



An
Bord
Pleanála

Inspector's Report

ABP-317866-23

Development	Construction of 24 dwellings, shop on ground floor, new entrance and bin store. Amendments to MCC Ref.TA190869
Location	Glebe (ED Rathmolyon), Rathmolyon, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	23590
Applicant	Laurem Construction Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with Condition
Type of Appeal	Third Party
Appellant(s)	Suzanne Brady.
Observer(s)	None.
Date of Site Inspection	11 th September 2024.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is in the village of Rathmolyon in Co. Meath, approximately 7km south of Trim and c8km north of Enfield. The site is situated at the eastern end of the village. It is a corner site to the southwest of the junction of the R156 Dunboyne to Mullingar regional road and R159 Trim to Enfield regional road. The R156, referred to as the Ballivor Road, is the main road that runs through the village in an east-west direction. St. Michael's and All Angels Church is situated to the east of the site, on the opposite side of the R159.
- 1.2. The site itself, has a stated area of 0.647ha (net), and is currently vacant. The lands are relatively flat and overgrown, save for an area of hard surfacing at the northern end. Observations during site inspection indicate that the site is used informally as a parking area. Site boundaries comprise a mix of native hedgerow and post and rail fencing.

2.0 Proposed Development

- 2.1. Permission has been sought for a mixed-use development comprising 23no. residential units and 1no commercial unit as follows:
 - 3 no. two storey two bed terraced houses to the Ballivor Road/Main Street,
 - 2 no. three bed apartments in terraced three storey building with 1 no. shop unit to ground floor to corner of Ballivor & Enfield Crossroad,
 - 1 no. one bed apartment on ground floor of three storey terraced building with duplex townhouse over and
 - 7 no. two & three storey terrace houses to Enfield Road,
 - 9 no. two storey semidetached & terraced houses accessed from Enfield Road.

The proposed scheme also includes for a new entrance onto Enfield public road, 1 no. bin store, associated access road, open space, landscaping & boundary treatment, pathways, car parking & ancillary site services.

- 2.2. The development is proposed as an amendment to a previous permission granted under Meath County Council Reference TA190869 for 28 residential units and 1

commercial shop unit (see section 4.0 Planning History for details). The proposed amendments are as follows:

- The omission of two blocks of 4no. one-bedroom apartments (8no apartments in total) on the Ballivor Road end and their replacement with 3no. terraced houses.
- An alteration to site boundary at the northeastern corner of the site (at the location of the omitted apartment blocks). Revised boundaries to be treated with a 2m high wall plastered to match the proposed buildings.
- Revisions to the existing pathway to the rear of the terraced houses as per condition 7(a) of MCC Ref: TA190869, being a grass verge with trees in root bags planted along the pathway.
- Minor revisions to the service road, pathway and parking layout on the north end of the development to the rear of the apartments and terraced houses.
- Revisions to the gable wall of House No.13, being windows to façade and other minor revisions.

2.3. The development, if permitted, would see a reduction in the overall number of residential units on site from 28 to 23 as set out in the following tables:

Table 2.1 Housing Mix				
	Permitted -TA190869		Currently Proposed	
	No. of Units	%	No. of Units	%
2 Bed House	9	32	12	52
3 Bed House	3	11	3	13
4 Bed House	4	14	4	17
1 Bed Apartment	9	32	1	4
3 Bed Apartment	2	7	2	9
3 Bed Duplex Apt (Townhouse No.5)	1	4	1	4

Table 2.2: Site / Development Details		
	Permitted -TA190869	Currently Proposed
Site Area:		
Gross	0.879ha	0.8580ha
Net	0.666ha	0.6470ha
Gross Floor Area:		2340.8sqm
Residential:	unknown	2214.05sqm
Commercial:	126.75sqm	126.75sqm
No. of Units	29 comprising 28no. residential units and 1 commercial unit	24 comprising 23no. residential units and 1 commercial unit
Density	42dph (est. based on 28no units on site area of 0.666ha)	c37dph (excludes commercial floor area).
Access	Priority controlled 'T' Junction off the R159	As per TA190869
Parking	52no.spaces	47no spaces
Open space	1050sqm (15.75%)	990sqm (c15.3% of the site area)

2.4. The application is accompanied by:

- Confirmation of Feasibility from Uisce Eireann
- Engineering Report on Drainage and Water Supply

3.0 Planning Authority Decision

3.1. Decision

Meath County Council decided to grant permission for the proposed development subject to 15no. conditions. The conditions are standard in nature. The conditions attached to the Planning Authority's grant of permission are standard for a development of the nature proposed (amendment to a previously permitted residential / commercial scheme).

- Condition 2: States that the development shall comply with the conditions, requirements and expiry date of the parent permission TA190869 unless otherwise required.
- Conditions 4 and 5 address the issues raised by the Public Lighting and Transportation Departments.
- Conditions 7 and 8 relate to external finishes and boundary treatment respectively.
- Conditions 8 to 15 (inclusive) relate to the payment of development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Local Authority Case Planner (27/07/23) forms the basis of the Planning Authority's decision. The report has regard to the locational context and planning history of the site, to National and Local planning policy, to the third-party submissions and departmental reports received. The main issues raised in the assessment can be summarised as follows:

- The principle of the development has been established under MCC Ref: TA190869.
- The proposed amendments are considered acceptable and in accordance with MCDP Standards.
- The proposed scheme does not require Appropriate Assessment or EIA.

3.2.2. Other Technical Reports

- **Transportation:** - No objection subject to condition on bicycle storage for apartments. (Condition 5 relates)
- **Public Lighting:** Request further information on the design of public lighting. (Condition 4 relates)
- **Conservation Officer:** - No objections

- **Chief Fire Officer:** - notes the requirement for a Fire Safety Certificate and the need for the development to be designed and constructed in accordance with the recommendations of Technical Guidance Document B (Fire Safety).
- **Broad Band Officer:** - recommends condition re: the provision of Broadband infrastructure. *(Not included in PA decision, condition 8 of MCC Ref: TA190869 relates).*

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two third-party submissions were received. The issues raised are similar to those raised in the grounds of appeal which are summarised in section 6.1 below.

4.0 Planning History

MCC. Ref: TA190869 Permission originally sought for a mixed-use development comprising 25 residential units and 1 commercial shop unit with 2 no. new entrances on to public road proposed, 2 no bin stores, associated access roads, open spaces, landscaping pathways, car parking, & ancillary site services. The development was amended at RFI stage with permission ultimately granted (2020) for a mixed-use development comprising 28 residential units and 1 commercial shop unit with 1 no entrance etc. The development permitted is subject to 32 no conditions, *Condition 7(a) requires the submission of a revised landscaping scheme showing planting along the 2m high wall to the rear of dwellings facing the public open space.* In accordance with MCC e-planning system this permission is due to expire on the 5th of July 2025.

MCC Ref: TA802382 Permission granted (2008) for 3 no shop units with 2 no. one bed and 2 no. three bed apartments over on first and second floors, one bed apartment on ground floor of three storey building with duplex townhouse over and 7

no. two and three storey terrace houses to street facade, 13 no. two storey terrace houses in a courtyard accessed from Enfield Road and 12 no. two storey semidetached houses accessed from Church View Estate. There are 2 no. bin stores, associated access roads, pathways, car parking, removal of existing communal septic tank serving Church View Estate and connection to public sewer and ancillary site services

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027 (MCDP 2021-2027)

5.1.1. The original Meath County Development Plan 2021-2027, adopted on the 22nd of September 2021 was amended following adoption of Variation No. 1 & Variation No. 2 on the 13th of May 2024. This included amendments to the specific objectives for the village of Rathmolyon (Written Statement and Maps for Rathmolyon, Volume 2). The Meath County Development Plan 2021-2027(incl. Variations 1 & 2) is the operative plan for the area.

5.1.2. Settlement Hierarchy: Rural Settlement (Village).

5.1.3. Zoning: Rathmolyon has its own land use Zoning Map (Sheet No:32(a)). The site is zoned 'B1 – Commercial Town or Village Centre'. The objective for this area is to protect, provide for and/or improve town and village centre facilities and uses.

5.1.4. Density: (Sections 3.8.10 and 11.5.3)

In smaller Towns a density of up to 25 units/ha is considered appropriate whilst in Villages any development should take cognisance of the prevailing scale and pattern of development in the locality and the availability of public services.

DM POL 5: To promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged.

