



An
Bord
Pleanála

Inspector's Report ABP-319559-24

Development	Construction of 70 no. independent living units and a three-storey nursing home
Location	Summerhill Demesne, New Road/Moy Road, Summerhill, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	231041
Applicant(s)	Granbrind (Kilcock) Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	William and Eamon Fallon and others Gerard and Bern Gannon
Observer(s)	None
Date of Site Inspection	6 th June 2024
Inspector	Ian Boyle

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site comprises a greenfield and section of public road on the southern side of Summerhill in County Meath. It is roughly 3.9ha in area. Summerhill is a small village in the southern part of the county. It situated between Trim and Kilcock on the R158 and lies west of Dunshaughlin.
- 1.2. The property is partially bounded by existing fencing and sections of hedgerow. There is a dense tree line running through the centre of the site in a general north – south direction. Site access is provided from the L6212 which runs along the northwestern boundary of the subject lands and connects the site with the village centre further to the northeast.
- 1.3. There is an adjacent housing estate to the north / northeast of the site called Castlelawns. The rear gardens of some of these dwellings face back onto the site. Two semi-detached houses are situated close to the existing vehicular entrance to the site; and which are also directly accessible from the L6212. Summerhill Community Centre is to the northeast.
- 1.4. The site is the townland of Summerhill and, therefore, potentially forms part of the original Summerhill House estate / demesne. Summerhill House was demolished in the 1970s. However, the original entrance and tree-lined avenue remain in-situ. They are found roughly 350m to the east near the southern end of the village. The entrance takes the form of a pair of limestone gate piers and walls with modern steel gates.
- 1.5. The wider surrounding area is mainly characterised by low density one-off housing, small commercial uses and farming lands.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of 70 no. independent living units (ILU's) and a nursing home. The proposed ILU's consist of:
 - 5 no. 1 bedroom units - 7%
 - 56 no. 2 bedroom units - 80%
 - 9 no. 3 bedroom units - 13%

- 2.2. The nursing room is two to three storeys in height and comprises 75 no. bedrooms, dayrooms, a multi-function space, chapel, resident welfare facilities / treatment / therapy room, administrative area and staff facilities. A new footpath and cycle track is proposed at the front of the site to improve connectivity with the village centre and provide safer road conditions.
- 2.3. The Planning Authority requested further information on 10th January 2024, including in relation to design, materials and finishes, and visual prominence of the proposed development (Items 1 and 2); waste management (Item 2); provision of details regarding a footpath, sightlines and bicycle parking (Item 4); public lighting (Item 5); water services, surface water and SuDS measures (Items 6 - 16); a response in relation to a submission from the HSE (Items 17 and 18); and advice confirming that upon receipt of further information the Planning Authority may potentially deem the submission as 'significant further information' (Item 19).
- 2.4. The Applicant provided further information on 19th February 2024.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 28th March 2024, subject to 25 no. conditions.

- 3.1.2. Notable conditions include:

<u>Condition 4:</u>	Occupancy of Independent Living Units limited to persons over 55 years of age.
<u>Condition 5:</u>	Provision of footpath, tactile paving, sightlines and cycle parking.
<u>Condition 6:</u>	Management of surface water runoff and drainage.
<u>Condition 7:</u>	Archaeology.
<u>Condition 8:</u>	Construction Environmental Monitoring Plan mitigation measures to be implemented.
<u>Condition 14:</u>	Waste Management Plan.
<u>Condition 17:</u>	Owners' Management Company.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned 'G1 Community Infrastructure', where the objective is to provide for necessary community, social and educational facilities. Residential/sheltered housing is open for consideration. The proposed development is therefore considered acceptable in principle.
- Summerhill is identified as 'Rural – Rural Villages'. It has a household allocation of 2,176 no. units over the lifetime of the County Development Plan. Summerhill has c.59 no. units with the extent permission (constructed and not-constructed but with planning permission). The proposed development of 70 no. independent living units is acceptable.
- The concerns raised by the Council's Conservation Officer in relation to the proposed design are noted. The Applicant is therefore requested to use natural rural materials and to consider the setting of the site in terms of its proximity to the Summerhill Historic Demesne.
- The proposed unit mix, residential density (17 units per ha), private open space, public open space, communal amenity space, separation distances between residential units and boundary treatments are considered acceptable.
- The further information submitted in relation to matters concerning drainage and surface water runoff is acceptable.
- The submitted Site-Specific Flood Risk Assessment (SSFRA) confirms that the site is not in a flood prone area and not at risk of flooding.
- The site is in Summerhill Demesne townland and approximately 450m from the original site of Summerhill House. The site is not within the Summerhill Architectural Conservation Area (ACA). The Council's Conservation Officer (CO) raised concerns in relation to the design given the location of the site within the context of a historic demesne. The Applicant's further information addresses these concerns noting that the site is not in the Summerhill ACA and that the design response duly considered the ACA (c. 290m southwest of

the site), and that the submitted drawings and photomontages demonstrate that the proposal would not have a negative visual impact on its surroundings.

- The Social Impact Assessment (SIA) demonstrates that the proposed development and its future population would be adequately supported by existing social and community infrastructure.
- Part V proposal is acceptable.
- The Applicant has adequately responded to the concerns raised by the HSE as part of further information submitted.
- The proposed public lighting system is acceptable.
- The Planning Authority is satisfied that a Stage 2 Appropriate Assessment (NIS) or sub-threshold EIAR is not required in this case.
- Having regard to the nature and scale of the proposed development, the suitability of the site, the pattern of development in the vicinity, national, regional and local policy, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the properties in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area.
- Recommends permission be granted.

3.2.2. Other Technical Reports

Conservation Officer: Further information / recommendations.

There is scope for the construction of such buildings within the landscape of the Summerhill Historic Demesne. However, the new buildings would require a sensitive design to integrate with their context and setting. The avenue and gate area of the Demesne are still intact, as are the views and setting around the site of the original main house. It is important to retain the importance of these elements as they are the only intact remains of the now demolished house - once the largest such house in Meath. In summary, there is no objection in relation to the proposed development. However, the following should be noted:

- a) the proposed nursing home should be a much smaller collection buildings that will not impact negatively on the landscape, it should be single storey,

and use stone, slate and timber, which are natural rural materials. There is an opportunity to deliver a nursing home with vistas and views across the historic landscape, and

- b) The housing units are akin to a 1970's A-Frame bungalow which are like pointy wigwams in the landscape. This collection of high-pitched roofscapes is not appropriate for its setting or in the context of a historic demesne.

<u>Transportation Section:</u>	No objection.
<u>Environment Section (Flooding):</u>	No objection.
<u>Transportation (Public Lighting)</u>	No objection, subject to conditions.
<u>Housing:</u>	No objection, Part V proposal is acceptable.
<u>Broadband Officer:</u>	No objection.
<u>Environment (Water Services)</u>	Further information requested initially, no objection post receipt of further information response.

3.3. Prescribed Bodies

<u>Uisce Éireann (Irish Water):</u>	No objection, subject to standard conditions.
<u>HSE:</u>	No objection, recommendations.
<u>Development Applications Unit:</u>	No objection, subject to condition regarding archaeological pre-development testing.

3.4. Third Party Observations

The Planning Authority received two written submissions, which raised the following main concerns:

- The site zoning does not support the proposed development.
- The proposed development is commercial rather than community focussed.
- Inappropriate unit mix (90% of units have 2-bedrooms or more).
- Site is too far from village centre.

- Access and road safety concerns.
- Water and wastewater disposal.
- Density too high.
- Design and open space provision concerns.
- Historic wall is part of a Protected Structure and should be retained.

4.0 Policy Context

4.1. Meath County Development Plan 2021-2027

The Meath County Development Plan 2021-2027 ('Development Plan') was adopted on 22nd September 2021 and came into effect on 3rd November 2021.

Zoning

The appeal site is zoned G1 – Community Infrastructure where the objective is 'to provide for necessary community, social, and educational facilities'.

Section 7.7 of the Development Plan states that 'community infrastructure is an essential part of all communities.... The Council recognises that the provision of good quality community facilities in existing and developing areas is a key element in the development of sustainable and healthy communities across the County.

A nursing home (Community Facility / Centre) is a permitted use under this zoning.

The Independent Living Units (Residential / Sheltered Housing) is a use open for consideration.

Protected Structure

There are no Protected Structures on the subject site.

The nearest Protected Structures are Knock Castle (Tower House) (RPS No. 91416), which is to the east; and the gate piers and walls associated with the former Summerhill Demesne (RPS No. 91413).

Architectural Conservation Area

Summerhill is a designated Architectural Conservation Area (ACA). The ACA applies mainly to the central area of Summerhill village. The subject site lies outside the ACA. (see Appendix 2 of this report).

Chapter 2 Core Strategy

The Core Strategy Vision for the County is ‘to continue to support the creation of socio-economically progressive vibrant, dynamic, and healthy communities throughout the County and ensure that future growth is based on the principles of sustainable development that delivers a high-quality living and working environment that meets the needs of all residents, in accordance with National and Regional Guidance’

Summerhill is a ‘Rural Village’ which is described as ‘home to a diverse range of uses ranging from agriculture and equine industries, centres of local food production, recreational and tourist activities, established villages and one-off rural housing’ (Chapter 9 refers).

Section 2.10.3 states that the NPF and RSES recognise the economic and social contribution that rural areas make at a local, national, and regional level in providing employment, access to high-quality amenity areas, delivering high-quality agricultural produce, and providing raw materials and aggregates used in the construction of our urban centre.

Table 2.12 ‘Core Strategy Table, Population and Household Distribution to 2027’ indicates Villages have a projected household allocation of 840 no. units over the lifetime of the Plan. The Core Strategy Table states that 318 no. units in villages have an extant permission, thus, leaving headroom for 522 no. units will be delivered within the lifetime of the CDP.¹

¹ The proposed development seeks to develop dedicated Independent Living Units (ILUs) and not traditional residential housing. Therefore, notwithstanding the headroom in Summerhill, as per the Core Strategy, the current proposal is acceptable and accords with the Core Strategy in terms of population allocation.

Chapter 7 Community Building Strategy

Section 7.7.4 is in relation to Healthcare Facilities. The following policies are considered relevant:

- **SOC POL 24** is to co-operate with the Health Service Executive and other statutory and voluntary agencies and the private sector in the provision of appropriate health care facilities covering the full spectrum of such care from hospitals to the provision of community-based care facilities subject to proper planning considerations and the principles of sustainable development.
- **SOC POL 25** is to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children.
- **SOC POL 29** is to support and co-operate with promoters or operators of public and private health care facilities by facilitating and encouraging the provision of improved health care facilities in appropriate locations.

Chapter 8 Cultural and Natural Heritage Strategy

Section 8.7 is in relation to Architectural Heritage. The following policies and objectives are considered relevant:

- **HER POL 16** is to protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.
- **HER POL 17** is require that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.
- **HER POL 18** is to require that in the event of permission being granted for development within the curtilage of a protected structure, any works necessary for the survival of the structure and its re-use should be prioritised in the first phase of development.

- **HER POL 19** is to protect the character of Architectural Conservation Areas in Meath.
- **HER POL 20** To require that all development proposals within or contiguous to an ACA be sympathetic to the character of the area, that the design is appropriate in terms of height, scale, plot density, layout, materials and finishes and are appropriately sited and designed with regard to the advice given in the Statements of Character for each area, where available.

Chapter 11 Development Management Standards and Guidelines

Nursing Homes

Section 11.7.2 is in relation to Sheltered Accommodation/Step Down Housing, Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages.

It states that nursing homes, residential and retirement homes and retirement villages should be located in towns and villages for reasons of sustainability, accessibility and proximity to services. There is a presumption against this type of development in the open countryside for reasons relating to sustainability, poor accessibility and lack of public transport, social exclusion and isolation.

The following Development Management Objectives are considered relevant:

- **DM POL 24** is to require that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation/step down housing be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established.
- **DM OBJ 66** states that reduced open space standards may be acceptable for the following development types: residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation only in cases where it is clearly demonstrated with a supporting evidence base that it is appropriate by having regard to the specific open space needs of residents and only where suitable accessible public open space is available as part of the development.

Section 11.9.1 is in relation to car parking standards.

Table 11.2 sets out a requirement of 1 space per 3 beds and one space per employee. Non-residential car parking standards are set down as “maxima” standards.

