 20 no. childcare places per approximately 75 no. dwellings may be appropriate. This is a guideline standard and will depend on the particular circumstances of each individual site. It is not proposed to provide a childcare facility as part of the development. A Childcare Provision Report was submitted with the application, attached as Appendix 3 of the Planning Report and was also resubmitted by way of further information. The report which outlines the demographics of the area and existing childcare facilities within the area. The information submitted indicates that the proposed scheme is likely to generate a demand for 8 no. childcare spaces which could be accommodated within the existing 4 no. existing childcare facilities and 1 no. previously approved (AA170505) childcare facility within 1.5km of the appeal site. Having regard to the information submitted I am satisfied that there is no requirement to provide a childcare facility within the proposed development. It is also noted that the planning authority raised no concerns in this regard.

Residential Amenity

7.3.16. The proposed layout provides for a row of houses along the site's western boundary. The rear elevation of these dwellings would oppose the rear elevation of existing

dwellings with The Grange residential development. There is a minimum separation distance of 23m between directly opposing first floor rear windows. It is noted that the separation distance between proposed house no 81 and no. 2 The Grange is c. 16.5m. However, the rear elevation of the proposed house directly opposes the side elevation of the existing house. Having regard to the limited (2-storey) height of the proposed residential units, the separation distances between existing and proposed dwellings and the orientation of the scheme I am satisfied that it would not result in any undue overlooking or have an overbearing impact on any existing dwellings. No concerns were raised by the planning authority regarding a negative impact on existing residential amenity.

7.3.17. The internal layout of the proposed scheme is laid out in a grid pattern with a minimum of c. 22m separation distances between the rear elevations of the proposed dwellings. SPPR 1- Separation Distances of the Sustainable and Compact Settlement Guidelines requires a minimum separation distance of 16m is provided between opposing windows serving habitable rooms above ground floor level. I am satisfied that the proposed layout would not result in any undue overlooking within the proposed scheme.

7.3.18. A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance.

Conclusion

7.3.19. In conclusion, I am satisfied that the proposed scheme would result in the creation of a high-quality residential development that would provide a positive contribution to the

area and support the consolidation of the urban environment. Therefore, I have no objection to the proposed design approach and consider it represents a reasonable response to its context.

8.0 AA Screening

- 8.1. An AA Screening Report was submitted with the application.
- 8.2. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.3. The site is not located within or adjacent to a designated site. The closest designed site to the appeal site is the River Nanny Estuary and Shore SPA located c. 3km north of the appeal site.
- 8.4. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of 81 no. houses. The surrounding area is suburban in nature. The site is serviced by public water supply and foul drainage networks. The development site is located in an urbanised environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.
- 8.5. No concerns were raised in the appeal regarding the impact of the proposed development on any designated site.
 - 8.5.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
 - 8.5.2. The River Devlin is located c. 120m south of the appeal site. There is an existing drainage ditch in the north-east corner of the site that flows to a pipe under the M1 and towards the River Devlin and ultimately towards the Irish Sea. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Irish Sea due to the surface water pathway.
 - 8.5.3. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site. In the event that the pollution control and surface

water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the zone of influence from surface water run-off can be excluded given the distant and lack of a hydrological connection and the nature and scale of the development.

- 8.5.4. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note that the proposal would not generate any demands on the existing municipal sewers for surface water.
- 8.5.5. The foul discharge from the proposed development would drain via the public sewer to the Stamullen Wastewater Treatment Plant for treatment. The Stamullen WWTP is currently being upgraded to increase capacity. The works will convert the existing WWTP to a pumping station and all wastewater will be pumped to Balbriggan WWTP. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Irish Sea due to the wastewater pathway.
- 8.5.6. The subject site is identified for development through the land use policies of the Meath County Development Plan 2021-2027. This statutory plan was adopted in 2021 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Balbriggan WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Uisce Eireann raised no concerns in relation to the proposed development.
- 8.6. There are no excavation works proposed and no effects on groundwater are expected.
- 8.7. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between

the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

- 8.8. It is noted that the planning authority were satisfied that the development is unlikely by way or direct, indirect or secondary impacts, individually or in combination with other plans or projects to have any significant effect on any European Site.
- 8.9. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the sites zoning objectives, Section 2.7 of the Spatial Planning and National Roads Guidelines, National Strategic Outcome 2 of the National Planning Framework, the provisions of the Meath County Development Plan 2021-2027, to the sites location within an existing urban area, to the existing pattern of development in the area and to the nature and scale 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 not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- 1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further

plans and particulars received by the planning authority on the 2nd day of June 2023, 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. The landscaping scheme shown on drawing number 2239_LA001_Rev01 as submitted to the planning authority by way of further information on the 2nd day of June, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity

5. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the final details of play spaces and areas of public seating within the areas of public open space. All works shall be at the applicant's expense.

Reason: In the interest of residential amenity and place making.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

8. 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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

9. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety

12. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as

set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated

to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

16. 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.

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.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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 of 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Elaine Power
Senior Planning Inspector

1st August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317754-23			
Proposed Development Summary	Construction of 81 no. houses.			
Development Address	Gormanston Road, Stamullen, 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)		<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> 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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
<input checked="" type="radio"/> No			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		N/A		No EIAR or Preliminary Examination required
<input checked="" type="radio"/> Yes		10 (b)(i): Construction of more than 500 dwelling units		Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>		
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317754-23		
Development Summary	Construction of 81 no. houses.		
Examination			
		Yes / No / Uncertain	
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No	
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No	
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No	
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No	
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects.