An Bord Pleanála

Inspector's Report ABP-320049-24

Proposed Development	Construct 267 residential units, a childcare facility, a link road, road upgrades along the Old Navan Road (R157) and associated development
Location	Bennetstown, Pace & Dunboyne townlands, Dunboyne, County Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	23/60290
Planning Authority Decision	Grant Permission
Applicant	Marina Quarter Ltd.
Type of Application	Large-Scale Residential Development
Type of Appeal	Third Party
Appellant(s)	Bennettstown Residents
Prescribed Bodies	Iarnród Éireann Transport Infrastructure Ireland
Observers	None

Date of Site Inspection	18th September 2024
Inspector	Colm McLoughlin

Contents

1.0 Introduction

1.1. This report provides an assessment of an appeal regarding a proposed large-scale residential development (LRD) under the provisions of the Planning and Development Act 2000, as amended (hereinafter referred to as 'the Act of 2000'). The application was subject of a decision to grant permission by the Planning Authority and subsequently appealed to An Bord Pleanála by a third party.

2.0 Site Location and Description

2.1. Measuring a stated gross area of 14.2 hectares, the appeal site is of irregular shape and is situated on the northern periphery of Dunboyne in County Meath, close to the southeast boundary with County Dublin. It primarily comprises agricultural fields lined by mature hedgerows and bounded along the northern side by the car park facility and access road serving the M3 Parkway rail station, with the R157 regional road and associated roundabout along the western side and the River Tolka, the Old Navan Road (L2227 local road) and an access road to a private residence (Bennettsbridge) on the western side. The Old Navan Road is no longer a through route, as it has been cut to primarily facilitate the M3 Parkway rail station.

2.2. The main development area for the site is approximately 1km to the north of Dunboyne town centre and 100m to the southwest of the M3 Parkway rail station building. The appeal site includes stretches of the R157 regional road and roundabout junction, a stretch of an access road serving the M3 Parkway rail station and a stretch of the Old Navan Road leading south towards the town centre. A narrow section of the site extends northwards from the R157 regional road roundabout through agricultural lands to a local road (formerly a section of the Old Navan Road) in Pace townland. Overhead electrical powerlines traverse the centre of the site in both north-south and east-west directions, and based on the application survey details, the main development area of the site features a gradual 5m drop in ground levels from the northern boundary to the southern boundary. A drainage ditch cuts through the southern end of the site, draining in an easterly direction.

2.3. The immediate area to the west and south of the site is characterised by agricultural fields, whereas the immediate area to the east is dominated by the railway line and M3 motorway corridor, as well as a line of detached houses fronting onto the Old

Navan Road. The parking facility associated with the rail station dominates the land to the north.

3.0 Proposed Development

3.1. The proposed development would consist of the following elements:

- construct 145 two to three-storey houses and eight three to five-storey blocks containing 122 apartments / duplex apartments, and a single-storey childcare facility (280sq.m);
- bin stores and three electricity substations / kiosks;
- modifications to the R157 regional road, including the replacing of the existing roundabout junction with a signalised road junction, provision of a distributor link road, including a bridge crossing over the River Tolka, connecting the R157 regional road with the Old Navan Road, including two vehicular access to the proposed housing area, footpaths, cycle lanes and two pedestrian crossing along the access road serving the M3 Parkway rail station;
- all ancillary site development works and services, undergrounding and rerouting of electricity powerlines, groundworks and flood alleviation works, communal and public open spaces, landscaping, including a sculpture feature, boundary treatments, external lighting, parking, services and connections, including wastewater pumping station with rising main connection to services along the Old Navan Road, and a watermain connection through agricultural lands in Pace townland.

3.2. The following tables set out the key features of the proposed development:

Table 3.1 Development Standards

Site Area (gross / net)	14.17ha / 5.18ha
No. of residential units	267
Part V units (% of units)	27 (10%)
Gross Floor Area (GFA)	22,850sq.m
Residential GFA (% GFA)	22,570sq.m
Non-residential GFA (% GFA)	280sq.m (1.2%)
Residential Density (net)	52 units per ha

Communal Open Space	1,341sq.m
Public Open Space (% of net site area)	8,341sq.m (16%)
Plot Ratio (net site area)	0.47:1
Site Coverage (net site area)	18%

Table 3.2 Unit Mix

	1-bedroom	2-bedroom	3-bedroom	4-bedroom	Total
Apartments	28	48	-	-	76 (29%)
Duplexes	-	11	35	-	46 (17%)
Houses	-	85	52	8	145 (54%)
% of units	28 (10%)	144 (54%)	87 (33%)	8 (3%)	267 (100%)

Table 3.3 Stated Maximum Building Heights

Block	Storeys	Height
Apartments	4 - 5	18m
Duplexes	3	12.5m
Houses	2 - 3	11.4m

Table 3.4 Parking Spaces

Car parking (standard)	289
Car parking (visitor / shared)	27
Car parking (childcare facility)	11
Car parking (total)	327
Cycle parking (visitor & childcare)	679 (170)

3.2.1. In addition to the standard contents, the LRD application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning and Design Report;
- Environmental Impact Assessment Report (EIAR) (Volume I. Non-Technical Summary, Volume II. Main Report & Volume III. Appendices);
- Appropriate Assessment (AA) Screening Report;
- Natura Impact Statement (NIS);
- Architectural Design Statement;
- Traffic and Transport Report;
- Mobility Management Plan;
- Infrastructure Report;

- Daylight & Sunlight Assessment;
- Statement of Consistency;
- Photomontages / CGIs booklet;
- Part V Proposal;
- Childcare Assessment;
- Social Infrastructure Audit;
- Design Manual for Urban Roads and Streets (DMURS) Compliance Statement;
- Site Specific Flood Risk Assessment;
- Construction & Environmental Management Plan (CEMP);
- Outline Construction Traffic Management Plan (CTMP);
- Construction Waste Management Plan (CWMP);
- Landscape Design Report;
- Arboricultural Report;
- Stage 1 Road Safety Audit & Quality Audit (Internal Roads);
- Building Lifecycle Report;
- Housing Quality Assessments;
- Schedule of Accommodation;
- Preliminary Fire Safety and Access & Use Strategy;
- Public Lighting Report;
- Energy Statement;
- Property Management Strategy Report;
- School Demand Report;
- Universal Design Statement;
- Utility Report.

4.0 Planning History and LRD Opinion

4.1. Appeal Site

4.1.1. The following planning applications relate to lands partially overlapping the appeal site:

- Meath County Council (MCC) reference (ref.) 23/60065 – in August 2024 a ten-year permission was granted for a supermarket and two commercial units, with provision for a four-arm signalised junction replacing the Pace roundabout junction on the R157 and upgrade works to the M3 Parkway rail station access road. This site adjoins the northwest side of the appeal site

and overlaps the appeal site at the Pace roundabout junction and along part of the rail station access road;

- An Bord Pleanála (ABP) ref. 320091-24 / MCC ref. 23/424 – in July 2024 a first-party appeal was lodged in relation to a condition of planning permission issued by the Planning Authority for the development of three office buildings ranging in height from three to four storeys, with provision for a four-arm signalised junction replacing the Pace roundabout junction on the R157 and upgrade works to the M3 Parkway rail station access road. This site is approximately 250m to the northwest of the appeal site and overlaps the appeal site at the Pace roundabout junction, along part of the rail station access road and along the proposed water supply connection route. A decision on the appeal is due in November 2024.

4.2. Surrounding Area

4.2.1. The following Railway Order application relates to the adjoining rail line adjacent to the western boundary of the appeal site:

- ABP ref. NA29S.314232-22 – in July 2024 the Board granted permission for the acquisition of land and the undertaking of the 'DART+ West Railway Order – Dublin City to Maynooth and M3 Parkway', allowing for the extension of the electrified DART rail network.

4.2.2. The closest recent substantive development proposals within the immediate area include:

- MCC ref. 24/60709 – in September 2024, a large-scale residential development application was lodged to the Planning Authority comprising 853 residential units and sections of a distributor road, along the east side of the rail line and northern side of Station Road, approximately 700m to the southeast of the appeal site;
- MCC ref. 24/60625 – in August 2024, an application for a large-scale residential development application was lodged to the Planning Authority comprising 171 residential units and a new section of the Dunboyne eastern

distributor road, approximately 600m to the southeast of the appeal site at the junction opposite the Dunboyne Business Park;

- MCC ref. 23/60063 – in March 2024 the Planning Authority requested further information in relation to a 1.5km-long distributor road connecting from the Old Navan Road to Station Road on the northeast side of Dunboyne, traversing the railway line, approximately 600m to the south of the appeal site. An extension of time to respond to the further information request was issued by the Planning Authority in September 2024;
- MCC ref. P822022 – in April 2024 the Planning Authority approved a Part 8 development comprising a link road connection between Dunboyne Business Park and the R157 regional road, located approximately 600m to the south of the appeal site;
- MCC ref. 23/849 / ABP ref. 318500-23 – following withdrawal of an appeal in March 2024, permission was granted by the Planning Authority for a large-scale residential development for 716 residential units, a childcare facility and a new section and reservation for the Dunboyne eastern distributor road, located on the south side of Station Road in Dunboyne, approximately 1.7km to the southeast of the appeal site;
- ABP ref. 305820-19 – in February 2020 the Board refused permission for a strategic housing development comprising 226 residential units on lands located approximately 2.2km to the south of the appeal site in Dunboyne, due to deficiencies in the road network, including the lack of certainty regarding the delivery of the Dunboyne eastern distributor road.

4.3. Pre-application Consultation

4.3.1. An initial LRD pre-application consultation meeting under section 247 of the Act of 2000 took place between representatives of the LRD applicant and the Planning Authority on the 15th day of May, 2023 (under MCC ref. LRD0014) in respect of a development generally comprising 261 residential units and a childcare facility on the subject lands. A follow-up, final pre-application meeting was held on the 20th day of July, 2023, with respect to a development comprising 268 residential units and a childcare facility on the appeal site. A copy of the Planning Authority's record of

these meetings has been placed on the appeal file and based on these records the main topics raised for discussion at pre-application stage included the following:

- zoning, phasing, core strategy and density;
- design, layout, residential amenity, standards and ownership;
- traffic, access, parking, lighting and boundary treatments;
- flood risk and infrastructure design;
- water supply, wastewater and surface water drainage;
- EIA, AA and other environmental assessments, such as hedgerow and ecological surveys;
- landscape strategy and open space;
- Part V social housing provision;
- social infrastructure assessment;
- public artwork, sustainability and energy efficiency, telecommunications, noise impacts, waste management and taking-in-charge details.

4.4. Planning Authority Opinion

4.4.1. In the Notice of LRD Opinion, which according to the Planning Authority was issued on the 16th day of August, 2023 under MCC ref. LRD0014, the Planning Authority states that they were of the opinion that the documents submitted require further consideration and / or amendment to constitute a reasonable basis for an LRD application. In the opinion of the Planning Authority, further consideration and amendments were requested with respect to:

- submission of an EIAR, a NIS and a Water Framework Directive (WFD) assessment.

4.4.2. Further to this, the opinion of the Planning Authority stated that an application for the proposed development should be accompanied by:

- 15% of the zoned development lands to be used as public open space;
- phasing proposals;

- a design statement addressing various planning provisions, including the masterplan for these lands, Meath County Development Plan 2021-2027, planning guidelines, mixed tenures, contiguous elevations, access, urban design and residential standards;
- a social infrastructure assessment and provision for childcare;
- landscaping, open space and boundary treatments;
- traffic and transport details addressing junctions, detailed design requirements, assessment criteria, parking and audits;
- public lighting;
- surface water drainage infrastructure design requirements;
- waste and construction management plans;
- Part V social housing and universal design details;
- environmental assessment, noise mitigation, ecological surveying and flood risk management measures;
- archaeological geophysical survey, trial trenching and any archaeological recommendations arising;
- energy efficiency, taking-in-charge, fire safety and electrical infrastructure details.

4.5. First-Party Response to Opinion

4.5.1. The application included a report titled ‘Response to Meath County Council LRD Opinion’ outlining how the first party considered the application to comply with the requirements listed in the Planning Authority’s opinion, including the submission of an EIAR and NIS addressing the potential project impacts on the environment and European sites. The LRD opinion response report sets out the various documents and drawings accompanying the application that were submitted in response to the LRD opinion.

5.0 Planning Authority Decision

5.1. Planning Authority Reports

5.1.1. Planning Reports

The initial report of the Planning Officer (November 2023) can be summarised as follows:

Principle and Density

- the site is situated in an area forming part of the MP22 Masterplan lands identified in the Development Plan, which provides for a plan-led development of a live-work community to the north of Dunboyne;
- the Masterplan for these lands was completed in October 2022 and is intended to provide a road map for the future development of these lands, including phasing arrangements, land uses, residential unit numbers and infrastructure details;
- there is capacity in the housing allocation for Dunboyne to accommodate the proposed development;
- the proposed development complies with zoning provisions, including the provision of utilities within 'F1-open space' zoned lands and the access road on 'E3-employment' zoned lands;
- a net residential density of 52 units per hectare is appropriate in this location based on local and national planning policy, including the Urban Development and Building Heights – Guidelines for Planning Authorities (2018), as well as the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual;
- proposals feature an acceptable plot ratio and site coverage, while complying with objective DCE OBJ 9 of the Development Plan addressing the phased development strategy for these lands;
- aspects of the phasing proposals are not acceptable, as all key infrastructure, including childcare facilities, must be delivered in advance of full occupancy of the development;

- the naming of the development and Part V social housing requirements should be finalised as conditions in agreement with the Planning Authority;
- section 48 and section 49 development contributions apply;

Height, Design and Layout

- building heights are considered acceptable based on the provisions of the Development Plan and the relevant planning guidelines;
- the use of render on the blocks fronting the public plaza would be unacceptable and should be conditioned out;
- while substantial in scale, the proposed development can be accommodated and absorbed into this area without causing significant, detrimental or unacceptable landscape and visual effects;
- public open space amounting to 16% of the net site area would exceed the 15% requirement of the Development Plan;
- the inclusion of the flood plain area measuring 3.1ha is welcomed, although visuals of the change in this area have not been provided with the application;
- the tree-lined boundary with the existing residence to the northeast of the site should be maintained for its amenity value and as a means of screening the visual impact of the development on this property;
- undue overshadowing, overlooking and restriction of lighting to the neighbouring residence to the northeast would not arise;

Residential Development Standards

- the proposed housing mix, including unit types and sizes, the apartment floor areas, floor-to-ceiling heights, lift / stair core access, storage areas and private amenity space, would comply with the relevant special planning policy requirements (SPPRs), as well as planning guidance;
- the public open space should be made available in a phased and co-ordinated approach;
- 80% of the apartment / duplex units would feature dual aspect, and single-aspect north-facing apartments are not proposed, in compliance with SPPR 4

of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities;

- despite shortfalls in the 22m Development Plan separation distance required between the units, the scheme complies with the Development Plan objective DM OBJ 20, as residential amenities would not be compromised due to the design measures;
- the analysis of sunlight and daylight to the apartments is noted, including justification where shortfalls in sunlight access to 37 apartments would arise, with the overall approach to lighting considered satisfactory;
- the access levels for sunlight to the communal amenity spaces and private gardens would be acceptable;
- elevation details for the bin and bicycle stores intended to serve the duplex units would be necessary;
- boundary treatments for residences are considered acceptable;
- the development energy-efficiency measures and standards are noted;
- the waste management proposals and the contents of the Building Lifecycle Report and Universal Design Statement submitted with the application are noted;
- the Property Management Strategy Report details are noted and the requirement for a management company to be put in place to manage the development will be addressed via condition;
- it would be appropriate to address the internal noise levels to habitable rooms via condition based on the site location within ‘noise zone C’ relative to Dublin airport;

<u>Supporting Services</u>

- all existing neighbouring support services are located in Dunboyne town centre, with connections available via the M3 Parkway rail station and provisions for the future extension of bus services to this rail station;
- proposals for a supermarket and retail units on the adjoining site to the northeast are noted (MCC ref. 23/60065);

- the proposed childcare facility with capacity for 65 children would be capable of accommodating the 46 childcare spaces envisaged to be required as a result of the development, although revisions to the internal layout of the facility would be necessary to accommodate a baby room;
- based on the calculations presented, the development would create demand for 80 primary school places and 62 post-primary school places;

Engineering Services

- foul wastewater would discharge initially towards a proposed pumping station within the northeast area of the development, prior to discharge into the Uisce Éireann network via an 800m-long rising main connecting into the public network at the entrance to Dunboyne Business Park;
- capacity is available in Ringsend Wastewater Treatment Plant (WWTP) to cater for the estimated wastewater loading;
- the closest water supply network with capacity to cater for the proposed development and feasible of being connected into, is located on the L2228 local road at Pace to the northwest of the main development site area;
- Uisce Éireann has a project in their current investment plan that would provide the necessary upgrade and capacity to supply water for the development, and this project is scheduled to be completed by quarter 3 of 2026, with a connection to this network feasible following this;
- details available at the LRD meeting confirmed that water and wastewater demands could be facilitated by Uisce Éireann;
- surface water drainage, including the treatment and disposal of surface water, would not meet the requirements of the Environment Flooding – Surface Water Section of the Planning Authority;
- revised drainage channel, culverts, surface water drainage, overland flood routes and drainage to the local distributor road, as well as a maintenance plan, are required for the development;
- a final CEMP would be needed for the project;

Flood Risk

- extensive flooding, effecting houses and the town centre, occurred in Dunboyne in November 2002, and the River Tolka Flood Alleviation Scheme was constructed in 2003, including 7km of flood walls and embankments;
- various works to the drainage channel, including culverts and piping, are noted;
- a 13m-span bridge with soffit level over the extreme flood risk level is proposed over the River Tolka, with additional conveyance structures both sides of the river to address extreme fluvial flood events;
- the existing earthen berm along the eastern flank of the river would be removed and replaced with a flood-resistant earthen berm generally set back further to the east from the river channel;
- the site is located in flood zones A and B, therefore based on the uses proposed and The Planning System and Flood Risk Management - Guidelines for Planning Authorities, a justification test would be necessary;
- the results of flood risk analysis for the Dunboyne area undertaken by the Office of Public Works (OPW) in 2019 are available online;
- the Environment Flooding – Surface Water Section of the Planning Authority considers that the applicant has underestimated critical flows, flood extents and flood risk, given their use of substantially lower flows for the river compared with the flows used in the hydraulic modelling for the study of flooding in the Dunboyne area of further assessment (AFA);
- the applicant has omitted the locations of the cross sections for the flood study area;
- flood levels are indicated by the applicant to be higher in the post-development scenario when compared with the pre-development, undefended scenario, thereby presenting an increased and unacceptable flood risk;
- the existing flood defences are established and should not be interfered with by the proposals, unless confirmed as being acceptable by the OPW, with the

design of the river-crossing bridge needing to be altered to meet ‘Section 50’ flood risk consent requirements;

- an additional compensatory flood storage volume of 5,848m^3 would be provided along the western fringe to the flood zone adjacent to the proposed housing area, however, the methodology, calculations and reasoning for providing this has not been provided;
- the proposals fail to pass item 2(i) of the justification test in box 5.1 to The Planning System and Flood Risk Management - Guidelines for Planning Authorities;

Access, Parking and Traffic

- the Transportation Study at Dunboyne and Environs was completed in 2018 forming a platform for the implementation of an integrated land use and transportation strategy for the town and its environs;
- an indicative link from the R157 regional road to the Old Navan Road has been identified in the Development Plan and this is proposed as part of the development, although this needs to be designed to accommodate a 30km/hr speed limit;
- the extension of bus services into this area is expected as the critical mass and support for same develops;
- the site would connect via cycle and pedestrian links to the rail station, with the DART+ West project expected to improve services from this station;
- proposals for the Dunboyne and Clonee pedestrian and cycle network, including scope and timelines, became available in June 2023, and the proposed development would tie in with a future cycle scheme to be delivered separately and providing good connections with Dunboyne town centre;
- a dedicated, well-designed and overlooked walking and cycle route through the scheme, linking future residents with the rail station, as required under the Masterplan, would be provided as part of the proposals, with additional links directly to facilities to be provided on the Old Navan Road;

- the traffic figures used to inform the proposals, accounting for surveying during Covid restrictions, home / remote working patterns, national demand forecasting models and various development scenarios, provide a reasonable and acceptable baseline approach for the traffic and transport assessment;
- trip-rate estimations are considered robust;
- rat-running along the R157 regional road to the Old Navan Road via the proposed link road would not be an issue with various measures and design features incorporated into the road proposals to address this;
- the expected traffic impacts at neighbouring junctions would appear reasonable, including the impact along the neighbouring M3 motorway junction;
- based on DMURS, a central refuge island may be required for vulnerable road users along the R157 link road junction as it would measure over 12m in width;
- according to the Local Authority's Transportation Department, a shortfall of 145 car parking spaces is proposed based on Development Plan standards and notwithstanding the proximity to the rail station, given the peripheral location within the metropolitan area, this shortfall is unacceptable, as it may lead to erratic on-street and illegal parking, thereby restricting access and movement;
- the Chief Executive notes the comments of the Transportation Department regarding car parking, however, they note the provisions of section 11.9.1 of the Development Plan allowing for a reduction in car parking relative to the standards, with the immediate proximity to the existing rail station facilitating this reduction in order to actively encourage a modal shift to more sustainable transport options;
- the proposed electric-vehicle charging points representing 20% of spaces in the development is acceptable, and 5% of car parking spaces should be allocated as universally-accessible spaces;
- the locations and quantum of cycle parking would be acceptable;

- all matters addressed in the safety audits should be addressed in future audits;
- the internal access roads, street hierarchy, vertical roads layout, junctions and crossings, as well as visibility splays and swept-paths would be acceptable;
- a noise impact assessment should be undertaken to address the impacts arising for proposed residences along the R157 regional road;
- the proposed home zones should be 4.8m in width alongside a 1.2m comfort zone;
- no more than 100 units may be occupied prior to the completion of all roads and transport infrastructure within the red line boundary of the development;
- matters raised by the Transportation Department regarding roads and traffic, would need to be addressed as conditions of a permission;

AA

- a NIS was submitted in respect of the effects of the project on South Dublin Bay and River Tolka Estuary Special Protection Area (SPA), North Bull Island SPA, North Dublin Bay Special Area of Conservation (SAC) and South Dublin Bay SAC;
- the Planning Authority retained the services of external consultants to undertake a technical review of the NIS submitted;
- the method statement for the bridge construction, including sign off by an ecologist, does not provide certainty regarding the mitigation measures to address adverse impacts of the proposed development on the integrity of European sites;
- the applicant's statement supporting groundwater hydrogeological pathways screens out the impacts on European sites based on distance without substantiating this;
- the NIS should be amended to provide certainty to address adverse impacts of the proposed development on the integrity of European sites based on mitigation measures similar to those outlined in the EIAR submitted;

Environmental Impact Assessment (EIA)

- the requirements in relation to the consideration of alternatives and consultation have been satisfactorily addressed and the EIAR has been prepared by competent experts;
- the CEMP and Outline CTMP will be live documents and final agreement of these plans can be reinforced by a planning condition to address the temporary potential construction impacts on human health;
- the content of the chapters relating to biodiversity, land, soil, geology, water, air quality, noise, landscape, cultural heritage and material assets are noted, and the measures to be employed to address potential environmental impacts on these environmental factors would be reinforced by way of planning conditions;
- there is insufficient cross-referencing between the 'Landscape and Visual Impact' chapter of the EIAR and the submitted tree survey, including its associated recommendations, and the suggested tree planting should be reinforced by way of a condition;
- the conditions recommended by the National Monuments Service will be attached as conditions in the event of a permission;
- the proposed development does not have the potential to have effects that would be considered to result in significant environmental impacts by their extent, magnitude, complexity, probability, duration, frequency, or reversibility.

5.2. Further Information

5.2.1. The Planning Authority decided to request further information from the applicant on the 15th day of November, 2023, generally requiring the following to be addressed:

- revised site specific flood risk measures and assessment;
- amended NIS to address potential impacts via hydrogeological pathways;
- revised surface water drainage, including overland flood flow routes.

5.2.2. The applicant initially responded to this request of the Planning Authority when requesting an extension of time in responding to the further information request on

the 16th day of January, 2024. The Planning Authority acceded to this request on the 22nd day of February, 2024. The applicant subsequently formally responded to the Planning Authority's further information request on the 28th day of March, 2024, along with the submission of revised public notices on the 11th day of April, 2024, referring to the significant further information submitted with the application.

5.2.3. The recommendation within the final report of the Planning Officer (May 2024) reflects the decision of the Planning Authority and this report can be summarised as follows:

Flood Risk

- prior to submitting their further information response, the applicant met with the Planning Authority twice;
- the proposed bridge crossing the river has been revised as a continuous structure with a longer span of approximately 30.5m, resulting in improved conveyance for the redesigned bridge, which no longer requires the excavation of the additional flood capacity on the western side of the flood plain or the removal of the berm on the eastern bank of the river;
- other alterations include slight realigning of a drainage channel / ditch and minor amendments to the bridge embankments to integrate the existing berm into the bridge structure abutments;
- the hydraulic model for the flood risk assessment was reviewed and further refined as part of the further information submission;
- the submitted flood risk assessment does not underestimate water levels and reveals that there would be no significant impact on the River Tolka water levels arising from wholescale breach of the existing berm when compared with the existing baseline and the proposed development scenarios;
- the proposed bridge, including an increased soffit level over the height of the existing berm level, has been designed in accordance with the requirements for a 'Section 50' consent;
- flood risk issues raised by third parties have been addressed in the revised flood risk assessment;

- the development would only increase flood risk to two minor isolated areas on third-party lands that are already subject to flooding and which the relevant third party, McGarrell Reilly Group, consent to and accept;
- there are no objections from the Planning Authority in relation to flood risk, albeit subject to conditions addressing the bridge soffit level, Uisce Éireann requirements for water and wastewater infrastructure in flood zones A and B and the detailed design of the bridge crossing;
- the OPW consultation response confirms that the proposed bridge would require 'Section 50' consent from the OPW;

AA & EIA

- revisions to the proposals along the river and flood plain are noted, and the response in relation to matters raised in the NIS have been satisfactorily addressed;
- the applicant has provided more detail of the mitigation measures to be employed, which provide assurance that these measures would work;
- the construction method statement for the bridge should be signed off by the competent authority and not a project ecologist;
- notwithstanding the additional information provided as an addendum to the EIAR submitted, the EIA conclusions do not alter;

Surface Water Drainage

- the attenuation tank size has been increased and manhole covers raised as part of the revised surface water drainage, and the revised overland flood flow routes are noted.

Inter-Departmental Reports

- Environment Section (Climate) – no response;
- Environment Flooding Surface Water Section – further information initially requested and subsequently no objection, subject to conditions;

- Housing Section – letter of agreement in principle regarding Part V proposals issued;
- Broadband Officer – conditions recommended, including the provision of ducting and chambers for services;
- Transportation Department – conditions recommended;
- Public Lighting – further information requested addressing public lighting design;
- Chief Fire Officer – fire safety conditions and compliance with technical guidance is required;
- Heritage Officer – no response;
- Conservation Officer – no response;

5.3. **Prescribed Bodies**

- Uisce Éireann – no response;
- OPW – any works proposed should be to an appropriate standard and level, with the consequences fully understood, while 'section 50' consent would be required from the OPW and a 10m-wide access strip for maintenance should be provided parallel with the bank of the river;
- Meath County Childcare Committee – no response;
- Health Service Executive (Environmental Health) – EIA reviewed and conditions recommended;
- Iarnród Éireann – conditions are recommended to address safety, boundary treatments, access, operation, drainage, planting, landscaping and lighting along the railway line to ensure its integrity. To address noise and vibration impacts for future occupants of the development a separate condition is recommended;
- National Transport Authority (NTA) – no response;
- Transport Infrastructure Ireland (TII) – the development would adversely affect the operation and safety of the national road network, as it would be at

variance with national policy. Furthermore, insufficient data has been submitted with the application and there is a lack of certainty regarding adherence to the Meath County Council Transportation Study at Dunboyne and Environs (2018), including assessment against the model used for this study. TII was not consulted upon in relation to the preparation of the Masterplan (MP22) for Dunboyne North and this was a serious oversight with respect to ensuring compliance with national policy;

- Minister for Housing, Local Government & Heritage (Archaeology Unit) – conditions recommended, including undertaking of a detailed archaeological assessment prior to commencement of development based on geophysical surveys and test excavations;
- An Taisce – no response;
- Fingal County Council (FCC) – no response;
- Inland Fisheries Ireland (IFI) – no response;
- Dublin Airport Authority (DAA) – condition recommended addressing noise insulation in the proposed residential units;
- Irish Aviation Authority (IAA) – no response.

5.4. Third-Party Submissions

5.4.1. According to the Planning Authority, a total of 15 third-party submissions were received during the initial consultation period for the application, and these were received from residents of the Dunboyne area, a local residents' group and a local-elected representative. The submissions included various images and drone footage of the area, as well as extracts from the subject planning application. The substantive issues raised in the third-party submissions can be summarised as follows:

<u>Flood Risk</u>

- the proposed development, including the removal of the berm, places increased flood risk for housing along the Old Navan Road;

- surface water drainage proposals would increase water levels within the River Tolka, thereby increasing flood risk;
- previous flooding events have arisen in Dunboyne and on the subject lands, including during modest rainfall when the river bursts its banks;
- climate change factors, including increased rainfall, would increase the risk of flooding alongside the proposed development;
- flooding would place economic burdens on others, and the developer should pay a bond to cover remediation in the event of future flooding being caused by the development;
- substantive rationale for removing the earthen berm is not provided;
- details regarding the future maintenance of the flood plain area to be taken-in-charge are needed;
- there would be other areas at less risk of flooding available for housing within the masterplan lands;

Traffic & Access

- increased traffic would arise along the Old Navan Road, with the proposed link road creating a rat run;
- incorrect location for the proposed junctions has been set out based on planning provisions, impacts on residential amenities and the future location of an entrance to Dunboyne Business Park;
- there would be an absence of appropriate pedestrian connections between the site and Dunboyne town centre;
- the Old Navan Road should form a dedicated sustainable transport route or a vehicular route;

EIA

- cumulative assessment of the environmental impacts alongside other future developments needs to be undertaken;
- additional photomontages are required to assess the visual impacts of the proposals in winter conditions and along the Old Navan Road;

Other Matters

- proposals would be non-compliant with the provisions of the Development Plan and the masterplan for these lands, as the road connecting the R157 regional road and the Old Navan Road has not been agreed and, as proposed, it is unacceptable owing to impacts on the amenities and safety of local residents along the Old Navan Road;
- there would be overlooking, overshadowing and loss of light and privacy for a neighbouring house to the northeast arising from the position of proposed block A;
- poor quality public open space is proposed, including narrow tracts and overshadowed hard surfaced areas;
- there is potential for a row of sycamore trees that provide boundary screening to be damaged via works and the removal of an earthen berm along the northeast of the site.

5.4.2. Following the applicant's further information response, three further third-party submissions were received by the Planning Authority, two of which were from residents of the Bennettstown area, and one from a local residents' group. Matters raised in these submissions largely reaffirm concerns raised in the initial submissions to the Planning Authority, and they can be summarised as follows:

- the omission of the proposed removal of the existing berm is noted;
- the site specific flood risk assessment should also account for future developments;
- not all matters raised in the initial submissions were subject of the Planning Authority's further information request;
- concerns remain regarding the proposed link road, its junction with the Old Navan Road, the absence of an appropriate pedestrian access to Dunboyne town centre, the cumulative environmental impacts of the proposals, the future maintenance of the flood plain and taking-in-charge of this area.

5.5. Decision

5.5.1. The Planning Authority decided to grant planning permission for 267 residential units and a childcare facility as part of the proposed LRD, subject to 29 conditions, the following of which are of note:

Condition 14 – detailed road designs;

Condition 16(a) – redesign details of the proposed bridge crossing the River Tolka flood plain and an amended flood risk assessment should be submitted;

Condition 16(b) – water and wastewater infrastructure details across flood zones A and B should be to Uisce Éireann requirements;

Condition 18(a) – a designated community liaison officer should be engaged;

Condition 23 – noise insulation measures to be installed to the proposed residential units.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan to shape the future growth and development of Ireland up to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location. NPO 35 provides for increased residential densities in settlements through a range of measures, including increased building heights. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the report of the Chief Executive from the Planning Authority and other parties, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter 'the Sustainable Settlements Guidelines');
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (hereinafter 'the New Apartment Guidelines');
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter 'the Building Heights Guidelines');
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government;
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009) (hereinafter 'the Flood Risk Guidelines');
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Climate Action Plan (2024);
- Cycle Design Manual (2023);

- Transport Strategy for the Greater Dublin Area 2022-2042;
- Places for People – National Policy on Architecture (2022);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition 2022);
- Housing for All – A New Housing Plan for Ireland (2021);
- DMURS (2019);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (Transport Infrastructure Ireland, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume Two New Development (2005);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. **Regional Planning Policy**

6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.

6.2.2. Dunboyne is situated in the Dublin metropolitan area, as defined in the RSES for the eastern and midland regional authority (EMRA) area, where it is intended to deliver

sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth, as well as accelerated housing delivery and integrated transport. Dunboyne is identified in the RSES alongside Leixlip, Maynooth and Dublin 15 lands, as forming part of a North-West corridor that has short to long-term additional population capacity for between 24,000 and 37,000. Short to medium-term strategic development of this area is dependent on phasing of enabling infrastructure, which the RSES refers to as comprising LUAS extension to Maynooth, roads upgrades, community and social infrastructure, wastewater and local water network upgrades.

6.2.3. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;
- RPO 3.3 – regeneration areas and increasing of densities in line with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), the New Apartment Guidelines and the Building Heights Guidelines.

6.3. Local Planning Policy

Meath County Development Plan 2021-2027

6.3.1. Based on its location within the MASP, Dunboyne is recognised in the Development Plan as having capacity to deliver significant residential and employment growth, while also being identified as a self-sustaining growth town within the third tier of the county settlement strategy, with potential additional capacity for 2,002 residential units on 72.9 hectares of zoned land, inclusive of 119 permitted units.

6.3.2. Based on the land-use zoning objective maps (sheet no.13a) accompanying the Development Plan, the intended housing area of the appeal site features an ‘A2 New Residential’ land-use zoning, with an objective ‘to provide for new residential communities with ancillary community facilities, neighbourhood facilities as

considered appropriate'. Residential use is a permitted use listed in the Development Plan for 'A2' zoned lands. The proposed childcare facility, a wastewater pumping station and associated ancillary infrastructures would be located on lands featuring an 'F1 Open Space' land-use zoning, with an objective 'to provide for and improve open spaces for active and passive recreation amenities'. Childcare facilities are 'open for consideration' and utilities are 'permitted' uses on 'F1' zoned lands. An 'open for consideration' use is one that may be permitted where it would be compatible with the overall policies and objectives for the zone, where it would not have undesirable effects on any permitted uses, and where it would otherwise be consistent with the proper planning and sustainable development of the area.

6.3.3. The proposed link road running northwest to southeast through the primary development area of the site, would be aligned through lands featuring 'A2', 'F1' and 'E3 – Warehouse and Distribution' land-use zonings, the latter of which has an objective in the Development Plan 'to facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require good access to the major road network'. Utilities are also 'permitted' uses on 'E3' zoned lands. A water supply connection is intended to run through existing agricultural land that features 'F1' and 'E1 / E3 Strategic Employment' zonings to the north of the R157 regional road / M3 Parkway roundabout junction, with 'E1 / E3' zoned lands intended in the Development Plan 'to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment'. Utilities are a 'permitted' use on 'E1 / E3' zoned lands.

6.3.4. There is an objective for a 'Transport – Indicative Road Route' illustrated on the zoning maps for this area (sheet 13a), with the route connecting to the R157 regional road and the Old Navan Road and generally running between approximately 50m and 100m parallel with the southern boundary to the appeal site.

6.3.5. Objective SH OBJ 9 of the Development Plan aims to promote the development of Dunboyne as a key settlement in the metropolitan area of Dublin, while objective SH OBJ 16 supports an increased supply of social housing in Dunboyne and other settlements. The Development Plan also includes objectives SH OBJ 5 and CS OBJ

9 aiming to prepare local area plans within the lifetime of the Development Plan for several larger settlements, including Dunboyne. Objective MOV OBJ 52 of the Development Plan aims to continue to support the delivery of key strategic roads within Dunboyne, to include an eastern-distributor road to facilitate rail-focused development, new bus routes and reduced traffic levels in the town. Objective DCE OBJ 4 aims to prioritise the delivery of residential development on the residential-zoned lands adjacent to Dunboyne Rail Station and Dunboyne North.

6.3.6. Other objectives of the Development Plan relevant in considering proposals for development of the appeal site, include DCE OBJ 10 (facilitate further education facility proximate to Dunboyne North rail station), DCE OBJ 14 (pedestrian links over the M3 motorway), DCE OBJ 17 (link roads to the east and northeast of Dunboyne) and DCE OBJ 21 (support measures in the Transportation Study for Dunboyne and Environs). The Plan notes that the completion of the Transportation Study at Dunboyne and Environs 2018 provides a platform for the implementation of an integrated land Use and transportation strategy in the future growth and development of the area. Wastewater from Dunboyne is confirmed in the Plan to be treated in Ringsend WWTP.

6.3.7. Chapter 3 of the Development Plan outlines the Council's approach to housing and settlement, including design criteria, densities and categories of lands suitable for housing. Chapter 11 of the Development Plan comprises development management standards for various forms of development, including objectives DM OBJ 14 requiring densities of greater than 35 units per hectare in self-sustaining growth towns, such as Dunboyne, and DM OBJ 25 requiring development with increased building heights at Pace (M3 Parkway) rail station. Policy DM POL12 encourages apartment schemes in locations such as Dunboyne.

6.3.8. Section 11.15 of the Development Plan lists 38 areas in the county that are subject to Masterplans, three of which relate to the Dunboyne - Clonee area. Sheet no.13(a) of the Development Plan identifies the area subject of masterplan MP 22, with the primary proposed housing area of the application lands falling within this area. The Development Plan outlines that the masterplan lands at Dunboyne North are zoned for employment, commercial, and residential uses, including an initial development of 500 units, which are to be developed under a 'live work' community model. Objective DCE OBJ 8 of the Development Plan aims to facilitate the preparation of a

Master Plan for the 'MP22' lands at Dunboyne North. Section 7 of the Dunboyne, Clonee and Pace Plan appended to the Development Plan includes a host of requirements for the masterplan being prepared for these lands, including appropriate land uses, phasing, access, design, density and heights. Dunboyne North Masterplan – MP22 dated October 2022 is available from the Planning Authority.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The third-party grounds of appeal from a group of local residents objecting to the proposed development and including various appendices, images of the area and extracts from the planning application and Dunboyne North Masterplan – MP22 document, can be summarised as follows:

Principles

- the first party's further information response and the conditions of the permission failed to address the concerns raised in the initial submissions to the Planning Authority regarding the proposals;
- several matters previously raised may have been beyond the remit of the first party to address;

Flood Risk

- local knowledge regarding flooding is undeniable with the majority of the subject lands within a flood plain;
- it is acknowledged that the existing berm would no longer be removed to facilitate the development;
- various images are included with the appeal, including drone footage of the area, revealing the flood extents along the immediate stretch of the River Tolka;
- flooding occurs frequently and even during times of modest rainfall, including since lodging of the application in September 2023;

- the 20% freeboard to address climate change impacts and the increased frequency of extreme flood events would result in the proposals being inadequate to address future flood risks;
- the proposals, including the new bridge crossing, would undermine existing flood defences, with potential to impact on the functioning of the existing berm and limited details in terms of the construction methodology and the timing of works;
- during ground investigations a trial pit collapsed under water ingress, which could occur adjacent to the existing flood defences;

Flood Plain Maintenance / Taking-in-Charge

- the area prone to flooding and set aside as public open space would not be safe or usable at times, and it is unclear if this area is going to be taken-in-charge by the Planning Authority and who would maintain it;

Link Road

- the proposed distributor road linking the R157 regional road with the Old Navan Road does not follow the alignment of the link road in the Dunboyne North Masterplan - MP22, in particular the junction layout, position and tie in with the Old Navan Road;
- the proposed link road layout submitted with the appeal presents several concerns, including road safety and hierarchy issues, as well as light and noise pollution;
- a revised road layout solution, including a drawing of same, reveals that various matters of concern to the appellant can be addressed;

Dunboyne Business Park Entrance

- the proposed link road would form a new route from the M3 motorway to Dunboyne Business Park, thus attracting heavy-goods vehicles along the Old Navan Road, a residential cul-de-sac featuring an amenity area that is maintained and used by local residents. Consequently, this would not present a safe situation to accommodate the associated increase in traffic;

Pedestrian and Cycle Connectivity

- a pedestrian or cycle connection to Dunboyne would not be available;
- there is no guarantee that cycle and pedestrian routes from this area to Dunboyne would be capable of being provided or made available;

Cumulative Environmental Impacts

- the environmental impact of the future phases of development should have been assessed as part of the application;
- the Site Specific Flood Risk Assessment and the EIAR do not sufficiently account for the cumulative impacts of proposed and future developments.

7.2. Planning Authority Response to Appeal

7.2.1. The Planning Authority's response to the grounds of appeal requests that the Board uphold their decision to grant planning permission for the proposed development.

7.3. First-Party Response to Appeal

7.3.1. The first party has responded to the third-party appellant's grounds of appeal, and this response includes appendices comprising a report prepared by consulting engineers addressing flood risk and a copy of meeting minutes between representatives of the first party and the Planning Authority dating from the 17th day of June, 2021, referring to various transportation matters. The response submission can be summarised as follows:

Principles

- the application was accompanied by detailed and comprehensive documentation, including an EIAR and a Site Specific Flood Risk Assessment, which allowed the Planning Authority to permit the proposed development;
- a comprehensive response to the Planning Authority's further information request was made, demonstrating that there would be no increase in flooding to residential properties in the area, with the risk of flooding mitigated;

- all third-party submissions have been fully considered and addressed, and the means of improving existing conditions for local residents would not be feasible as part of the proposals;
- proposals accord fully with local and National planning policy provisions, including transport objectives detailed in the North Dunboyne Masterplan – MP22;

Flood Risk

- flood risk assessment was undertaken in compliance with the Flood Risk Guidelines, with sufficient futureproofing in the revised proposals to address a range of potential future scenarios;
- sufficient allowance has been made to account for climate change and uplifts relative to OPW requirements;
- the frequency of flood inundation would remain the same following the development, with the volume of waters reducing insignificantly via the introduction of the bridge abutments;
- the development does not alter the manner in which subsurface drainage would occur within the lands surrounded by the River Tolka flood defences;
- the flood risk hydraulic model used for the flood risk assessment accounted for a flood risk event with a 50% annual exceedance of probability;
- the proposed bridge soffit level clears the height of the existing berm, which would remain in situ as part of the proposals, and the locations of the footings for the bridge have been identified so as not to impact on the river or this berm;
- the timing and phasing of the construction works for the bridge have been set out to occur in phase 1c of the development over a two-year period;

Flood Plain Maintenance / Taking-in-Charge

- as is standard, the application details those public open space areas to be taken-in-charge by the Planning Authority, who would be responsible for maintenance of these areas, with the developer maintaining these areas until they are taken-in-charge by the Planning Authority;

- maintenance within the flood plain would be limited to occasional mowing;

Link Road

- an indicative alignment for the proposed link road between the R157 regional road and the Old Navan Road is detailed in the Dunboyne North Masterplan - MP22;
- during pre-application discussions, designs to make the link road unattractive to through traffic were supported, with a T-junction arrangement considered to in part address this and protect existing residents on the Old Navan Road;
- various measures are incorporated into the design of the proposed link road to further limit its attractiveness to through traffic, including heavy goods vehicles (HGVs);
- altering the road in line with the request of the appellant would potentially undermine the intentions to make the link road unattractive to through traffic and would increase the volume and speed of traffic on the link road;
- the first party would be willing to provide further screen planting and fencing on the green area in control of the Planning Authority directly opposite the proposed link road T-junction onto the Old Navan Road;

Dunboyne Business Park Entrance

- the approved Part 8 road connecting between Dunboyne Business Park and the R157 regional road, would further mitigate traffic in the north Dunboyne area;

Pedestrian and Cycle Connectivity

- the development connects with existing and planned pedestrian and cycle links in the surrounding area, including the rail station and the Old Navan Road;
- pedestrian and cycle links to Dunboyne are to be development and provided by Meath County Council as part of the Dunboyne and Clonee Pedestrian and Cycle Network Scheme;

Cumulative Environmental Impacts

- the EIAR submitted considers the cumulative impacts of all permitted and planned projects in the vicinity of the subject site, including future phases of development on the first party's lands.

7.4. Observations

7.4.1. Two observations were received by the Board from prescribed bodies in response to the grounds of appeal and these can be summarised as follows:

Iarnród Éireann

- due consideration should be taken for works along the railway boundary to ensure no hazard or danger is posed to railway operations;
- condition 10(b) of the permission issued by the Planning Authority should be attached to ensure a coordinated approach with Iarnród Éireann for the railway boundary treatments.

TII

- the application is premature pending the outcome of the Dunboyne Transport Strategy 2024, taking cognisance of strategic planning policy provisions that have been implemented since the completion of the Transportation Study at Dunboyne and Environs (2018).

8.0 Assessment

8.1. Introduction

8.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. I have reviewed the application and appeal documentation and I am aware of the planning provisions relating to the site and the proposed development.

8.1.2. The appeal submitted does raise specific issues with regard to the proposed development and Development Plan provisions relating to land-use zoning

objectives, residential densities, building heights, urban design, the standard and type of housing proposed and the supporting infrastructures and services, with the exception of transport infrastructure. The location of the proposed housing on the appeal site generally complies with the statutory provisions of the Meath County Development Plan 2021-2027, including the 'A2 New Residential' land-use zoning objective for the subject lands, albeit subject to assessment against other provisions addressed below. The provision of the proposed childcare facilities and utilities, including pumping station, would not strictly conflict with the land-use zoning objective for 'F1 Open Space' lands, and the provision of the proposed support utilities, including engineering services and roads, on 'A2', 'F1', 'E3 – Warehouse and Distribution' and 'E1 / E3 Strategic Employment' zonings, would also not conflict with the respective land-use zoning objectives. Further consideration regarding the compatibility of the uses relative to their location and consistency with the proper planning and sustainable development of the area is undertaken below.

8.1.3. Objective DM OBJ 14 of the Development Plan states that a density of greater than 35 units per hectare is encouraged in self-sustaining growth towns, including Dunboyne. Based on the provisions of the Sustainable Settlements Guidelines. I am satisfied that the appeal site can be categorised as being located within an urban neighbourhood of a metropolitan town with a population greater than 1,500 persons. Arising from this, the proximity and accessibility of the appeal site to the M3 Parkway rail station and table 3.3 of the Sustainable Settlements Guidelines, it is a policy and objective for densities in the range of 50 to 150 units per hectare to be supported in this location. Furthermore, while residents and occupants of the development would be capable of availing of easy access to rail services, given the current frequency of such services (30 minutes to one hour during weekday daytime hours) and the 1.5km walking distance to the closest bus stops in Dunboyne town centre, I am satisfied that densities at the lower end for this site would appear reasonable based on the refining criteria within the Sustainable Settlements Guidelines. Accordingly, the site is well placed to accommodate growth at the net density proposed of 52 units per hectare, based on Development Plan and National planning policy provisions.

8.1.4. There are no specific restrictions on building heights in this location and I am satisfied that the proposed building heights varying from two to five storeys would

accord with the provisions of the Development Plan and the Building Heights Guidelines, which generally support increased building heights in easily accessible locations, such as the appeal site. The design and layout of the proposed development provides variety in the appearance and character of the housing area via variation in building heights, unit typology and material finishes, albeit with a consistent architectural approach distinguishing the proposals from other neighbouring developments in the wider Dunboyne area. The layout of the proposed housing element of the development would conform with the provisions of the DMURS with some additional minor design amendments asserted by the Planning Authority to be necessary, which I am satisfied can be addressed as conditions of a permission in a similar manner to that set out by the Planning Authority in their decision.

8.1.5. As detailed within the Housing Quality Assessments submitted with the application, as well as the application drawings, the standard and mix of accommodation proposed, inclusive of aspect and lighting, would generally accord with the relevant planning provisions, including those listed in the Development Plan, the New Apartment Guidelines and the Sustainable Settlements Guidelines. In their assessment of the application, the Planning Authority did not raise any substantive issues with regard to the quality, tenure or mix of housing proposed.

8.1.6. The Planning Authority has also suggested conditions with respect to the phased undertaking of the development, servicing, social and affordable, housing construction works, restriction of exempted development rights, archaeology, internal noise standards, contributions and bonds. The first party acknowledges the conditions set out by the Planning Authority and did not appeal any of these conditions. I am satisfied that conditions similar to those listed in the Planning Authority's decision relating to the aforementioned matters can be attached in the event of a grant of planning permission for the proposed development.

8.1.7. The Planning Authority has suggested restricting the exempted development rights for housing within the proposed scheme by attaching condition 8(b) to their decision. Other than to state that alongside condition 8(a) relating to final finishes, this condition would be 'in the interests of visual amenity and to ensure the integrity of the design concept is retained', the Planning Authority has not provided any detailed reason for attaching condition 8(b). From experience the primary rationale in

attaching conditions restricting the exempted development rights relating to housing, is based on situations where the private amenity space of such houses is very limited, marginally exceeding development standards. The Planning Authority's assessment of the private amenity space for the proposed housing did not find issue with the standard or quantum of such space and I also find this to be the case, with generous and well orientated rear gardens for each of the proposed houses. Exempted development rights are subject to specific criteria and circumstances restricting when they apply, including the need for adequate private open space to remain in serving a house (25sq.m) following the construction of a rear extension or an outbuilding. Without any specific reasoned justification to apply a restriction on the exempted development rights of the proposed housing, I do not consider it reasonable to attach a condition similar to that required by the Planning Authority in condition 8(b) of their decision.

8.1.8. Based on the details set out in sections 1 to 7 of this report, I am satisfied that the substantive planning issues arising from the appeal and in the determination of the appropriateness of the proposed development for this site can be addressed under the following headings as part of my planning assessment:

- Flood Risk;
- Taking-in-Charge;
- Link Road;
- Traffic;
- Pedestrian / Cycle Connectivity.

8.1.9. The grounds of appeal only specifically refer to the indirect potential impacts on residential amenities as a result of flood risks, traffic and the altered road network arising from the proposed development, and these matters are considered as part of the assessment below, as well as within the 'Population and Human Health' and other sections of the EIA below. The significance of the various other impacts of the proposed development are addressed in the EIA section of this report below.

8.2. Flood Risk

8.2.1. The grounds of appeal provide uncontested and unambiguous evidence of the extent of flooding arising in the immediate area and on the appeal site. It is asserted by the appellant that the information provided with the application and available to the Board does not sufficiently address the flood risk associated with the undertaking of the proposed development, with potential implications for neighbouring properties, as well as the development itself. It is also asserted by the third party that the appeal site is within a floodplain and the measures to address flood risk should not be finalised as part of compliance conditions to a planning permission.

Context

8.2.2. Section 6.10.2 of the Development Plan, as well as the associated policies INF POL 18 to 29 inclusive and objectives INF OBJ 20 to 28 inclusive, address flooding and flood risk considerations. In certain situations and locations, the Development Plan requires Justification Tests and / or Site-Specific Flood Risk Assessment to be undertaken for proposed developments, in accordance with criteria set out in the Flood Risk Guidelines.

8.2.3. A strategic flood risk assessment was carried out for Dunboyne as part of the preparation of the Development Plan (see Volume 4), which identified areas at risk of fluvial, pluvial and groundwater flooding. This strategic flood risk assessment states that distributor roads proposed in the Development Plan should be subject of site specific flood risk assessments to manage the risks of surface water flooding and the need for consents to be acquired separately from the OPW for watercourse crossings under section 50 of the Arterial Drainage Act 1945. A flood risk map dating from 2019 is contained in the Development Plan strategic flood risk assessment, and this illustrates indicative flood zones A (high risk) and B (medium risk) along the River Tolka, including along the eastern boundary of the appeal site. The Eastern Catchment-based Flood Risk Assessment and Management Study (CFRAMS) identifies that part of the appeal site generally running along the River Tolka corridor features a 1% or 0.1% annual exceedance of probability (AEP) for fluvial flood events, therefore, these areas have a medium to high risk of fluvial flooding. The lands to the south of the site generally situated between a drainage

channel, the Naulswood stream and the River Tolka are also noted in the CFRAMS as being of medium to high risk of fluvial flooding.

8.2.4. The first party initially submitted a Site Specific Flood Risk Assessment dated September 2023 as part of the application, and following a request for further information they submitted a revised Site Specific Flood Risk Assessment dated March 2024, which identified the various historical flood event extents that occurred in the Dunboyne area and on the appeal site, including events associated with fluvial flooding along the River Tolka catchment. In their Chief Executive's report the Planning Authority noted the previous extreme flood events that occurred in the area in the early 2000s and highlighted that after flood risk analysis a flood protection scheme was constructed in the area (part of the River Tolka Flood Alleviation Scheme) following these events, which would have included works to construct the existing berm along the eastern side of the river within the appeal site. This scheme would have altered flow regimes, in part resulting in the flood extents identifiable from the images submitted with the application and appeal, and the catchment studies of the area.

8.2.5. Tidal or groundwater flood risk were excluded in the initial application Site Specific Flood Risk Assessment (September 2023) based on the site location and the ground investigations, which I am satisfied would be reasonable conclusions based on the information provided and available. From the outset I note that the first party does not propose any residential units within indicative areas of fluvial flood zones A and B, although the link road traversing the River Tolka, utility services and open space areas proposed as part of the development would be partially within flood zones A and B.

Pluvial Flood Risk & Drainage Measures

8.2.6. Despite the first party initially excluding the risk of pluvial (urban drainage or overland flow) flooding, based on site-specific measures included as part of the application proposals, the Planning Authority was not satisfied that this flood risk mechanism could be excluded with a need to review surface water management measures to address this, including designs for drainage channels, culverts, the link road and overland flood-flow routes. In response to this, the first party provided software analysis details calculating how the proposed drainage system would manage

surface waters, including details of an increased storage capacity for the proposed attenuation tank, revised elevations for the manhole covers and revised overland flood flow routes for surcharged manholes and drainage channels (see drawing no.2023-108-010400). According to the first party the surface water drainage proposals for the development have been revised to account for flood levels in the River Tolka and the drainage channel running along the southern boundary of the site, with adequate capacity to attenuate rainfall runoff, inclusive of a climate change factor, during a 1% AEP high-risk flood event and with the manholes and fuel interceptors that would be located within the medium and high risk flood zones sealed to prevent water ingress (see drawing no.2023-108-010311 Revision 01).