Summerhill Written Statement

The relevant extract from the Summerhill Written Statement are as follows:

Context

Summerhill is located near the south-central part of County Meath some 38km west of Dublin City Centre. It lies 10km south of Trim and 12km north of Kilcock. The considerable amenity and heritage qualities of Summerhill are largely derived from the quality of the central area of the village. The narrow central green area framed by buildings with diverse styles, together with its alignment to the entrance of the former Summerhill Demesne, creates an attractive and imposing environment. The character of Summerhill is also enhanced by the presence of significant stands of deciduous trees. Summerhill serves a broadly rural hinterland. It differs from other villages in the county of similar scale in that it contains a sizeable employment/industrial estate within the village confines. Summerhill provides a broad range of retail and commercial services.

Vision

The vision for the development of Summerhill over this Development Plan Period 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 all sections of the local community. A central tenet of this Plan will be the creation of a positive relationship with the rural hinterland.

Land Use Strategy

The provision of a compact and vibrant village centre is essential if Summerhill is to cater for its current and future population needs in a sustainable manner. The village settlement contains the main land uses required to maintain a largely self-sustaining community. The land use strategy seeks to promote the development of infill/undeveloped sites close to the core and maintain the vibrant mixture of land

uses whilst facilitating natural residential growth in order to sustain and complement the land uses.

4.2. Natural Heritage Designations

No natural heritage designations apply to the subject site. There are also no European Sites in the immediate vicinity.

The nearest European Site is the River Boyne and River Blackwater SAC (Site Code: 002299), which is roughly 7.6km to the northwest.

The River Boyne and River Blackwater SPA (Site Code: 004232) is roughly 8.7km to the northwest.

The Rye Water Valley / Carton SAC (Site Code: 001398) is roughly 14.3km to the southwest.

4.3. National and Regional Planning Policy / Guidance

- *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines')*²
- *Design Manual for Urban Roads and Streets, 2019 ('DMURS')*
- *Project Ireland 2040 National Planning Framework, 2018*
- *Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines')*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Architectural Heritage Protection Guidelines for Planning Authorities, 2011*
- *The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031*

² The Guidelines replace the 'Sustainable Residential Developments in Urban Areas- Guidelines for Planning Authorities, 2009'.

4.4. EIA Screening

- 4.4.1. Having regard to the nature and scale of the proposed development, which is for 70 no. independent living units and a nursing home, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 4.4.2. See Appendix 1 of this report for further information (EIA Form 1: Pre-Screening and Form 2: EIA Preliminary Examination).

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. The Board has received two third party appeals. The main issues raised are as follows:

Architectural Conservation

- Summerhill is an historic town as detailed in the Meath County Council (MCC) 'Architectural Conservation Area Statement of Character' (December 2009).
- The proposed development would remove a substantial amount of the original Summerhill House boundary wall near the existing entrance site entrance. This is not shown in the planning application development description or drawings and requires planning permission.
- The development description states that the proposed vehicular access is via an existing site entrance. This is not the case as can be seen clearly from the drawings showing the roads layouts. The required works would therefore impact on local heritage and preservation of same.
- The Landscaping Report states that the existing stream and traditional Irish stone wall contribute to the character of the area and will be retained and protected. However, the architect and engineering drawings show the removal of the wall.

- Whilst the proposed development includes a modification in the road layout to protect the historic wall to the northeast of the site, this same care has not been afforded to the historic wall to the southwest.
- The ACA Statement of Character states that the removal of original boundary walls should be retained where possible. The demesne wall forms part of the curtilage of a designated Protected Structure (Tower House, Lynch's Castle and the later Summerhill House) and thus benefits from Protected status. The statutory notices do not refer to works to a Protected Structure and, thus, the application should be invalidated.
- The application does not include a Conservation Assessment which determines the impact of these works to the integrity and legibility of the Protected Structure and its curtilage.
- The revised scheme (submitted as further information) does not address the concerns raised by the Council's Conservation Officer.

Density, Scale, and Access to Supporting Services / Infrastructure

- The proposed development represents overdevelopment of the site.
- The IL units have no private garden space, no convenient parking spaces and lack public open space.
- The site is removed from the village centre and away from services. Locating the proposed development on the southern edge of Summerhill, on a small county road, far away from amenities and the medical centre is not the correct location for this development.
- Summerhill has a shortage of community facilities. Therefore, the use of all the G1 zoned land in the village to accommodate the proposed development is not justified.
- Water and wastewater capacity concerns.

Roads and Traffic

- The proposed changes to Moy Road would introduce bends in the road which would be a road safety issue; and adequate and safe sightlines are not shown (i.e., visibility splay cuts through 1.8m high stone wall).

- The removal of a grass verge on the edge of an open drain would be a safety issue.
- No cycle path is provided as part of the road modifications.

Procedural / Legal Consent / Other

- The Applicant has not obtained the required legal consent to make the application. While Meath County Council has provided written consent, they are not the legal landowner.
- The Further Information submitted by the Applicant was deemed 'Significant' by MCC. Several public bodies were therefore invited to make a submission. However, the letter received by other third parties, including objectors, stated that the Further Information received was 'Not Significant' and that there would be no opportunity to make a further submission or observation. This resulted in the right to make a further submission being prevented, thus, the application must be invalidated.
- The public notices wrongly described the site being on the Moy / New Road, which is incorrect. The development is on the Moy Road only, which is misleading.
- Certain conditions attached to the Planning Authority's Decision are unenforceable (Nos. 2 to 4).
- Various other concerns raised re: sightlines, proposed road works / upgrades, surface water, and drainage connections.

5.2. Applicant Response

Conservation

- The subject site does not contain any Protected Structures or Recorded Monuments. It is not located within the Summerhill Architectural Conservation Area (ACA), the nearest boundary of which is c. 300m to the northeast. The proposed development does not involve any works to a Protected Structure or its curtilage.

- The Conservation Officer makes no assertion that suggests the proposed development is within the curtilage of a Protected Structure and states they have no objection.
- The revised scheme / further information was deemed acceptable to MCC, including the location and design of the proposed nursing home component.
- There are two Protected Structures in the townland of Summerhill Demesne, Knock Castle (Tower House) (RPS No. 91416) and a pair of ashlar limestone gate piers and walls (Gates) (RPS 91413). They are situated c. 330m and 365m from the site, respectively, and the proposed development would not have any negative impact on either of these.
- Appropriate sightlines are provided to ensure safe access and egress from the site. The majority of the stone wall running along the front boundary of the site will be retained with minimal impact on the aesthetics of the character of the area. The Council's Transportation Department and Conservation Officer were satisfied with this approach and no concerns were raised regarding the removal of this small section of wall.