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

- Smaller Towns and Villages: 25uph - 35uph.
- Outer locations: 15uph – 25uph

5.2. Rathmolyon (Written Statement and Maps for Rathmolyon, Volume 2).

5.2.1. The village of Rathmolyon had a recorded population of 334 in 2016, the population of the village is expected to increase to 559 by 2026. As of the date of publication of the MCDP, the village had 80 committed units not yet built. This figure would include the 28no. units permitted under MCC. Ref: TA190869.

5.2.2. Vision: The vision for Rathmolyon over the lifetime of the Development Plan is to consolidate and strengthen the defined and attractive Village Centre, recognising the importance of conserving and enhancing the quality of the Village's built and natural environment, while catering for the needs of the community. A central tenet of this Plan will be the creation of a positive relationship with the rural hinterland.

5.2.3. Infrastructure: Rathmolyon is currently served by the Trim Water Treatment Plant and the Rathmolyon Wastewater Treatment Plant. There is currently capacity available in terms of water services.

5.2.4. Urban Design and Public Realm: Under the heading of Urban Design and Public Realm the appeal site is described as an opportunity site with the potential to enhance the village core and reinforce a sense of place.

5.2.5. It is the Policy of the Council to:

RATH POL 1 To promote the future development of Rathmolyon as a compact settlement centre with a pedestrian friendly environment, a variety of land uses and amenities while protecting the built and natural heritage and catering for the needs of all sections of the local community to ensure that the village develops in a sustainable manner and as an attractive place to live, work, recreate and visit.

5.2.6. It is an Objective of the Council to:

RATH OBJ 1 To support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

RATH OBJ 2 To consolidate the central area of the Rathmolyon village for commercial uses.

RATH OBJ 3 To promote a high quality mixed residential / commercial use development providing for continuation of the established building line on the main street and an extension of the footpath to the west side of the Enfield Road.

RATH OBJ 12 To require all new development proposals to consider and reflect the physical, social and environmental context of the village.

RATH OBJ 13 To enhance and improve the aesthetics of the village crossroads.

RATH OBJ 17 To preserve the character of the village and its setting by requiring that the height, scale, and design of any proposed development within the village and in the surrounding area should complement the character of the village and not diminish its distinctiveness of place

5.3. National Policy and Guidance

The following Planning Guidelines and Standards are of note:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (*Compact Settlement Guidelines*)
- Quality Housing for Sustainable Communities: Design Guidelines, 2007
- Section 28 Guidelines for Planning Authorities - Design Standards for New Apartments (July 2023) (*Apartment Guidelines*)

5.4. Natural Heritage Designations

The appeal site is not located on or within proximity to any designated site.

Rathmolyon Esker NHA is located approximately 0.4km to the northeast. The closest designated European site, the River Boyne and River Blackwater SAC lies c3km to the northwest. The River Boyne and River Blackwater SPA lies a further c1.5km to

the northwest. No direct pathways between the site and the Natura 2000 network have been identified.

5.5. EIA Screening

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

This is a third-party appeal against the decision of Meath County Council to grant permission for development at Rathmolyon, Co. Meath. The issues raised in the appeal can be summarised as follows:

- High density housing is not in keeping with the style and layout of the village. The location of the development, on a crossroads, does not lend itself to high density development. The development would be more suited to a large city or town with good public transport.
- The buildings will be too high and out of proportion with the rest of the village.
- There is a lack of adequate amenity space for future residents and children.
- Inadequate bin storage.
- The development will be car dependent (no public transport) the entrance and parking for the development seems 'very tight'.
- The viability of the shop is questioned due to its location on a busy crossroads with no parking. There are empty shops in the village.
- The proposed development would in conjunction with other developments (constructed / under construction) would exceed the housing targets for the village as set out in the Meath County Development Plan.

- The proposed scheme, in terms of its height, design and layout would not accord with the objectives for Rathmolyon as set out in the Meath County Development Plan. It would detract from rather than enhance the village aesthetics.
- It would contribute to the overdevelopment of the village contrary to Rath OBJ 1 and Table 2.12 of the Core Strategy.
- The scheme should be redesigned, with one-two storey, ideally passive houses built around a central greenspace with adequate landscaping. Houses should have adequate indoor and outdoor storage. Houses should be set back from the road, not directly onto the road as proposed.