8.2.7. Having initially raised concerns in their first submission to the Planning Authority regarding the potential impacts of surface water being diverted to the River Tolka, in response to the further information submitted by the first party, the appellant stated that they would rely on the expertise within the Planning Authority in suitably interrogating the adequacy of the proposed sustainable urban drainage system (SUDS). Following consideration of the revised surface water treatment and disposal measures, the Environment Flooding – Surface Water Section of the Planning Authority concluded that the proposals provide for the orderly collection, treatment and disposal of surface water, with planning conditions typical for a development of this scale and nature addressing the GDSDS policies and code of practice to be attached in the event of a permission arising. The grounds of appeal do not specifically refer to concerns regarding the final proposed surface water management system and I am satisfied that the proposed system, which is designed to allow for greenfield runoff rates, would be capable of meeting the requisite standards referenced by the Planning Authority.

Fluvial Flood Risk

8.2.8. Based on the information presented in the application and appeal, fluvial sources present the primary risk of flooding to a development on the appeal site, as well as other properties downstream and upstream of the site. According to the Environment Flooding - Surface Water Section of the Planning Authority, the first party initially underestimated the critical flows, flood extents and flood risk along the River Tolka in their first Site Specific Flood Risk Assessment (September 2023), which led to the Planning Authority requesting revised hydraulic modelling of the

watercourse levels based on CFRAM data, as well as Dunboyne AFA. As part of the revised Site Specific Flood Risk Assessment (March 2024) based on a revised hydraulic model, as well as supporting documents and drawings, the revisions to the proposals were assessed, providing for a revised bridge crossing to include increased clear span elements and more elevated soffit levels, and also maintaining the existing berm as part of the development. Compensatory flood storage that had been initially proposed as part of the development was not provided for in the revised development details.

8.2.9. The appellant acknowledges that the first party no longer proposes to remove the existing berm as part of the development, however, their grounds of appeal assert that the proposed development would continue to pose a threat to such flood defences.

8.2.10. The primary mitigation measure employed by the first party in the scheme submitted at further information stage, centred on the revised bridge crossing, with clear span elements widening substantially from initial 12m widths to between 13m and 35m. The first party asserts that consent from the OPW under section 50 of the Arterial Drainage Act 1945 would require a minimum soffit level for the bridge above 69.96m ordnance datum (OD). The revised bridge soffits would be between minimum heights of 70.5m and 70.88m OD, which are heights that would be above that of the existing protective berm, thus avoiding any impacts on the performance of this berm as a flood-risk management feature. In condition 16 of their decision, the Planning Authority has requested that the soffit level for the most westerly span of the bridge be raised from the proposed 70.5m OD to a minimum of 70.7m OD. Detailed reason for requesting this increased soffit level is not stated by the Planning Authority. Notwithstanding this, the first party has not objected to this condition, and I am satisfied that this soffit-level change would be quite marginal, it would not increase flood risk and it would not be material from a planning perspective, therefore, the attachment of a condition similar to that suggested by the Planning Authority can be attached in the event of a grant of planning permission for the proposed development.

8.2.11. The bridge elements over the watercourse and flood zone have been designed to avoid flood risk via blockage, with the final soffit level height (70.88m OD) directly over the river accounting for a 1 in 100-year flood event, inclusive of a climate

change factor, a standard error factor and with provision for an air draft or gap. When modelled, the residual risk arising from a 50% blockage of the narrowest of the clear space elements (13m in width) considerate of a one in 100-year flood scenario, revealed an insignificant residual risk, with only a 1cm increase in water levels adjacent to the site.

8.2.12. A report from an independent consultant with experience in flood risk management and hydraulic modelling was included as part of the first-party's further information submission, auditing the flood risk management measures and studies provided by the first party. The predicted flood levels are noted to be significantly (1.2m to 1.8m) below the height of the berm. The proposed bridge structure would be integrated with the berm as a single continuous structure.

8.2.13. Having reviewed all of the available information, including the extensive images of the area provided by the appellant, the berm would appear to be functioning as intended in alleviating flood risk on the eastern side of the River Tolka along the Old Navan Road, and I have not been provided with any substantive information that would suggest that the revised proposals, including the bridge crossing, would ultimately impact on the performance of this berm or other flood defences for that matter.

8.2.14. According to the first party the mitigation measures employed as part of the revised proposals would not result in primary or direct fluvial flood risk to surrounding properties with the exception of a marginal increase in flood extents in two locations, which the respective owner, McGarrell Reilly Group, is stated to have acceded to within a letter submitted with the further information response. This letter states that the owner accepts the identified potential change in flood extents / depths arising from the construction of the road bridge, accepting that it would not create a new risk or change in the use of the flood plain area within the subject landholding. The first party asserts that the minor increase in flood extents on the adjoining landholding would not be significant given that substantive areas of the subject fields already flood in the baseline scenario and as the additional flood extents areas are over 50m from any sensitive properties, including residences on the Old Navan Road.

8.2.15. The locations and extents of the two additional flood areas are illustrated in figure 49 of the first party's revised Site Specific Flood Risk Assessment, indicating that these

areas would be adjacent to the southeast of the drainage channel crossing the southern boundary to the appeal site and adjacent to the eastern boundary of the appeal site where it traverses the river. In their revised Site Specific Flood Risk Assessment, the first party also illustrates the extent of fluvial flooding in a 1 in 100-year high-risk event both with and without the proposed development in place. Based on this, the extent of additional area that would flood consequent to a high-risk event as a result of the proposed development would be relatively minor, particularly when considering the broader extent of flooding along the river channel. The additional areas of flood risk are immediate to existing known flood areas and are contained in fields that already feature substantial areas that flood during medium and high-risk events. Furthermore, the additional flood extent areas arising from the development feature an 'F1 – open space' land-use zoning objective in the Development Plan, limiting their development potential. Consequently, I am satisfied that the residual flood risk arising from the development for these two additional areas likely to experience flooding would be inconsequential given their existing limited scope for substantive development and the Development Plan objectives for the lands.

Bridge Construction Method & Phasing

8.2.16. The grounds of appeal assert that limited details for the proposed bridge construction methodology, as well as the timing of the associated works, have not been provided with the application, and this does not provide certainty with regard to the calculation of the potential flood risks arising from the proposals. Condition 16 of the Planning Authority decision refers to final detailed designs for the bridge crossing to be submitted for agreement with the Planning Authority alongside an amended Site Specific Flood Risk Assessment, including details of foundations, supports, deck approach embankments, width and span, levels, layout and drainage.

8.2.17. A CEMP was submitted with the application, including phasing proposals for the works. As part of their further information response, the first party referred to a minor alteration in the phasing proposals owing to the omission of the initially proposed compensatory flood storage. Based on section 5 of the CEMP, the bridge crossing would form part of phase 1 to the development. This first phase would include three stages, comprising site setup (phase 1a), setting out and provision of services (phase 1b), and external civil works (phase 1c). The bridge, as well as any flood

relief works would form part of the phase 1c civil works, which are estimated to take two years to complete. Following this, the phased delivery of the residential elements of the development would take place.

8.2.18. Throughout the application documentation, the first party states the intention for construction works to be carried out in ways that would limit, as far as practicable, adverse environmental impacts. The application CEMP and chapter 13 of the EIAR refer to various mitigation measures intended to be undertaken as part of the construction programme for the bridge element of the project, with the closest locations for the bridge abutments located approximately 12m from the edge of the river channel, when not subject to a flood event, thereby reducing substantially the risk of impacts to water quality. Inland Fisheries Ireland (IFI) 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' would be adhered to according to the first party, and various other measures would be employed to protect the integrity of the watercourse, for example, there would be a restriction of in-stream works during July, August and September to comply with seasonal restrictions in salmonoid waters. The first party refers to the preparation of a construction method statement for the bridge by the assigned contractor.

8.2.19. I am satisfied that sufficient details have been provided as part of the application, to given certainty that the bridge works could be undertaken in a manner that would safeguard the quality of water in the river and its associated aquatic habitat, and the submission of a final detailed construction method statement to be agreed as part of compliance submission for the development would be standard and typical for a proposal of this nature. As noted by the Planning Authority final sign off of this construction method statement should be by the Planning Authority following consultation with parties, such as IFI and the OPW.

Climate Change

8.2.20. The grounds of appeal assert that the 20% freeboard to address climate change impacts and the likelihood of more frequent extreme flood events, would result in the proposals being inadequate in addressing future flood risks. In response to this, the first party asserts that the revised Site Specific Flood Risk Assessment (March 2024) was undertaken in compliance with the provisions of the Flood Risk Guidelines, with

sufficient futureproofing to address a range of potential future scenarios, including allowance for climate change and uplifts relative to OPW requirements.

8.2.21. The Climate Action Plan 2024 notes that the approach to flood risk management in Ireland illustrates how we can adapt to address vulnerability to climate change, including building long term resilience into development proposals. According to the Flood Risk Guidelines specific advice on the expected flood management impacts of climate change, including appropriate allowances for sea-level rises and increased river flood flows, are provided on the OPW website. This website includes reference to the 'Flood Risk Management Climate Change Sectoral Adaptation Plan' issued by the Government of Ireland in September 2019 (www.opw.ie accessed on the 5th day of September, 2024). The Adaptation Plan accounts for information collated through the CFRAM Programme, as well as the planning, design and implementation of flood-relief schemes. This Adaptation Plan refers to the Met Éireann prediction that in Ireland the autumns and winters may become wetter, with a possible increase in heavy precipitation events of approximately 20%, and that summers may become drier, with a projected 12% to 40% increase in the number of extended dry periods. Table 5-1 of this Plan provides allowances in flood parameters for mid-range and high-end future scenarios, with an allowance for 20% peak flood flows and extreme rainfall depths in medium-range future scenarios and an allowance for 30% peak flood flows and extreme rainfall depths in high-end future scenarios. The Plan states that the comparability of the two future (mid and high-end) scenarios adopted for the CFRAM programme against current international projections, gives confidence that the scenarios are acceptable as plausible futures when assessing the potential requirements for adaptation.

8.2.22. The first party states that the use of a 20% freeboard to address climate change impacts was based on figures presented in the first Climate Change Sectoral Adaptation Plan for Flood Risk Management issued by the OPW in 2015. The allowances provided for in table 3-1 of the first Adaptation Plan are followed through to table 5-1 of the updated 2019 Adaptation Plan, as referred to above.

8.2.23. While the first party has not specifically used a 30% high-end future scenario uplift, representing a projected future scenario for the end of the century, the development footprint and bridge design is asserted to account for a 1 in 100-year flood event (0.1% AEP), where the flow uplift is 66%. At a cross section centrally within the

appeal site along the river, according to figure 39 of the revised Site Specific Flood Risk Assessment, the difference in levels between the baseline high-risk, fluvial flood scenario and the same scenario inclusive of a mid-end climate change factor (20% uplift), would amount to 9cm.

8.2.24. According to the first party's aforementioned report auditing the effectiveness of the flood risk management measures, the flood levels used for the flood risk assessment, have been set with a generous freeboard or factor of safety above the estimated climate change extreme flood levels. Based on the information provided with the application and appeal, there is ample contingency built into the design of the development, including layout, finished-floor levels and bridge soffit levels, to ensure the development would not be vulnerable to medium-end fluvial flooding. I am satisfied that the information available provides certainty that the proposed development and neighbouring lands would be protected against flooding with the development designs readily addressing the potential effects of climate change.

8.2.25. With respect to the appellant's reference to increased frequency of extreme flood events, I note that the first party has also modelled the flood extents and levels for a one in two-year (50% AEP) flood event, which would cover less of an area than a high-risk flood event (1% AEP) and based on the modelling presented would feature flood water levels between approximately 25cm and 62cm below the level of a high-risk flood event along a 350m stretch of the existing berm. The lower flood water levels of more frequent flood events highlights that they would have less potential to increase flood risk than less frequent high-risk flood events, and the first party's revised Site Specific Flood Risk Assessment adequately accounts for the potential for high risk (1% AEP) flood events, as discussed above.

Conclusions

8.2.26. I accept that from a surface water management perspective the subject site is not a standard greenfield site, given that there would be surface water drainage infrastructural elements located within areas known and expected to flood, however, the approach undertaken by the first party addresses the flood risk context for the site, and the risk of pluvial (urban drainage or overland flow) flooding has been suitably addressed in the proposals presented.

8.2.27. The first party undertook the justification steps required in the Flood Risk Guidelines and this demonstrated that an increase in flood risk would not arise on the site and that the minor increase in flood water levels results in two very minor areas on adjacent agricultural lands coming within the flood zone as a result of the proposed development, would be negligible, with designs and measures employed to minimise flood risk and manage any residual flood risks. I am not aware of detailed assessments that would suggest scenarios contrary to this would arise. The proposed buildings are clearly shown to be located on lands that are not prone to flooding and no additional flooding of sensitive properties is shown to arise in the various future flood scenarios.

8.2.28. The Planning Authority consulted with the OPW in relation to the revised proposals, and while I accept that there was no legislative requirement for the Planning Authority to undertake same, their response highlights that the OPW carried out the flood relief scheme in this area in the early 2000s and that a 'section 50' application would be required for the proposed watercourse crossing. The Planning Authority do not object to the proposed development on flood risk grounds, albeit with the stated additional bridge construction details, increased soffit-level height for the most westerly span of the bridge and an amended site specific flood risk assessment requested to account for same. I acknowledge that further refinement of the culvert and bridging levels as part of a 'section 50' application may arise, however, this would be likely to further address the risk of flooding and would be unlikely to present a material change to the subject proposals.