Access / Roads

- The proposed development would not introduce 'curves' to Moy Road.
- The site is owned by the Applicant. Where works to the public road are required, the Applicant has obtained the required letter of consent from MCC.
- There are no proposed works outside of the red line boundary.

Density and Development Standards

- The proposed development is not a conventional residential development. Therefore, the issue of residential density is not entirely appropriate.
- There is no local or national planning guidance or standards governing density for this type of development. However, the Planning Authority states that an appropriate residential density for a village setting is between 25 units per ha (uph) and 35 uph. The proposed density for the ILU component of the scheme is 17uph (which excludes the nursing home), and this was considered acceptable by MCC. The proposed site coverage (24%) is also appropriate.

- Approximately 22% of the overall site area is given over to public open space and provides access to outdoor space and public amenities, seating, walkways, planting, and outdoor activity equipment.
- It would not be appropriate to provide typical private rear gardens for the ILUs as this would require regular maintenance and upkeep. Instead, each ILU has a small area of private open space in the form of a patio / terrace which is directly accessible from the living areas of the units and range in size from 18sqm – 21sqm. This is considerably larger than the private open space requirements for apartments of a similar size.
- The groundfloor private open space areas overlook the landscaped open space / common areas.
- The communal open space (1,017sqm) is provided in the form of internal courtyards for the nursing home and other communal amenity spaces situated throughout the site.

Car Parking

- There is no defined car parking standard for the subject proposal in the Development Plan.
- However, the issue was discussed with the Transportation Department at pre-planning stage. It was agreed that a provision of 0.84 spaces per unit would be sufficient for the ILU's, with a further 33 spaces for the nursing home and 15 spaces for employees.
- A total of 111 spaces has therefore been provided which was deemed acceptable to the Planning Authority.

5.3. Planning Authority Response

- The Planning Authority notes the third-party appeal and issues raised in same for the proposed development.
- The Planning Authority is satisfied that all matters outlined above in the submission were considered in its assessment of the planning application as detailed in the Planning Officer Reports.

6.0 Assessment

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

- Architectural Heritage
- Location, Design and Scale
- Roads and Traffic
- Other Issues

6.1. Architectural Heritage

- 6.1.1. The appeal site comprises an agricultural greenfield and a small section of public roadway on the southern side of Summerhill village, County Meath. The site may originally have formed part of the original Summerhill House Demesne; Summerhill House itself however was demolished in the 1970s. The original gated entrance and tree-lined avenue remain in-situ and the gates are roughly 350m to the east of the site at the southern end of the village.
- 6.1.2. The proposed development is for the construction of 70 no. independent living units (ILU's) and a nursing home. The proposed ILU's consist of 5 no. 1 bedroom units, 56 no. 2 bedroom units and 9 no. 3 bedroom units. The nursing room comprises 75 no. bedrooms, dayrooms, a multi-function space, chapel, resident welfare facilities/treatment/therapy room, administrative area and staff facilities. The application also includes a new footpath along the front of the site to improve connectivity between the site and village centre and deliver safer conditions for pedestrians and other vulnerable road users.
- 6.1.3. The site is zoned G1 – Community Infrastructure according to the Meath County Development Plan 2021-2027 ('the Development Plan') where the objective is to provide for necessary community, social, and educational facilities. I note that nursing home as a 'Community Facility / Centre' is a permitted use under this zoning. The Independent Living Units component (Residential / Sheltered Housing) is open

for consideration. Furthermore, I note that the settlement of Summerhill is subject to an Architectural Conservation Area designation (ACA). The subject lands do not fall within the ACA, however, and are situated some 300m outside of it. The nearest Protected Structures are Knock Castle (Tower House) (RPS No. 91416; NIAH 14333005), which is to the east; and a set of entrance gates and piers / walls (RPS No. 91413) which functioned as the main entrance to the former Summerhill House Demesne. The entrance gates are at the southern end of the village centre and, nowadays, are a reminder of the former grandeur of the demesne and act as a focal point for the village.

6.1.4. The contention of the third party is that Summerhill is an historic settlement and that the proposed development would have an inappropriate impact on the surviving architectural heritage of the town. In particular, it is stated that the proposal would remove a substantial section of the original Summerhill House boundary wall which runs along the northwest boundary of the appeal site near the existing site entrance. During my site inspection I observed that this section of wall is constructed in random rubble / stone and runs along the majority of the property (save the existing access). The wall is overgrown in parts with thick vegetation and ivy, and there is a narrow grass verge situated between it and the edge of the roadside. It is constructed in a vernacular style and evidently constructed some time ago.

6.1.5. Whilst I consider that the wall is of an older vintage and constructed in a certain vernacular, there is no available information to indicate it forms part of the curtilage of a Protected Structure. In this regard, I would draw the attention of the Board to the Architectural Heritage Protection Guidelines for Planning Authorities, 2011 (the 'Architectural Protection Guidelines'), and particularly where it states that where 'a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures'. The guidelines go to state that 'all works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission'. However, whilst I consider that the wall is likely to have been constructed some time ago, and may have been associated with the wider historic demesne, I do not consider that it forms part of an existing Protected Structure, or its curtilage, and cannot therefore be considered in this way for the purposes of this

assessment. As noted above, the original Summerhill House has been demolished (source: the National Inventory of Architectural Heritage). The two closest Protected Structures include Knock Castle (Tower House) (RPS No. 91416;), which is roughly 300m to the east, and the 'Gates' for the former Summerhill House (RPS No. 91413), which are c. 350m to the northeast.

6.1.6. The NIAH reference for the gates describes them as 'ashlar limestone gate piers and walls, c.1730, with modern steel gates. Comprising of a pair of square ashlar limestone piers supporting a pair of gates, flanked by pairs of ashlar limestone gate piers to pedestrian gates.' Whilst the gates date back to the mid-1700's, there is nothing to suggest that they are connected to, or associated with, the stretch of wall in front of the appeal site. I note that the concept of curtilage is described in the Architectural Protection Guidelines and is generally interpreted to mean the area immediately surrounding a Protected Structure, which it is associated with, and/or within which it is contained. I consider Section 13.1 of the Guidelines are relevant in this regard, and I would note, for example, that curtilage can include other structures within the property including ancillary buildings like stables, coach houses, related outbuildings, or other types of features such as follies, gates or boundary walls. In terms of immediate surroundings, the curtilage may apply to gardens, yards, or a wider expanse of open space essential to the character / appearance of the Protected Structure in question. I consider the judgment of the Planning Authority essential in determining the extent of curtilage in each case and that this is crucial to ensure that the integrity and significance of a Protected Structure is preserved, managed, and maintained, as appropriate.