6.2. Applicant Response

The applicant's response to the issues raised in the Third-party grounds of appeal has been grouped under various headings and can be summarised as follows:

- **Height of Buildings:** - the principle of 3-storey buildings on site is established under MCC. Ref: T190869. The proposal, which ranges from 2 to 3 storey will add variety to the streetscape while maintaining the character of buildings within the village core. Increase height is supported by National Policy e.g. SPPR 1 of the Urban Development and Building Height Guidelines (2018).
- **Lack of Amenity Area:** - The proposed development will be served by a generously proportioned "communal Open Space / Amenity area" to the south-west of the site. Private amenity areas accord with current standards.
- **Bin Storage:** - Bin storage arrangements were approved under MCC. Ref: T190869 and are entirely reasonable.
- **Entrance and Parking:** - the principle of the proposed entrance design and parking was established under MCC. Ref: T190869. The proposed amendments to the scheme were considered by the Transport Section were no issues raised. With regard to public transport, it is noted that the MCDP 2021-2027 states that Rathmolyon is served by a commuter bus link to Dublin via Summerhill and Maynooth as well as a daily service from / to Dublin via Dunboyne and to and from Mullingar.

- **Density at Crossroads:** - the proposed density at this infill site within the hearth of the village is consistent with the principles of consolidated urban growth, sustainable mobility and economic use of serviced land, as espoused by National Planning Policy.
- **Viability of Shop:** - the proposed commercial content is supported by the provision of the current MCDP, Objectives Rath OBJ 2 and Rath OBJ3. The most viable shops in the country are corner shops.
- **Environs, aesthetics and future well-being of current residents:** - the applicants are familiar with Rathmolyon and purchased the property based on the strength of the planning history at this location. The principle of the design and layout is established. It is difficult to envisage how the proposed development would adversely affect the well-being of existing residents. The proposed development will deliver a new footpath extension along the Enfield Road frontage, a new commercial unit within the heart of the village and communal open space for residents and visitors alike.
- **Rathmolyon CDP Policies and Objectives:** -
 - The MCDP does not provide an overly prescriptive approach to housing allocations for villages and is guided by zoning. Since the current CDP has been adopted and at the time of writing no other multiple housing developments had been permitted within the settlement.
 - Having regard to the planning history of the site the quantum of development is highly appropriate
 - The design and layout of the scheme has been designed to provide an appropriate mixed-use development on a vacant and serviced infill site.
 - The scheme respects the established building line along main street.
 - The proposed development has been designed to provide for an appropriate high quality streetscape intervention at this key corner site.
- **Design Criticisms:** -
 - Community development would not be appropriate within the B1 zoning.
 - A single storey scheme would not achieve a sustainable density.

- The proposed scheme provides for a generously sized communal open space area and adequate bin storage. Apartments are design to meet minimal storage requirements and houses have generous rear gardens with sufficient room for storage sheds if required.
- Additional bicycle storage can be provided if required.
- All houses will require a high energy rating.
- This is a streetscape intervention on a corner site bounded by public roads. Own door access is consistent with a vibrant streetscape.

6.3. **Planning Authority Response**

- The Planning Authority is satisfied that the issues raised in the grounds of appeal were considered in their assessment of the planning application. They request that the Board uphold the decision to grant permission.

6.4. **Observations**

None

7.0 **Assessment**

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

- Background and Procedural Issues:
- Consideration of Proposed Amendments
- Parking
- Open Space
- Refuse Storage
- Density