8.2.29. I acknowledge the potential for frequent flooding of part of the site along the river, as exemplified in the images of the area, and that the initial proposals put forward by the first party did not adequately address the potential for the development to manage flood risk. Notwithstanding this, the information provided and the assessment from the Planning Authority, who manage the subject catchment, demonstrates that the approach undertaken in the revised scheme, including the proposed bridge crossing, would suitably address the potential flood risk arising for the development and for other lands off site. The Planning Authority requested an amended Site Specific Flood Risk Assessment to take into account the detailed design of the road bridge, however, I am satisfied that this post-compliance assessment would not be necessary given my findings and conclusion with respect

to the presented scheme and the Site Specific Flood Risk Assessment (March 2024).

8.2.30. I am satisfied that based on the information available and presented, the proposed development would not be at substantive risk of flooding and would not present a substantive risk of flooding to other lands with various precautionary mitigation measures included as part of the application. In conclusion, the proposed development would comply with the relevant policies and objectives set out in the Development Plan, as well as the provisions of the Flood Risk Guidelines.

8.3. Taking-in-Charge

8.3.1. The grounds of appeal assert that the 3.1ha area of the site prone to flooding and set aside as public open space would not be safe or usable at times. The appellant also states that it is unclear if this public open space is going to be taken-in-charge by the Planning Authority and who would maintain this area. In response to this, the first party states that the proposed public open space would be taken-in-charge by the Planning Authority and that the developer would be responsible for maintenance of these areas until they are taken-in-charge by the Planning Authority. All parties to the application, including the first party accept that the open space along the river would be subject to intermittent flooding and, as such, it would not always be possible to be used as public open space. According to the first party, maintenance of the open space area within the flood plain would be limited to occasional mowing of grass and in the revised scheme submitted following the further information request, it is stated that reprofiling of this land within the flood plain would not take place.

8.3.2. Section 7.7 of the Development Plan includes a host of policies and objectives with respect to the provision of public open space within developments, emphasising the need for these spaces to be high quality, accessible, connected, overlooked and supportive of a variety of end users. In line with policy and objective 5.1 of the Sustainable Settlements Guidelines, objective DM OBJ 26 of the Development Plan sets out a requirement for 15% of sites to be provided as public open space in new residential developments.

8.3.3. The Landscape Design Masterplan A drawing (no.1500 Revision 00) identifies that the landscaping within the flood plain area would primarily feature parkland interspersed with native trees, including Silver Birch, Hornbeam, Alder, Willow and Mountain Ash, which are asserted to be flood-resilient species. A seating area and cycle stands would also be located centrally in this riverside open space at the intersection of brushed-concrete amenity walkways. A taking-in-charge drawing (no.DBN-SP-00-DR-JFA-AR-P1012) was submitted with the planning application to illustrate those areas within the proposed development that would be intended to be taken-in-charge by the Planning Authority, including the area on site within the flood plain to the river. The first party has included in their Architectural Design Statement (p.42) a drawing detailing the public open space areas within the site relative to the statutory land-use zoning objectives pertaining to the subject lands. This clarifies that 0.83ha or 16% of the appeal site area that features an 'A2 – New Residential' zoning would be provided as public open space, including pocket parks, plazas, linear parks and greens. The public open space identified on the 'F1 Open Space' lands within the flood plain area, as well as in the 'E2 / E3 Warehouse & Distribution' zoned lands, would not form part of the public open space provision required by the development to meet standards within the Development Plan or the Sustainable Settlements Guidelines.

8.3.4. The Planning Authority welcomed the inclusion of the flood plain area as part of the development forming a riverside amenity park, although they initially would have preferred visuals to be provided by the first party to illustrate the changes that would arise in this area. Photomontages of the open space area were provided as part of the first-party's further information response, and this illustrates limited change in the appearance of the area, albeit with maintained grassland, walkways and the planting of flood-plain resilient tree species. The approach set out by the first party, confirming that the developer would maintain this open space until it is taken-in-charge by the Planning Authority would be standard planning practice, and I note that the Planning Authority has not objected to the general landscaping elements of this open space or the intention for it to be taken-in-charge by the Planning Authority. Consequently, I am satisfied that the provision of this open space, forming a parkland setting along the river corridor and within the flood plain, would be in addition to the open space directly serving the new residential community and would

be an appropriate use of this area in the circumstances. I am satisfied that conditions can be attached to require the landscaping works in this area to be maintained as public open space by the developer until taken in charge by the Planning Authority.

8.4. Link Road

8.4.1. The grounds of appeal raise numerous concerns with respect to the proposed link road element of the project. The proposed link road would connect between the R157 regional road and the Old Navan Road, with the first party stating that this would form part of the initial first phase of the development, prior to construction of the residential buildings.

Planning Provisions

8.4.2. According to the appellant the proposed link road would not follow the alignment provided for this road in the Dunboyne North Masterplan - MP22, in particular the layout and position onto the Old Navan Road. In response to this the first party asserts that only an indicative alignment for the proposed link road is detailed in the Dunboyne North Masterplan - MP22. The Planning Authority state that an indicative link road from the R157 regional road to the Old Navan Road was also identified in the Development Plan and this would be provided as part of the development.

8.4.3. The RSES note the need for road upgrades as part of the enabling infrastructures to develop this area. The subject link road was initially identified as being required under the Transportation Study at Dunboyne and Environs (2018) and it was subsequently identified as an objective of the Development Plan, with a 'Transport – Indicative Road Route' illustrated on the Development Plan zoning maps for the area (sheet 13a). This road route runs to the south of the main development area of the appeal site, connecting from the regional road through the 'E2 / E3 Warehouse & Distribution' and 'F1 Open Space' zoned lands, to the Old Navan Road south of the River Tolka. The stretch of the road route running through the 'E2 / E3 Warehouse & Distribution' zoned lands would also pass through the area identified in the Development Plan as part of the masterplan (MP22) lands.

8.4.4. Dunboyne North Masterplan – MP22 dated October 2022 is available from the Planning Authority (website accessed 3rd September, 2024). The Phasing &

Implementation section of the Masterplan document provides an illustration of the intended use and arrangement of the masterplan lands, including the infrastructural requirements for phases 1a and 1b of the development. With reference to the aforementioned 2018 Transportation Study, the 'R7 Old Navan Road Link Extension to R157' is included in the Masterplan document, amongst junction signalisation proposals and pedestrian / cycle links.

8.4.5. I acknowledge that the position and alignment of the indicative road route in the Development Plan would not strictly align with the position for the link road proposed as part of the subject development. Notwithstanding this, the legend to the Development Plan land use zoning map (sheet 13a) clearly refers to this transport objective as an 'indicative road route'. Furthermore, in contrast to other 'Transport – Indicative Road Routes' in the Development Plan, this road route terminates at the existing road infrastructure and is not intended to extend onwards into other lands, including the masterplan lands or lands to the east of the Old Navan Road. Accordingly, this suggests a substantive degree of flexibility in the alignment and positioning of the road relative to that shown in the Development Plan.

8.4.6. I am not aware that the 'Dunboyne North Masterplan – MP22' has been incorporated into the Development Plan or any other statutory planning document for that matter, or that the preparation of this document was subject of public consultation. Accordingly, there is no specific onus on the Board to have regard to this Masterplan, as it is not a binding document. Notwithstanding this, I am satisfied that in currently considering the appeal relating to the subject lands, it would be reasonable for the Masterplan document to be considered as providing an indicative framework as to what might reasonably be expected should development take place on the application lands.

8.4.7. The Phasing & Implementation section of the Masterplan document refers to the phasing plan as being 'indicative' and the contents page also refers to all images as being 'indicative'. The Masterplan document identifies an access road extending northwest into the adjacent masterplan lands, which the first party addresses by providing a four-arm signalised traffic junction on the regional road, featuring a two-lane vehicular access into the lands to the northwest, directly opposite the proposed link road access. The alignment for the southeastern end of the link road in the Masterplan and the Development Plan is illustrated to feature a sweeping curve tying

seamlessly into the existing Old Navan Road. The first-party proposals do not follow this seamless alignment of the link road, as they propose a T-junction onto the Old Navan Road at a location 70m to the east of the River Tolka.

8.4.8. I am satisfied that the location and alignment of the road route detailed in the masterplan document and the Development Plan is indicative in nature, therefore, it would not be unexpected for the position and alignment of the link road route proposed as part of this development to strictly adhere to the details within the Dunboyne North Masterplan – MP22 and the Development Plan. Furthermore, I am satisfied that by providing a link road between the regional road and the Old Navan Road, a broad infrastructural objective for the future development of this area, as a required in the Development Plan, would be achieved.

Function & Design

8.4.9. The grounds of appeal assert that the proposed link road layout presents several concerns, including issues relating to road safety and hierarchy. The Planning Authority assert that this link road needs to be designed to accommodate a 30km/hr speed limit. In response to the grounds of appeal, the first party asserts that the function and design, including junction layout for the link road, was guided by discussions with the Planning Authority at pre-application stage, with measures incorporated into the road design to make it less attractive to through traffic, including HGVs. The first party's Traffic and Transportation Assessment refers to the primary purpose of the link road as providing access to the masterplan lands and to provide safe and attractive pedestrian and cycle links to Dunboyne, with the assessment document featuring various illustrations based on modelling to show the restricted traffic speeds along this route, when compared with other existing and proposed stretches of road in the vicinity. The Planning Authority are satisfied that the design of the link road would be appropriate in limiting its attractiveness to through traffic, albeit subject to certain matters being addressed, as discussed further below.

8.4.10. The hierarchy of streets proposed in the development is clearly set out in the DMURS Statement of Consistency, with the subject link road serving as an arterial route with internal access roads off this serving the proposed housing area in an orthogonal arrangement. DMURS note that through traffic would be attracted to

arterial / link roads, and such roads should be designed to cater for moderate vehicular traffic speeds of up to 50km/hr. Vehicular movement is not being prioritised along this link road, therefore according to the function and suburban location of the link road, the DMURS (table 4.1) would indicate that an effective design solution would be to allow for 30-50km/hr traffic speeds along this road.

8.4.11. The proposed link road would feature two vehicular lanes measuring a total of 6m in width, with unsegregated cycle lanes on both sides, which would be separated from footpaths by landscaped verges. In addition to serving as a link road, this road would serve as the vehicular access to the proposed housing area of the appeal site, with raised tables at the two junctions on the link road leading into the proposed development. Parallel on-street parking catering for eight vehicles is proposed along a central stretch of the road adjacent to a housing area. A raised toucan pedestrian crossing would be provided on the link road at the southeastern corner of the proposed housing area, between the proposed on-road and off-road cycle routes. A potential vehicular access would also be provided to enable access to the lands adjoining to the south forming part of 'E2 / E3 Warehouse & Distribution' zoned lands. The road would widen towards the western tie in with the regional road to facilitate a right-turning lane at this junction. On the eastern side of the proposed link road, as it is elevated over the flood plain, the landscaped verge would filter out and a stop-go system would be employed via reduction of the carriageway width to only facilitate a single vehicle to pass over a short stretch of the road featuring traffic islands projecting from the road edge into the centre of the carriageway. This measure, as well as the other design features, is stated by the first party to discourage through traffic along the link road and restrict traffic speeds to a 30km/hr urban speed limit.

8.4.12. The appellant suggests that the link road should tie into the Old Navan Road with a curved alignment, similar to that illustrated in the masterplan, and thereby avoiding the proposed T-junction arrangement. The first party asserts that this revised tie-in with the Old Navan Road would encourage greater traffic speeds and volumes, thus being contrary to the intentions for this road to only cater for limited traffic movements.

8.4.13. The various psychological and physical measures distributed at regular intervals along the 500m-stretch of the proposed link road, including vertical and horizontal

deflections, on-street car parking and tight corner radii at junctions, are well established and recognised in limiting traffic speeds in suburban locations. As noted above, the principle of providing a T-junction layout at the Old Navan Road would not be contrary to planning provisions, and in providing a T-junction on the Old Navan Road and not providing a seamless connection, this proposed tie-in arrangement would be more likely to curtail higher traffic speeds, as a T-junction would require vehicles to come to a stop or almost a complete halt in order to manoeuvre the right-angle at the junction. Consequently, I am satisfied that in support of the function and context for the road, and in supporting reduced vehicular priority, the proposed T-junction arrangement for the link road onto the Old Navan Road would align with the provisions of the DMURS.

8.4.14. Based on the provisions of the DMURS relating to the width of the carriageway at a crossing point, the Planning Authority refer to the need for a central refuge island to be provided for vulnerable road users traversing the link road at the western end onto the regional road. Further to this, the Planning Authority require all matters addressed in both the submitted and future stages of the Road Safety and Quality Audits to be addressed in the final proposals to be implemented. These requirements of the Planning Authority are not contested by parties to the appeal, and I am satisfied that it would be reasonable for such matters to be addressed as conditions in the event of a grant of planning permission for the development.

Impact on Neighbouring Amenities

8.4.15. Consequent, to the attraction of additional traffic to the Old Navan Road area, the appellant asserts that the resultant effects, including light and noise pollution, could impact on the amenities enjoyed by residents of this area. It is reasonable of the appellant to assert that additional traffic would arise along the Old Navan Road as a result of the development, however, as highlighted above, the principle of providing a link road in this location, and thus attracting additional traffic to the area, has been provided for in the Development Plan. The previously referenced curved link road tie-in to the Old Navan Road, is put forward by the appellant as a means of alleviating the potential indirect traffic impacts of the development for local residents of the Old Navan Road.

8.4.16. From the outset, I acknowledge that the appellant's suggested road alignment would distance the traffic further away from the nearest houses to the east of the site when compared with the proposed T-junction arrangement, while also providing increased scope for screen planting along the edge of the road within the appeal site and less scope for spillage of associated traffic or street light to neighbouring houses.