6.1.7. I have reviewed the Conservation Architect's Report (14th March 2024) as part of my assessment. I consider the report an integral part of the planning file, and that it has a significant bearing on the status of the stone wall as a potential feature of architectural heritage worthy of preservation. I note that there is no reference in the report to the appeal site taking in a section of the curtilage associated with a designated Protected Structure, this includes either Knock Castle (RPS No. 91416), the Summerhill Demesne Gates (RPS No. 91413), or any other Protected Structure, for that matter. The report provides an assessment of the overall development proposal and sets out concerns in relation to the original application version of the scheme, including issues concerning scale, design and potential for visual impact.

The report states that the avenue and gate area of the Demesne are still intact, as are the views and overall setting of the original site of the main house (now demolished). The report recommended that the proposed nursing home be revised to have a reduced height and to utilise natural materials in its construction (i.e., stone, slate and timber) such that the building would not negatively impact on the landscape and retain vistas and views across the historic landscape. The CA also recommended that the design of proposed Independent Living Units be amended to avoid appearing as a collection of 'high pitched roofscapes', which would not be appropriate in the context of this historic demesne.

- 6.1.8. I consider that the Applicant duly addressed the concerns raised by the Council's CA as part of their further information submission. The design statement and photomontages clearly demonstrate, in my view, that the proposed development would be appropriately absorbed into the rural landscape and that no adverse impacts would be incurred by a Protected Structure in the surrounding vicinity or the wider historic demesne. I would also draw the attention of the Board to the section of the Planner's Report where it is stated the revised design is considered acceptable and that it is evident the location of the nursing home would not dominate the site and be integrated by the existing treeline and hedgerows – to be kept as part of the proposal – and overall style of development proposed. In summary, I consider that the proposed development is in accordance with HER POL 16, which is to protect the setting of protected structures and to refuse permission for development within the curtilage, or adjacent, to a protected structure which would adversely impact on the character and special interest of the structure.
- 6.1.9. I note that no Architectural Heritage Impact Assessment was provided as part of the application, or appeal, and that the option to request such an assessment is available to the Board. However, in my opinion, and for the reasons outlined above, it is clear the portion of wall proposed to be removed does not form part of the curtilage of a Protected Structure, should not be considered as such, and that permission should not be refused for this reason. I am also satisfied that the extent of wall proposed to be removed has been kept to a minimum whilst having regard to the required road stopping sightlines and visibility standards.

6.2. Location, Design and Scale

- 6.2.1. Third-party concerns states that the proposal represents an overdevelopment of the site and is too far removed from the village centre, such that essential services and amenities would not be readily accessible to future occupants. It is also stated that the Independent Living Units (ILU's) have inadequate private garden space and public open space, and there is a lack of convenient car parking, meaning the overall quality of the development is substandard and should not, therefore, be permitted.

Location and Context

- 6.2.2. In terms of location and context, I consider that the site is ideally situated for such a facility. It is at the edge of a small village settlement and within a short walking distance to the village centre (approx. 450m or a 5-minute walk). The proposed development also seeks to deliver public realm improvements and to improve connectivity between the site and village centre. This takes the form of a new section of pedestrian footpath which would be on the southern side of Moy Road, directly beside the site entrance. The new path would be 2m in width and tie in with the existing path near the entrance to Castlelawns, which is the housing estate on the northeastern boundary of the application site. The information is shown on the Proposed Roads Layout Sheet 1 (drwg. no. 230092-X-04-Z00-DTM-DR-DBFL-CE-1201). The site is therefore conveniently located for future residents of the scheme to access the various services, amenities and facilities which are available in the village. Summerhill Community Centre is also situated roughly 200m from the site entrance (a 3-minute walk) where there is a programme of events suited to elderly people and people with additional needs.
- 6.2.3. It is therefore difficult to see how the site could be considered isolated and remote from supporting services or amenities. I do not believe this is the case, and it is my opinion that the proposal fully accords with Policies SOC POL 25, SOC POL 29 and DM POL 24 of the County Development Plan, which seek to integrate these types of facilities within a community and discourage proposals which would cause unnecessary isolation, and to require that they be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to services. I would reiterate for the Board's attention that the site falls within the settlement boundary of Summerhill and that is appropriately zoned for the proposed use.

Design

- 6.2.4. In terms of design and layout, I note that the proposed ILU's are generally situated in the northern and western parts of the site. There is a mixture of unit typologies with a total of four different unit types spread across the site. A spacious area of public open space is at the centre of the site and there are other smaller landscaped gardens sitting in-between the blocks of units. The majority of the ILU's comprises two-bedroom units (80% / 56 no. units) with a smaller number of one-bedrooms (7% / 5 no. units) and three-bedrooms (13% / 9 no. units). The units would be finished using a natural stone material as the main elevational treatment, which I note was design modification requested as part of further information by the Planning Authority to better match and reflect the character of the nearby ACA and Protected Structures.
- 6.2.5. The proposed nursing home is in the southeast corner of the site. It includes a combination of single, twin and larger ward rooms (with ensembles), dayrooms, a multi-function space, chapel, resident's welfare facilities / treatment / therapy rooms, administration areas and staff facilities, associated dining area, kitchen, plant and services, courtyard gardens and terraces. The facility therefore includes a wide range of services and care options to meet the needs of future residents. The facilities are designed to provide medical care, but also emotional and social support, which is reflective of a modern-day care facility of this nature.
- 6.2.6. I note that the design of the nursing home was modified as part of further information to address concerns by the Planning Authority in relation to the potential physical and visual prominence of the building, including from the public road and adjoining residential estate to the northeast (Castlelawns). I have inspected the revised design, in particular the plans, drawings, and photomontages / CGIs submitted as further information, and consider that the unit type, size, design and layout of the proposed development would be appropriate for the site and in the context of its receiving environment. I acknowledge that the land rises up in this corner of the site such that the nursing home building would sit on elevated ground. However, the change in level is not significant and I do not consider that the proposed overall height and bulk of the structure would be excessive or overly domineering, particularly as the proposed setback distances are generous and a high-quality landscaping response that has been developed as part of the overall scheme.