- Appropriate Assessment

7.2. Background and Procedural Issues:

- 7.2.1. The appeal site, located in the village of Rathmolyon in County Meath, has the benefit of an extant permission, MCC. Ref: TA190869, for a mixed-use development of 28no residential units and 1no commercial shop unit.
- 7.2.2. Permission is now being sought for a revised scheme of 23no residential units and 1 commercial shop unit. The development as described in the public notices refers to amendments to the previous planning permission TA190869, and I note that Meath County Council in their assessment of the application and in their decision to grant permission considered it as an amendment application. In this regard I refer the Board to Condition 2 as attached to the Planning Authorities grant of permission, which states that the development shall comply with the conditions, requirements and expiry date of the parent permission TA190869. This is a standard condition for applications which seek to amend a parent permission. The applicants in their response to the grounds of appeal, under the heading Rathmolyon CDP Policies and Objectives: Rath OBJ 1, have requested that the Board omit condition 2 on the grounds that it is unwarranted and unreasonable. It is of relevance to note that the applicants have not lodged a first party appeal against the attachment of Condition 2. Given that the development description clearly refers to 'amendments to previous planning permission ref no. T190869', I consider it appropriate in the interests of clarity and the rights of third parties; to assess this application as an amendment application and as such I would recommend to the Board that, in the event of a grant of permission, Condition 2 or other similarly worded condition be attached.
- 7.2.3. The principle of a mixed use residential / commercial development on this site was established on foot of the extant permission MCC. Ref: TA190869. This appeal is restricted to assessing whether the proposed amendments to this permitted development, as set out in section 2.2 above, accord with proper planning and sustainable development.

7.3. Consideration of Proposed Amendments:

- 7.3.1. The extant permission MCC. Ref: TA190869 (hereunder referred to as the parent permission) allows for the construction of 28no. residential units in the form of 11no. apartments, 1no. duplex apartment and 16no. houses along with 1no commercial retail unit. I estimate the residential density to be 42dph. The development is arranged around the perimeter of the site with buildings fronting directly onto the R156 (Main Street) to the north and the R159 to the east. The established building line along Main Street is retained in accordance with MCDP Objective RATH OBJ 16. A separate row of semi-detached and terraced houses extends along the site's southern boundary. These units face north into the site providing passive surveillance for the proposed parking and public amenity areas. The permitted buildings range in height from two to three stories reaching a maximum height of 11.45m above ground level. External finishes include slate effect concrete roof tiles and either painted plaster or shaded /coloured render to external walls. The development is served by separate pedestrian and vehicular entrances off the R156. The permitted shop unit occupies the ground floor of a three-storey building at the junction of the R156 and R159. The retail unit is in my opinion well placed at a main focal point within the village and its inclusion within the scheme would help to consolidate the central area of Rathmolyon Village for commercial use in accordance with the requirements of MCDP RATH OBJ2. No change to the retail unit as permitted is proposed. In my opinion the permitted scheme, in terms of layout, height and design is appropriate for this village setting.
- 7.3.2. The proposed amendments would see the omission of 2no. two-storey apartment blocks, to the north of the site and their replacement with 3no. two-storey terraced houses (*Units 1,2 and 2a*). Essentially the proposal seeks to replace 8no. one-bedroom apartments with 3no. two-bedroom houses resulting in a total of 23no. residential units in the form of 3no. apartments, 1no. duplex apartment and 19no. houses. In my opinion, the revised scheme provides for an adequate mix of house type and size that would meet the needs of different categories of households and contribute to the housing stock of the village. As the proposal would result in a reduction in the overall number of units on site, it would not have any significant impact on the housing targets for Rathmolyon as set out in the MCDP.

- 7.3.3. The height (8.2m) and design of the proposed terraced houses is consistent with that of the permitted development. Each house has a stated area of 83sqm and is adequately sized for a three-person household. While dedicated internal storage at c2.4sqm is less than the 3sqm standard specified in the Quality Housing for Sustainable Communities for such units, I note that this space is proposed in addition to bedroom storage (wardrobes) and hot presses, and I note that each unit has adequate outdoor space for external storage.
- 7.3.4. Each house is to be served by a private amenity space in the form of a south facing rear garden. Garden areas range in size from 55sqm to 75sqm and thereby meet or exceed the minimum standard of 55sqm as set out in the MCDP. Direct access from the garden area to the rear of the site (parking/ public amenity area) is provided. As there are no directly opposing units, an adequate level of privacy for the proposed terraced dwellings can be assured.
- 7.3.5. The omission of the two apartment blocks and their replacement with terraced houses would result in a reduction in the footprint of the development at the northeast corner of the site and a 'gap' in the streetscape along Main Street. This coincides with a reduced site area, from 0.666ha to 0.647ha, and an altered site boundary, which is to be defined by a 2m high wall. The lands now omitted from the scheme are identified on the submitted plans as a 'neighbouring site' and are shown to be located outside of the applicant's ownership / control. As these lands front onto the public road, I am satisfied the revised scheme would not compromise their future development potential.
- 7.3.6. Revisions to the service road, pathway and parking layout on the north end of the development are also proposed. These revisions are relatively minor and raise no significant traffic or mobility issues. The impact of these amendments on parking and public open space provision and on bin storage are considered in more detail later in this report. The proposed scheme now incorporates a planted grass verge to the rear of the terraced houses in accordance with the requirements specified under condition 7(a) of the parent permission.