8.4.17. As noted above, the T-junction arrangement was put forward as part of the measures to reduce traffic speeds along the link road and discourage through traffic. The seamless transition of vehicular traffic from the Old Navan Road onto the link road would clearly provide for less travel time than if a T-junction was employed, and it would also facilitate scope for increased speed. As highlighted in DMURS, a reduction in traffic speeds generally provides for less noise emissions from passing traffic. The impacts of the resultant vehicular traffic movements from the proposed development were considered as part of the first-party's EIAR (chapter 9), including an assessment of noise impacts based on various guidelines, surveyed background levels and a noise model reflective of the resultant estimated traffic flows. The residential properties along the Old Navan Road were identified as key sensitive receptors with regard to noise emissions, however, the predicted change in noise level of +1.1 decibels at these properties was not expected to cause any significant noise impact for residents along this road.

8.4.18. The construction of new roads, such as the proposed link road, is a common and typical element within an expanding urban environment, and it would not be unexpected as part of the planned expansion of this settlement. Separation distances of at least 40m achieved from the closest part of the new link road to the nearest houses, would provide a substantive buffer to alleviate the noise and light emissions associated with traffic along this link road. There is a suggestion by the first party and the appellant that some measures to alleviate the impacts could be undertaken in the green area situated between the existing houses and the T-junction, however, as this area is not within the redline boundary for the site, or part of the lands in control of the first party, I would be hesitant to require same via condition, and I would not consider this necessary based on my findings referred to above.

8.4.19. In conclusion, while the proposed link road would increase traffic in this area, the principle of providing for this is set out in the Development Plan. There would be

some associated impacts for neighbouring residents, however, given the context, nature and design of the road, I am satisfied that it would not be likely to result in undue impacts on the amenities of local residents, and there would not be a necessity to amend this aspect of the proposed development.

Conclusion

8.4.20. The function of the proposed link road has been suitably addressed as part of the design and measures employed in the proposals, with scope to address the associated safety matters raised by the Planning Authority as conditions in the event of a grant of planning permission. Accordingly, I am satisfied that there would not be need to refuse permission for the proposed development due to the provision of the link road, or to amend the proposed link road to address matters raised in the grounds of appeal.

8.5. Traffic

Road Proposals

8.5.1. In addition to the proposed link road with signalised traffic junction onto the R157 regional road and a priority junction onto the Old Navan Road, the development would also provide for the replacement of the R157 regional road roundabout at the M3 Parkway rail station junction, with a four-arm signalised traffic junction and additional traffic lanes along the R157 regional road. The stretch of the R157 regional road between the M3 motorway interchange and the roundabout junction at the Summerhill Road (L2228), features two traffic lanes with adjoining hard shoulders onto safety barriers. The first party intends to amend a 730m-long stretch of the northern end of this road by providing two vehicular traffic lanes in each direction on either side of an intermediary strip, while there would also be additional third traffic lanes on the immediate approaches to the replacement M3 Parkway rail station junction to serve right-turning traffic. At the regional road junction for the proposed link road and at the replacement junction, additional vehicular accesses would also be provided, both of which would serve the ‘MP22’ masterplan lands to the northwest of the R157 regional road.

8.5.2. The access road to the rail station forming part of the appeal site currently features a two lane carriageway flanked by a grassed landscaped strip on the northern side and

a footpath separating this access road from the rail station parking area. Upgrade works are also proposed along this 260m-long stretch of access road, including the provision of a cycle lane and footpath along the southern side of the road. A cycle lane would also be provided from the replacement junction for a distance of 80m along the northside of the access road. Two pedestrian crossings are also proposed along the station access road and the road carriageway would widen on the approach to the replacement junction to facilitate two vehicular exit lanes and one entry lane.

8.5.3. From the outset, I note that with the exception of the proposed link road and its associated junctions, as well as the upgrade works along the R157 and rail station access roads directly fronting the housing area to the appeal site, road upgrade works similar to those proposed in the subject development have already been permitted by the Planning Authority under MCC ref. 23/60065, as part of the supermarket development on the adjoining rectangular parcel of land situated on the southern side of the M3 Parkway rail station roundabout junction. Similar road works to those permitted under MCC ref. 23/60065 are the subject of a current appeal (ABP ref. 320091-24) before the Board for a neighbouring office development on the 'MP22' masterplan lands.

TII Submissions

8.5.4. In their initial submission to the Planning Authority, TII asserted that the development would adversely affect the operation and safety of the national road network, as it would be at variance with national policy and that insufficient data had been submitted with the application to provide certainty that it would adhere to the provisions of the Transportation Study at Dunboyne and Environs (2018). The Planning Authority did not find issue with the proposed roads arrangement from the outset of their assessment of the application, therefore, matters relating to roads or traffic were not raised by the Planning Authority in their further information request. While revised road layout, elevation and section drawings were submitted by the first party in response to the further information request, these drawings were in respect of the revised arrangement for the proposed road bridge over the Tolka.

8.5.5. In their observation to the grounds of appeal, TII assert that the application is premature pending the outcome of the Dunboyne Transport Strategy 2024, which

would be prepared based on broader strategic planning policy provisions that have been published since the completion of the Transportation Study at Dunboyne and Environs (2018).

National Policy

8.5.6. The 'section 28' guidelines titled Spatial Planning and National Roads Guidelines for Planning Authorities (2012) set out planning policy considerations relating to development affecting national roads, including motorways, national primary and national secondary roads outside the 50 / 60 km/hr urban speed-limit zones. The closest roads to the appeal site that do not feature urban speed limits comprise the R157 regional road and the M3 motorway. Chapter 3 of these Guidelines includes provisions with respect to development management and roads, including reference to the need for Traffic and Transport Assessments and Road Safety Audits in preparing applications for major developments that could impact on national roads.

8.5.7. In their initial submission to the Planning Authority, TII refer to section 2.7 of these Guidelines and assert that the proposals would result in an adverse impact on the national roads and associated junctions. Section 2.7 of these Guidelines addresses development at national road interchanges or junctions, stating that Planning Authorities should take care when assigning development objectives or zoning objectives at or close to interchanges, with a need to avoid the potential to compromise the capacity or efficiency of national roads and their associated junctions. The National Roads Authority is a prescribed body for the purposes of consultation during the preparation of a Development Plan, when the development objectives and land-use zoning objectives for the appeal site and other lands in the Dunboyne area were being assigned. Transport Infrastructure Ireland operates effectively as a merger of the National Roads Authority and the Railway Procurement Agency, therefore, as part of the consultation exercise, TII would have had an opportunity to comment on the appropriateness or otherwise of the development objectives and land-use zoning objectives as part of the preparation the Development Plan.

8.5.8. The assignment of the subject zoning objectives for the land, including the link road transportation objectives, are not a matter for consideration in this assessment, and, as noted above, I am satisfied that the proposed housing and link road elements of

the development would generally accord with the respective land use and transport objectives contained in the Development Plan for this area. Notwithstanding this, there is a requirement for an assessment to be undertaken addressing the impact of the proposals on the road network, including the associated junctions.

Traffic Impacts

8.5.9. The first party submitted a Traffic and Transport Assessment following traffic surveys undertaken in May 2021 during 'Covid-19' restrictions and school term at six neighbouring road junctions, including locations along the M3 interchange, the R157 regional road, the Old Navan Road and in Dunboyne town centre. In addition to the junction turning counts, the first party states that they undertook link counts at five locations, which I understand to calculate the cumulative traffic running along the respective roads, generally at intermediary points between primary road junctions. These link counts were undertaken at locations along the R157 regional road, the Old Navan Road and Summerhill Road (L2228). An origin-destination survey is also stated to have been undertaken, allowing for the origin and destination of a vehicle on the road network to be observed based on 11 zones. Queue-length surveys were carried out with the origin-destination and junction turning count surveys. A traffic signal survey of a junction in Dunboyne town centre (Summerhill Road / Old Navan Road / Main Street) was also completed. Data available from the TII traffic monitoring unit for two locations on the M3 motorway was used as part of the determination of peak-hour traffic flows. Notwithstanding the extended period since traffic surveys were undertaken, I note that National Transport Authority demand forecasting has been factored into the baseline traffic surveyed, which should provide for robust assessment of traffic as part of the model presented in the application.

8.5.10. The first party asserted that the traffic surveyed was found to be approximately at 90% to 95% pre-Covid-19 levels, and with the estimated reduction (8%) in traffic post-Covid-19, accounting for greater proportions of remote working, modification of the surveyed baseline traffic counts was asserted not to be necessary. The modelled scenarios also accounted for other road proposals in the Dunboyne and environs area, including the permitted Dunboyne Business Park / R157 regional road connection (MCC ref. P822022) and the eastern distributor road Development Plan objective, connecting between Station Road on the east side of Dunboyne and

looping northwest across the rail line towards Dunboyne Business Park. Public transport services and active travel provisions are also considered as part of the first-party's assessment. The quantum and phasing of development envisaged on the other masterplan lands and lands to the east of Dunboyne earmarked for over 1,000 residential units, is included in the model formed to assess the potential traffic impact. This approach would readily account for the neighbouring proposed and permitted developments referenced in section 4 of my report, including the office (ABP ref. 320091-24) and supermarket developments (MCC ref. 23/60065).

8.5.11. The first party's assessment illustrates the traffic capacities and flows surveyed and sets out forecasts for potential traffic growth scenarios based on estimated traffic flow increases and accounting for traffic speeds. The first-party's assessment suggested the total number of vehicular trips generated by the proposed residential element of the development in the opening year during the morning peak hour (08:00 to 09:00) would comprise a maximum of 81 outward trips onto the proposed link road, with 112 returning trips during the evening peak hour (17:00 to 18:00). Modal splits based on background data were built into the model over various future-year scenarios. The model estimates a relatively even distribution of traffic exiting east and west from the development onto the proposed new link road.

8.5.12. The modelled scenarios reveal that the average delay across the surveyed network during the morning peak hour would be in the order of 90 seconds in a 'do-minimum' scenario, with all envisaged development in place in 2040, and any congestion would clear in reasonable time following peak traffic periods across all modelled future scenarios. The first party considers the modelled morning peak hour delays to be reasonable in an urban environment. During the evening peak hour, delays at junctions would increase to 100 seconds in a 'do-minimum' 2040 scenario, with all envisaged development in place, with prolonged congestion not observed based on the model presented. The first party asserts that the graphics provided to illustrate the modelled traffic scenarios, reveal that traffic would flow reasonably freely along the R157 regional road, along the motorway and the on and off ramps at the neighbouring M3 motorway interchange, thereby indicating that there would be no real impact on the national road network as a result of the proposed development.

8.5.13. The Traffic and Transportation Assessment provides illustrations to reveal the extent of traffic associated with various sections of non-national roads, including the

number of through trips along the proposed link road. The model estimates a total of 41 through vehicular trips along the proposed link road in the morning peak hour and 144 during the evening peak hour, with all envisaged developments in place in 2040. When compared with the proposed link road, substantively higher through traffic volumes would be envisaged on the permitted business park link road (MCC ref. P822022) and the existing Summerhill Road (L2228).

8.5.14. The first party's conclusion of the road network performance asserts that delays observed during peak hours across all design years would be typical for an urbanised area. Substantive impacts on the motorway were not observed and the design measures to restrict traffic speeds along the proposed link road would limit much of the traffic on this road to local traffic only. Where congestion was observed at junctions, such as the proposed new and replacement junctions on the R157, queues and delays typical for an urban environment were observed, with congestion clearing in reasonable time. The M3 motorway interchange was found to be operating within capacity and impacts on the motorway were not observed in future scenarios.

Traffic Data and Modelling

8.5.15. TII assert that insufficient data was submitted with the application and that the first-party's traffic model should have been assessed against the model used for the Transportation Study at Dunboyne and Environs. This Transportation Study used VISSIM models to analyse transport impacts on the local road network, which I understand to be a form of modelling comprising multi-modal traffic simulation allowing for analysis of complex traffic scenarios. The Transportation Study at Dunboyne and Environs states that future development proposals within this area should be assessed using the model developed for the transportation study, to ensure proposals are consistent with the assumptions made in the study and to identify requirements for the necessary transport interventions included in the study.

8.5.16. Within their Traffic and Transportation Assessment, the first party states that access to the model data used for the Transportation Study was not available to them on request from the Planning Authority, but that a new VISSIM model would be developed incorporating specific proposals for junctions and links as part of the Dunboyne North Masterplan - MP222. The first party considered this approach to

allow for a more up-to-date and accurate model for the area to be developed accounting for wider impacts on the network and removing the need for further analysis with the previous model used in the 2018 Transportation Study.

8.5.17. Section 2.5 of the Traffic and Transport Guidelines issued by the National Roads Authority in 2014 state that the approach to the preparation of Transport Assessments should involve the use of relevant data and appropriate established analytical techniques in order for conclusions to be sufficiently robust and supported by evidence. In addition to information available from the National Roads Authority and the National Transport Authority, these Guidelines state that local multi-modal transport models may be available and provide a good representation of local traffic patterns and forecasts.

8.5.18. The Planning Authority has not contested that the first party was not in a position to use the multi-modal transport model from the Transportation Study, nor do they find fault with the traffic modelling undertaken by the first party. The first party utilised the same VISSIM modelling technique used in the Transportation Study, and this form of modelling is recognised in the Traffic and Transport Guidelines as being suitable in modelling complex urban areas and non-standard junction layouts, including concentrated bursts of traffic being released onto the mainlines of national roads. An alternative traffic model has not been set out by parties to the appeal that would be more appropriate than the modelling technique used in assessing the impacts of the proposed development on the local and national road network.

8.5.19. I am satisfied that the content and format of the Traffic and Transportation Assessment submitted with the application, follows the approach set out in the Traffic and Transport Guidelines. Based on the information provided within the application, in particular the Traffic and Transportation Assessment, as well as the feedback from the Transportation Department in the Planning Authority, the absence of information to the contrary and the provisions of the Traffic and Transport Guidelines, I am satisfied that sufficient data has been collated by the first party to demonstrate that the proposed development would not have detrimental impact on the capacity, safety or operational efficiency of the local and national road network in the vicinity of the site.