Private Open Space

- 6.2.7. The proposed development does not comprise any houses. Therefore, it is not required, nor appropriate, in my opinion, for each independent living unit to be provided with a standard size private rear garden. Each patio or terrace is roughly 18 to 21sqm. This is significantly larger than the minimum private open space area required for a typical apartment.
- 6.2.8. I further note that each ILU has been allocated with its own individual patio or terrace. This space would provide opportunities for small amounts of movement, access to fresh air and sunlight / daylight, the ability to host guests and visitors outdoors and to connect with nature by undertaking small gardening or planting tasks. The external space would also allow occupants to gain a sense of ownership and autonomy over their environment, which is to be further welcomed, in my opinion.
- 6.2.9. In summary, I conclude that the proposed development is in accordance with the land use zoning objective for the site. I am also satisfied that it complies with the other relevant policy objectives of the Meath County Development Plan (2021-2027), encourages the integration of such facilities within an existing community (i.e., Summerhill), and that it would not lead to unnecessary isolation or access difficulties for future users or occupants. It is my opinion that Section 11.7.2 of the County Development Plan is also applicable in the consideration of this appeal case. This section states that nursing homes should be in towns and villages for reasons of sustainability, accessibility, and proximity to services, and I am satisfied that this is the case.

6.3. Roads and Traffic

- 6.3.1. The application includes minor changes to the public road running alongside the front (northwestern boundary) of the appeal site. The Appellant states that the proposed works would introduce dangerous bends or curves in the alignment of the road which would present a traffic hazard. I note also that the third party raises an issue in relation to sightlines and that the visibility splays shown on the relevant drawing cut through a 1.8m high wall.

- 6.3.2. The Applicant states in their response that the proposed development will not lead to any changes in the alignment of the road. I concur with this and consider that the horizontal alignment of the road would not be significantly altered as part of the proposed works. The works involving the public road(s) are minor in nature and mainly seek to improve connectivity between the site and village centre. This includes the provision of a new section of pedestrian footpath on the southern side of Moy Road, east of the site entrance, to link in with the existing footpath near the entrance to Castlelawns (residential estate).
- 6.3.3. I have reviewed the proposed access arrangement and note that for vehicles to safely access the site unobstructed sightlines of sightlines of 23m with a setback of 2.4m are required. This is the applicable standard under the Design Manual for Urban Roads and Streets, 2019 ('DMURS'). I have also reviewed the information contained in the Traffic and Transport Assessment (TTA) in relation to vehicle site access arrangements.
- 6.3.4. The proposed site access is from the northwestern boundary of the site, and I note that the Proposed Roads Layout Sheet 1 (drwg. no. 230092-X-04-Z00-DTM-DR-DBFL-CE-1201) shows the required visibility splay is met / exceeded (2.4m x 59m). The sightlines are not drawn back to the nearside edge of the road however and appear to cross a portion of the existing boundary wall to the southwest of the site entrance. The portion of wall likely required to be removed appears to be small however and I consider that the issue of sightlines can be dealt with by condition. I note that the Planning Authority included in their Decision a condition to this effect requiring the provision and maintenance of unobstructed sightlines and that the nearside road edge must be visible over this full sightline distance (Condition 5c). In summary, I consider that vehicles exiting the site would have an adequate view of oncoming traffic from each direction and that adequate lateral visibility can be achieved.
- 6.3.5. I conclude that the proposed development would not give rise to any significant public safety concerns by reason of traffic hazard, and I am satisfied that the site access arrangement is acceptable and would improve connectivity between the subject lands and village centre.

6.4. Other Issues

Shortage of existing community facilities

- 6.4.1. I note that an appellant raises a concern that Summerhill has a shortage of community facilities and that the use of all the G1 zoned land in the village to accommodate the proposed development is not justified. From inspecting Sheet 37A of the Development (land use zoning map) I note that there is other G1 zoned land in the vicinity of the site at two further separate locations in the village. The first is at the existing community centre (roughly 150m to the northeast of the appeal site), and the second is on the western edge of the settlement on the south side of the R156 near the Summerhill Primary Care Centre. Both sites are relatively large and capable of supporting new / expanded community amenities, services and facilities, in my view. Each site is also within the settlement boundary and close to existing residential housing.
- 6.4.2. Furthermore, and notwithstanding the above, I consider it important to reiterate that the proposal to construct a purpose-built community care facility on the site is in accordance with the relevant zoning for the site (zoned G1 – Community Infrastructure) which is to provide community, social and educational facilities. The proposed nursing home and ILU's scheme is consistent with the Development Plan vision to provide good quality community facilities in existing and developing areas and to encourage sustainable and healthy communities across the County.

Procedural and Legal Matters

Landowner Consent

- 6.4.3. The Appellant asserts that the Applicant has not obtained the required legal consent to make the application. They state that while Meath County Council has provided written consent, they are not the legal landowner of certain lands falling with the application site, and as such the application should not be accepted as valid. Conversely, the Applicant states that Meath County Council has confirmed by way of letter (dated 18th October 2023) they have effective control over the lands at Summerhill Demesne and, as the lands are in charge of the Council, the Council has the capacity to give consent.

- 6.4.4. Having regard to the above, there is clearly disagreement between the parties in relation to the matter of landownership and legal consent. However, the Board cannot adjudicate on such matters, and I do not consider there is anything on the face of the application which raises doubt as to the legal ownership of the lands or the legitimacy of the application. I would also note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system.
- 6.4.5. Section 5.13 of the Development Management Guidelines also states that the planning system is not designed as a mechanism for resolving disputes about title to land, or premises, or rights over land. These are ultimately matters for resolution in the Courts. However, I note the Applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission. In summary, and in relying on the prima facie evidence before me, I consider that the Board is entitled to grant planning permission for the proposed development.