7.3.7. The application also proposes revisions to House No.13, a semi-detached house at the southeast corner of the site. The amendments proposed are again relatively minor and comprise mainly the introduction of first floor windows to the side (east) gable which faces directly onto the public road. The proposed amendments would improve the appearance of the structure as viewed from the public road.

7.3.8. Overall, I have no objection to the proposed amendments as outlined subject to the provision of adequate parking, public open space and refuse storage.

7.4. Parking:

7.4.1. The proposed amendments would see a reduction in the quantum of car parking to serve this development, from 52no spaces permitted under MCC Ref: TA190869 to 47no spaces. It is of relevance to note that this reduction in parking provision coincides with a reduction in the overall number of residential units proposed.

7.4.2. Having regard to the parking standards set out in Table 11.2 of the MCDP and the provisions of the Apartment Guidelines as they relate to parking requirements for apartments in peripheral/or less accessible urban locations, I calculate that the proposed scheme would generate a demand for up to 49no. car parking spaces. Given the parking provisions of the parent permission and the potential for dual using of parking facilities between the residential and commercial units, I consider the quantum of parking now proposed within this scheme to be acceptable.

7.5. The proposed parking layout includes for 5no E- charging spaces (10.5%) and 4no disability parking spaces (8.5%). 2no. bicycle parking racks are also provided within the scheme. I refer the Board to Condition 5 of the Planning Authority's decision which requires the applicant to submit for agreement, details of bicycle storage to comply with the new Apartment Guidelines. This condition accords with the recommendation of the Transportation Department. However, given the nature of the proposed development which comprises amendments to a previous grant of permission and the nature of the proposed amendments which would see a reduction in the number of apartment units on site, I am not satisfied that this condition is warranted.

7.6. Open Space:

7.6.1. The revised scheme provides for 990sqm of public open space (as stated) this equates to c15.3% of the overall site area which exceeds the minimum standard of 15% set out in the MCDP (Objective DM OBJ 26). The main area of public open space is positioned centrally within the site and remains substantially unchanged from that permitted under the parent permission. In my opinion the open space area is adequate to support a development of the nature and scale proposed.

7.7. Refuse Storage:

7.7.1. The amended proposal will see the permitted bin storage area relocated further north within the site, adjacent to the revised site boundary. This revised location is I consider acceptable. The third-party appellant has questioned the adequacy of this facility to meet the needs of the development. Details of the design/size/capacity of this facility have not been provided; however, I note that this facility is not intended to serve the development as a whole. In this regard I refer the Board to Condition 20(n) of the parent permission which requires that the bin storage area be accessible only to residents of the apartment / duplex units and that it be sized accordingly. Refuse storage for the houses (permitted and proposed) and the retail unit is to be accommodated within their individual plots. Having regard to the above, and the fact that the proposed scheme would see an overall reduction in the number of apartment units on site, I am satisfied that the proposed arrangements for bin storage are acceptable.

7.8. Density.

7.8.1. The density of the proposed development at c37dph, while less than that permitted under the parent permission (c42dph), would exceed the prescribed density range of 25dph – 35dph for smaller towns and villages as set out in the MCDP (Objective DM OBJ 14). However, this exceedance would not be excessive. Given the location of the development in the village core of Rathmolyon, and the provisions for the village as set out in the MCDP which seek to promote the future development of Rathmolyon as a compact settlement centre, I am satisfied that the residential density proposed is acceptable.

8.0 AA Screening

- 8.1. I have considered the proposed mixed development in light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the River Boyne and River Blackwater SAC which lies c3km to the northwest. The River Boyne and River Blackwater SPA lies a further c1.5km to the northwest. There are no direct pathways between the site and the Natura 2000 network.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The nature and small-scale of the development.
 - The location of the development in a serviced lands with the village core of Rathmolyon
 - The distance from European Sites, and the absence of direct ecological pathways to European Sites.
- 8.4 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that permission for the proposed development be granted subject to condition as outlined below.