Statutory Notices

- 6.4.6. The Third Party also states that the statutory notices accompanying the original planning application did not reference works to a Protected Structure, being Knock Castle (Tower House) (RPS No. 91416), and that the application should be invalidated as a result.
- 6.4.7. I have dealt with the issue as to whether the historic stone wall entails part of the curtilage of the existing Protected Structure and – with reference to the Council's Conservation Officer's Report – do not believe that this is the case. Therefore, there are no works proposed as part of the application to a Protected Structure and the issue of referencing same in the formal planning documentation does not arise in this instance.

6.4.8. In relation to the application referencing the site being on the 'Moy / New Road', I note that the Applicant may have erred in referring to the road in this way. It appears the site is accessed directly from Moy Road. However, I can understand why this misunderstanding may have occurred having referred to various online mapping sources and that the roads are physically connected to one another at a point that is very close to the proposed site entrance. I also do not consider that third parties have been discommoded in any way, that the wording used is disingenuous or misleading, or that third party rights have been impinged upon in some manner. It is my opinion, therefore, that this issue is not sufficient reason to refuse the application.

Further Information

6.4.9. The further information submitted by the Applicant was deemed to be 'Significant' by the Planning Authority. Several public bodies were therefore invited to make a submission on the revised submission, which included new information / reports, and changes to the design of the overall proposed development. I note that both the revised public notices correctly cited 'significant further information' as required by the legislation and furnished to the Planning Authority in a timely and correct procedural manner.

6.4.10. However, a letter received by third parties, including objectors, stated that the further information received was 'Not Significant' and that there would be no opportunity to make a further submission or observation. The Appellant submits that they were therefore precluded from making a further submission on the application as they would normally be entitled to do in such a circumstance. The Planning Authority has accepted that this was an error made on their behalf.

6.4.11. I acknowledge that while the correct legislative process was not followed by the local authority the Appellant has taken the opportunity to make an appeal on the current version of the proposed development and has not been excluded in any way from engaging with the appeals process. Notwithstanding this, and should the Board consider it necessary, the Applicant could be requested to publish revised public notices in accordance with the relevant legislation.

Water and wastewater capacity

6.4.12. In relation to concerns raised regarding water and wastewater capacity issues, I note that Uisce Éireann provided a submission at planning application stage. The report

states no objection to the proposed development, subject to standard conditions, including that the development must be carried out in compliance with the relevant Uisce Éireann standards, codes and practices. I am satisfied that that there are no issues arising in terms of the proposed development being able to access adequate, secure, and safe water and wastewater services.

7.0 Appropriate Assessment Screening

AA Screening (Stage 1)

- 7.1. This section of my report addresses the issue of Appropriate Assessment (AA). No natural heritage designations apply to the subject site. There are also no European Sites in the immediate vicinity.
- 7.2. The nearest European Site is the River Boyne and River Blackwater SAC (Site Code: 002299), which is roughly 7.6km to the northwest. The River Boyne and River Blackwater SPA (Site Code: 004232) is roughly 8.7km to the northwest. The Rye Water Valley / Carton SAC (Site Code: 001398) is roughly 14.3km to the southwest. A full list of the Qualifying Interests and Conservation Objectives for each European Site is available on the NPWS website at <https://www.npws.ie/protected-sites>.
- 7.3. There is a small drain running along the northwestern and southern boundaries of the site. The drain follows the existing tree lines. However, there is no direct pathway or ecological connection between the subject site and these European sites, meaning there is no real likelihood of any significant effects on these European-designated sites, or their wider catchment areas.
- 7.4. Having examined the qualifying interests and conservation objectives for these European Sites, I am satisfied that the proposed development, due to its nature, relatively small scale, and location in an established urban and serviced area, that it would not result in potential for significant impacts on the integrity and conservation objectives of these European Sites. I also note the intervening land uses situated between the subject site and the European Sites, which includes both urban and rural landscape typologies, main urban roads (such as the R156 to the northwest and R1578 to the southeast, respectively), built-up areas, and existing settlements, and which mean any hydrological connection between the subject lands and the

European Sites would be indirect and weak. Furthermore, the proposed source of water supply and method of wastewater management / disposal would be via the public network. All new water and foul sewer designs will be in accordance with the Uisce Éireann Code of Practice. [See drwg. no. 230092-1-94-SW-XXX-DR-DBFL-CE-1301 for further details.] The separation distance from the subject site to the European Sites is also such that that water quality in the European sites would not be negatively affected due to the dilution factor involved and settling out over such a distance.

- 7.5. I note that the Planning Authority, and Applicant as part of their appeal submission, completed an AA Screening, which confirmed that there would be no material risk to any protected habitats and, therefore, no requirement for a Stage 2 AA.

In-combination effects

- 7.6. There are no likely significant in-combination effects identified for the purposes of AA. The only cumulative impact envisaged would be that of additional loading placed on the public sewage treatment infrastructure.

Screening Determination

- 7.7. In conclusion, having regard to the nature and scale of the proposed development on this urban and serviced property, the intervening land uses, and absence of a pathway to, and the distance from, any European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Meath County Development Plan 2021-2027, including the zoning objective for the site (G1 - Community Infrastructure), the location, setting and suitability of the site (which is within the settlement boundary for Summerhill), the nature and scale of the proposed development, and the pattern and character of development in the surrounding vicinity, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety and would not seriously detract from the character or built heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 8th November 2023, 19th February 2024 and 4th March 2024, except as may otherwise be required in order to comply with the following conditions.</p> <p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposals, mitigation measures and commitments set out in the Construction Environmental Management Plan (CEMP) shall be implemented in full as part of the proposed development.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
3.	<p>a) Each permitted independent living unit shall constitute a single unit as defined under Class 9(a) of the Planning & Development</p>

	<p>Regulations 2001-2023 and only used for residential accommodation and care for people in need of care and no other class of use specified in Part 4 of Schedule 2 of the Regulations, unless authorised by a further grant of permission.</p> <p>b) Prior to the commencement of occupation, the applicant shall enter into an agreement with the Planning Authority pursuant to section 47 of the Planning and Development Act 2000-2024 which requires the occupancy of each permitted independent living unit to be restricted to persons aged 55 years or older, or to persons with a certified medical need for sheltered housing, and the spouses or partners of such persons.</p> <p>c) The applicant / management company shall provide the Planning Authority with an annual confirm in writing that all independent living units are in compliance with Condition 2(b) above (i.e., the occupancy of the units shall be restricted to persons aged 55 years or older or to persons with a certified medical need for sheltered housing and spouses or partners of such persons).</p> <p>Reason: In the interests of clarity and to prohibit an unacceptable change of use.</p>
4.	<p>Prior to the commencement of occupation, the applicant/developer shall:</p> <p>a) Provide a 2-metre-wide concrete footpath along the boundary of the site along the L-6212. This path shall connect to the proposed path on the western boundary of the site.</p> <p>b) Tactile paving shall be provided at all pedestrian crossings within the development and at the entrance along the L-6212.</p> <p>c) Provide and maintain sightlines in accordance with DMURS from all internal junctions. In that regard unobstructed sightlines of 23m from a setback of 2.4m shall be provided. The nearside road edge shall be visible over the entire sight distance.</p>

	<p>d) Covered bicycle parking facilities shall be provided throughout the development as shown on Drawing No: 230092-X-05-Zoo-DTM-DR-DBFL-CE-1201 Rev 01.</p> <p>e) The public lighting design (received 19/02/24) shall be constructed as per the 'Meath County Council: Public Lighting Technical Specification and Requirements' document.</p> <p>Reason: In the interests of amenity and public safety.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>a) The Applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre- development testing at the site. The testing report will include the results of an archaeological geophysical survey of the development site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.</p> <p>b) The archaeologist is required to notify this Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.</p> <p>c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.</p> <p>d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to this Department for consideration.</p> <p>e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or</p>

	<p>monitoring may be required this Department will advise the Applicant/Developer with regard to these matters.</p> <p>f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with this Department.</p> <p>Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.</p>
7.	<p>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.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
8.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity</p>

9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. Any existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
13.	<p>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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives</p>

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

	<p>application of the terms of the Scheme.</p> <p>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.</p>
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[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

Ian Boyle
Senior Planning Inspector

18th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319559		
Proposed Development Summary	<p>The proposed development is for the construction of 70 no. independent living units (ILU's) and a nursing home. The proposed ILU's consist of:</p> <ul style="list-style-type: none"> 5 no. 1 bedroom units - 7% 56 no. 2 bedroom units - 80% 9 no. 3 bedroom units - 13% <p>The proposed nursing room is two to three storeys in height and comprises 75 no. bedrooms, dayrooms, a multi-function space, chapel, resident welfare facilities/treatment/therapy room, administrative area and staff facilities.</p>		
Development Address	The appeal site comprises a greenfield and section of public road on the southern side of Summerhill village in County 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	
		No ✓	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
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
Yes	✓	10. Infrastructure Projects (b)(i) Construction of more than 500 dwelling units. (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.		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Boyle

Date: 18th July 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319559	
Proposed Development Summary	<p>The proposed development is for the construction of 70 no. independent living units (ILU's) and a nursing home. The proposed ILU's consist of:</p> <ul style="list-style-type: none"> • 5 no. 1 bedroom units - 7% • 56 no. 2 bedroom units - 80% • 9 no. 3 bedroom units - 13% <p>The proposed nursing room is two to three storeys in height and comprises 75 no. bedrooms, dayrooms, a multi-function space, chapel, resident welfare facilities/treatment/therapy room, administrative area and staff facilities.</p>	
Development Address	The appeal site comprises a greenfield and section of public road on the southern side of Summerhill village in County Meath.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The surrounding area is characterised by a mix of commercial and residential uses typically found in a small settlement such as Summerhill.</p> <p>The site has a stated area of 3.9ha and comprises a greenfield used for farming purposes. The site is zoned G1 – Community Infrastructure and is within the settlement boundary for Summerhill.</p>	No

Will the development result in the production of any significant waste, emissions or pollutants?	<p>During the construction phase the proposed development will create demolition waste.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is Independent Living Units and a nursing home.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The proposed development is not exceptional in the context of its existing environment. The site is also zoned G1 – Community Infrastructure, which is a suitable zoning to accommodate the proposed use.</p> <p>Owing to the serviced and urban nature of the site and character of the surrounding area, which is mainly residential and commercial in nature, I do not consider there is potential for significant cumulative impacts.</p>	<p>No</p> <p>No</p>
<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?</p>	<p>The application site is not within, or immediately adjoining, any protected area(s). There are no significant waterbodies on the site and are no hydrological links between the subject site and any European designated site. Therefore, there would be no potential for significant ecological impacts as a result of the proposed development.</p> <p>The site is located within a serviced, urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No. The proposed development have the potential to significantly affect other significant environmental sensitivities in the area	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required. ✓	There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	There is a real likelihood of significant effects on the environment.

Inspector: Ian Boyle

Date: 18th July 2024

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Summerhill Architectural Conservation Area

(Extract / Appendix 7 of the Meath County Development Plan)

Historical Development

Built in the 1730's by Hercules Langford Rowley, Summerhill House was twice burnt in the C 19 and C 20 and finally demolished in 1970. The granting of patents for a fair at Summerhill to H.L. Rowley by George III in 1780 most likely coincided with the planned development of the village. Lewis, writing some thirty years later, said that Summerhill contained 49 houses and 331 inhabitants, had a constabulary police station and a Presbyterian meeting house.

Layout

The street pattern within Summerhill reflects the planned estate layout associated with Summerhill demesne to the south. The village green is bounded by rubble limestone walls to centre and concrete bollards with iron chain to north and south ends. It includes a cast-iron waterpump to north-west, Celtic Revival high cross to north end and a medieval cross.

Built form

The green is framed by townhouses of varying architectural styles and together with the alignment of the main axis of the village to Summerhill Demesne, this has created a village character of a very high quality. The stands of deciduous trees also contributes to the special character of the village.

The existing three-storey Georgian houses and single-storey estate cottages date to the late C 18 and C 19 and add significantly to the character of the village. Buildings are for the most part plastered and painted, with slate roofs.

Objectives:

1. To preserve the character of the village by requiring that the height, scale, and design of any proposed development within the village should complement the character of the village and its open space, and not diminish its distinctiveness of place.

2. To encourage the removal of visually intrusive elements such as overhead cables and inappropriate signage.
3. To require the preservation and re-instatement of traditional details and materials on existing buildings and the streetscape where improvements or maintenance works are being carried out.

A detailed statement of character and planning guidance is available to download from the website.

Boundary of Summerhill ACA

Source: Figure 3 of Summerhill Architectural Conservation Area Statement of Character. [The subject site is outside the ACA, roughly 200m to the west.]