10.0 Reasons and Considerations

Having regard to the planning history of the site and the nature of the development proposed, the location of the development within the Village of Rathmolyon, the B1 Commercial Town or Village Centre' zoning for the area which is considered

reasonable and the objectives for the village of Rathmolyon as set out in the Meath County Development Plan 2021 to 2027, it is considered that subject to compliance with the conditions set out in the schedule below, the proposed development would not seriously injure the amenities of the area or the character of the village, would provide an adequate level of residential amenity for future occupants and would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and 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, 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 Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission, MCC Register Reference TA190869, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

- 3 The boundary treatment for the overall site and each individual unit shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity

- 4 Part V 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 transfer of the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

- 5 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.

Lucy Roche
Planning Inspector

9th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317866-23		
Proposed Development Summary	Development of 23 dwellings and 1 shop unit etc. proposed as an Amendment to previous grant of permission MCC Ref.TA190869		
Development Address	Glebe (ED Rathmolyon), Rathmolyon, 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	X
		No	
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		Class.....	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)
No		N/A	
Yes	X	Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is	Proceed to Q.4

		<p>required for the following classes of development:</p> <p>Construction of more than 500 dwelling units</p> <p>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</p>		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317866-23	
Proposed Development Summary	Development of 23 dwellings and 1 shop unit etc. proposed as an Amendment to previous grant of permission MCC Ref.TA190869	
Development Address	Glebe (ED Rathmolyon), Rathmolyon, Co. Meath	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> The site is located within the development boundary of Rathmolyon as designated under the Meath County Development Plan 2021-2027 and is proximate to existing / permitted residential /commercial development. The site is served by public mains water and sewerage. Uisce Eireann have confirmed that there is available capacity to cater for the development. Construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area. 	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the</p>	<ul style="list-style-type: none"> The construction of 23no residential units and 1 retail unit on zoned and serviced land within the village core is 	No

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>not exceptional in the context of the existing built-up urban environment.</p> <ul style="list-style-type: none"> • There is an extant permission on site for 28no residential units and 1 retail unit • There is an extant permission (MCC ref:23402) for 79 dwellings c100m to the west • Given the nature and scale of the development proposed no significant cumulative impacts are anticipated. 	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<ul style="list-style-type: none"> • There are no ecologically sensitive locations in the vicinity of the site. • The site is not within a European site. Any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. • The development does not involve works to any protected structure 	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - Screening the need for Appropriate Assessment

I have considered the proposed mixed development in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, Appropriate Assessment Screening was undertaken by MCC as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. MCC concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out. A detailed description is presented in Section 2 of my report. In summary, the proposed development site is a vacant site in the village core of Rathmolyon. It is proposed to develop the site as a mixed-use scheme comprising 23no residential units and 1no retail unit, with a new entrance of the regional road to the east and all associated site works. The development proposal includes connection to public mains water, sewerage and storm water.

There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

European Sites

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the River Boyne and River Blackwater SAC which lies c3km to the northwest. The River Boyne and River Blackwater SPA lies a further c1.5km to the northwest.

European Site	Qualifying Interests (summary)	Distance	Connections
River Boyne and River Blackwater SAC Site code 002299	<ul style="list-style-type: none"> • Alkaline fens [7230] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355] 	3km	No
River Boyne and River Blackwater SPA. Site code 004232	Kingfisher (<i>Alcedo atthis</i>) [A229]	4.5km	No

Likely impacts of the project (alone or in combination)

The site is not located within or adjacent to any European Site so there is no risk of habitat loss, fragmentation, or any other direct impact. Applying the source-pathway-receptor method, I am satisfied that there is no potential for connectivity between the appeal site and the SAC or SPA or any other European designated site. The application proposes connection to the existing public foul sewer on the Enfield Road. Uisce Éireann have confirmed that a connection to existing wastewater infrastructure is feasible without upgrade. Storm water will discharge to an existing storm water manhole on the Ballivor Road at greenfield rates.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

Overall Conclusion - Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The nature and scale of the development
- The location of the development on serviced lands within the village core of Rathmolyon.
- The distance from European Sites, and the absence of direct ecological pathways to European Sites.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.