Transportation Study at Dunboyne and Environs (2018)

8.5.20. TII assert that it is not possible to assess whether or not the development proposals would adhere to the provisions of the Transportation Study at Dunboyne and Environs. Based on the conclusions above with respect to the modelling undertaking to guide the Traffic and Transport Assessment, I am satisfied that there is scope to assess the adherence of the proposals with the broad transport objective provisions of the Transportation Study.

8.5.21. Section 5 of the Study refers to mitigation strategies to alleviate traffic issues in Dunboyne and its immediate environs, including signalisation of junctions at the Dunboyne north lands to encourage the use of active modes for trips to and from the town centre, public transport services and other amenities, and to provide safe passage across the R157 regional road. Further to this, the Transportation Study supports the provision of an extra traffic lane in each direction along the R157 to facilitate right turning traffic in combination with signalisation.

8.5.22. The development proposals adhere to these provisions of the Transportation Study at Dunboyne and Environs, taking into consideration the forecasted cumulative future development of the area, while identifying and providing, where feasible, the necessary transport interventions, including the link road, widening of the regional road, signalised junctions to the regional road and safe and efficient crossing points.

Dunboyne North Masterplan - MP22

8.5.23. TII has also objected to the development on the grounds that it had not been consulted upon in relation to the preparation of the Masterplan (MP22) for Dunboyne North, which they consider a serious oversight with respect to ensuring compliance with national policy. From the outset and as noted above, the Masterplan document is not a statutory plan, therefore, there would not have been an onus on the Planning Authority to engage with TII or any prescribed bodies in the preparation of this document. The masterplan document merely provides an indicative development framework with guiding principles for the subject lands, which would be intended to follow the principles set out in the Development Plan for the lands, including land uses and transportation objectives. To be clear, it is not the provisions or indeed the development proposals envisaged in the Dunboyne North Masterplan - MP22 that are being assessed in this or any other section of my report, it is the proposals

presented in the application. As noted above, there would have been scope for TII to engage with the Planning Authority in relation to planning matters relating to these lands during the preparation of the Development Plan, when the use and broad scale of development achievable on the lands would have been set out.

Through-Traffic

8.5.24. The grounds of appeal object to the traffic impacts along the Old Navan Road that would arise from the development, in particular HGV traffic, with this road asserted to have limited capacity to cater for such vehicles. Part of the concerns raised by the appellant relates to the fact that the proposed link road would form a new route to and from destinations, such as Dunboyne Business Park, which is currently accessed at a location approximately 400m to the south of the proposed link road.

8.5.25. In response to the grounds of appeal, the first party refers to the approved link road connection from Dunboyne Business Park to the R157 regional road (MCC ref. P822022) 600m to the south of the appeal site, as serving to reduce the need for through traffic to use the proposed link road. This road connection was approved by the Planning Authority as a 'Part 8' scheme in April of 2024. The construction of this project has not commenced and a short duration for the construction phase of the project was stated in the EIAR Screening Report prepared as part of the Part 8 application. The business park connection to the south of the appeal site is also envisaged as providing a bus route between Dunboyne town centre and the M3 Parkway rail station, as well as an alternative route for HGVs. The Planning Authority view this approved road connection as further mitigating traffic impacts in the north Dunboyne area.

8.5.26. In contrast to the business park link road connection, I note that the first party's traffic assessment is not modelled on traffic connecting from the Old Navan Road to the Station Road via the eastern distributor road, as provided for in the Development Plan and subject of current proposals before the Planning Authority (under MCC refs. 24/60709, 24/60625 and 23/60063). Consequently, the assessment is not dependent on the provision of this road connection on the eastern side of Dunboyne.

8.5.27. Notwithstanding the design speed limitations incorporated into the proposed link road element, there would not be a restriction on certain vehicles using the route, therefore, HGV traffic could utilise the route. Within their Traffic and Transportation

Assessment the first party accepts that the road would attract through traffic, as well as the traffic generated by the proposed housing. As part of the future road proposals for the area, the Transportation Study at Dunboyne and Environs proposes a HGV ban through Dunboyne town centre, however, the Study did not envisage a HGV ban along the route of the proposed link road on the appeal site.

8.5.28. The first-party's modelled traffic scenario is very much dependent on the provision of the business park link road, therefore, to give certainty that the proposals would operate in a manner comparable to that asserted to arise in the modelling presented, it is imperative that the approved link road should be in place and operational prior to opening of the proposed new link road. Failure to this could realistically encourage additional through traffic along the proposed link road, including HGVs, which would be contrary to the intention to discourage through traffic along the proposed link road. While the proposed link road is intended to function as an arterial route, it is not intended to facilitate a high volume of traffic, particularly when considering other link routes existing, approved and proposed for the area. In the absence of the alternative permitted link road connecting from the R157 regional road to the Old Navan Road, the function of the proposed link road would alter from that envisaged in the application proposals and the likely substantive increase in traffic onto the proposed link road may not be safely or conveniently absorbed, leading to road safety and traffic congestion concerns. Such a scenario would be contrary to various planning provisions in the Development Plan supporting safe road design, as well as the provisions of the DMURS relating to road functionality and road safety.

8.5.29. To ensure that the proposed link road would cater for the volume and typology of traffic envisaged when designing the route, I am satisfied that the opening of the proposed link road should not occur until completion of the permitted link road (MCC ref. P822022) or a similar functioning and performing alternative link road connecting the regional and local roads. Permission is in place for this business park link road and the timelines for the works required to complete this link road would not be expected to be extensive in contemporary development terms. I am satisfied that a condition can be attached in the event of a grant of planning permission to ensure the delivery of the proposed development is phased to address the need for this off-site infrastructural project to be completed.

Dunboyne Transportation Study 2024

8.5.30. TII refer to the intention to undertake another transportation study of the area relative to contemporary strategic planning and environmental guidance. The 2018 Transportation Study formed a platform for the implementation of an integrated land use and transportation strategy for Dunboyne and its environs, with various interventions supported by the study, including the link road traversing the appeal site, which was subsequently transposed into the Development Plan for this area.

8.5.31. I do not agree that the completion of an updated transportation study for the area would form a reasonable reason to refuse or indeed amend the subject proposals, given that the information presented in the application and available indicates that the proposed development would be capable of operating in a manner that would allow neighbouring junctions to operate without significant implications for traffic or road safety, and given that the development would comply with the statutory objectives for this area based on the current Development Plan.

Conclusion

8.5.32. In conclusion, while concerns arise regarding the implications of the proposals for the operation of local and national roads in the area, subject to a condition addressing the phasing of the development relative to the approved link road to the south of the site, significant traffic congestion in the wider area would not be likely to arise from the proposed development and the development would be capable of safely catering for traffic in the area, while aiding the achievement of objectives within the Development Plan and complying with the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities.

8.6. **Pedestrian / Cycle Connectivity**

8.6.1. The grounds of appeal assert that a pedestrian or cycle connection from the site would not be available to Dunboyne and that there would be no guarantee that such connections would be provided in the future. In response the first party asserts that the development would connect into existing and planned pedestrian and cycle links in the surrounding area, including connections towards the rail station and the Old Navan Road.

Proposals

8.6.2. The first party's proposals would feature footpaths and segregated cycle lanes along both sides of the proposed link road. The first party states that the internal road layout has been designed to cater for pedestrians and cyclists with shared surfaces and reduced vehicular speeds to align with the DMURS. A section of a dedicated north-south orientated cycle track is proposed on site running parallel with and setback from the R157 regional road, as well as between the proposed housing area and the riverside amenity area, connecting the rail station with the proposed link road cycle and pedestrian infrastructure. The proposals do not feature pedestrian or cycle infrastructure on the Old Navan Road. The appeal site boundary includes a 650m-long stretch of the Old Navan Road, but this is included in the site as it would accommodate a foul rising main to be installed to serve the development. Concerns have not been expressed regarding the provision of this rising main or the associated wastewater infrastructure, and in line with the decision of the Planning Authority I am satisfied standard planning conditions can be attached to ensure the satisfactory completion of this element of the proposed development.

Planning Provisions

8.6.3. Section 2.6 of the first-party's Mobility Management Plan outlines the anticipated future walking and cycling facilities within the Dunboyne area, including the primary / secondary cycle route (DB2) proposed to run along the R157 regional road to the M3 Parkway rail station as part of the Greater Dublin Cycle Network Plan. The Transportation Study at Dunboyne & Environs (figure 4.16) identifies a proposed pedestrian / cycle facility route running from Dunboyne town centre towards the M3 Parkway rail station with a spur to the northeast running parallel with the southern boundary of the appeal site. Table 7.1 of the Transportation Study states that the Dunboyne North pedestrian / cycle network and the Old Navan Road pedestrian / cycle link would be medium-term projects dependent on the future delivery of development in Dunboyne north.

8.6.4. In conjunction with the National Transport Authority and all relevant stakeholders, objective DCE OBJ 20 of the Development Plan aims to facilitate, the provision of new pedestrian and cycle linkages and infrastructure, connecting lands at Pace to Dunboyne town centre. By providing cycle and pedestrian connections from the Old

Navan Road through to the M3 Parkway rail station, the proposed development would in part support this objective DCE OBJ 20 of the Development Plan.

8.6.5. The requirements for the Dunboyne North Masterplan - MP22, as listed in the Development Plan, includes the need to address the provision of safe cycle ways and pedestrian routes throughout the masterplan lands connecting to the town centre. Dunboyne North Masterplan – MP22 includes an illustration of the roads and links existing and planned to traverse the masterplan lands. The principle pedestrian / cycle link between the rail station and the Old Navan Road is shown as initially following in a northwest direction along the link road off the Old Navan Road, before leading northwards along the western side of the River Tolka and turning sharply in a northwest direction at the house known as Bennettsbridge. Other pedestrian and cycle routes on the appeal site are illustrated within the Masterplan document, including along the entirety of the link road between the regional road and the Old Navan Road, as well as traversing the housing area of the appeal site.

8.6.6. As highlighted above, I am satisfied that the Masterplan provides a framework to guide the broad development parameters for this area. The cycle and pedestrian routes proposed as part of the development would generally accord with the proposals set out in the masterplan document, and they would provide reasonable permeability through the development for pedestrians and cyclists, while also providing connections to the rail station, the Old Navan Road and lands to the northwest of the R157 regional road. The Planning Authority is satisfied that the pedestrian and cycle links proposed would follow the requirements of the Dunboyne North Masterplan – MP22.

Context

8.6.7. The primary issue raised by the appellant with respect to pedestrian and cycle connections, relates to how the proposed development would access Dunboyne town centre. At present there are footpaths on both sides of the Old Navan Road leading north from the town centre as far as the junction with Kennedy Road. Along the 550m-long stretch of this road between the Kennedy Road and the proposed link road junctions, there is a 160m-long stretch of footpath on the western side of the road as it approaches the River Tolka bridge crossing, with no footpaths or cycle paths on the remaining stretches of the road.

8.6.8. The first party asserts that the proposed priority junction with raised table on the Old Navan Road would tie into a proposed pedestrian / cycle scheme to be delivered on this road by the Planning Authority. According to the Transportation Department in the Planning Authority, the first party has provided pedestrian and cycle links along the proposed link road that would join with existing facilities on the Old Navan Road', and the Chief Executive from the Planning Authority refer to the proposals as tying in with proposals for the Dunboyne and Clonee pedestrian and cycle network.

8.6.9. Proposals for the development of the Dunboyne and Clonee Pedestrian and Cycle Network have recently been subject of a public consultation exercise by the Planning Authority, with emerging preferred options for this project provided online as part of the consultation process (accessed 5th September, 2024, at www.meath.ie). The proposals presented during public consultation for this network include 1.8m-wide footpaths on both sides of the Old Navan Road leading southwards from the location of the proposed link road to the town centre. A 2.5m-wide two-way cycle track is to be provided on the eastern side of this road from the location of the proposed link road junction. As part of the network, the Planning Authority's proposals also feature a 3m-wide shared path for a 50m-long stretch of the Old Navan Road where the carriageway narrows to 3.8m crossing the River Tolka. The drawings associated with this proposed scheme indicate intermittent narrow stretches of potential land acquisition areas. I am not aware of definitive timelines for the cycle and pedestrian network project.

8.6.10. In the absence of the cycle / pedestrian network expansion works along the Old Navan Road, there would be an absence of footpaths from a 390m-long stretch of the Old Navan Road connecting from the appeal site and Dunboyne town centre. The volume of traffic on this stretch of road is extremely low at present, as it primarily serves agricultural lands and a limited number of properties, including houses. According to the first-party's Traffic and Transportation Assessment, the new link road would attract a relatively small volume of local traffic when compared with other roads in the area. The estimated vehicular trips arising from the proposed development onto the link road, and subsequently onto the Old Navan Road, is discussed above, as well the volume of through traffic onto the proposed link road with various other developments in place. A proportion of the envisaged vehicular movements would utilise the stretch of the Old Navan Road connecting from the

proposed link road junction to the Kennedy Road junction. Consequently, the proposed development has the potential to present an increased traffic safety risk along this stretch of road absent of footpaths.

8.6.11. As noted in the application documentation, many of the services required by future occupants of the development would be located within Dunboyne town centre, and the Old Navan Road would provide the most efficient cycle and pedestrian route from the site to the town centre. It would not be reasonable to suggest that future occupants would primarily access Dunboyne town centre via rail services from the M3 Parkway station, particularly given the limited frequency of services from this station. I am satisfied that in order to avoid a substantive risk for road safety, a footpath would be necessary along the Old Navan Road, where it is absent of same, connecting from the proposed link road junction to the existing footpath infrastructure at the junction with Kennedy Road.

Conclusions

8.6.12. The Transportation Department of the Planning Authority suggested attachment of a condition limiting occupation of no more than 100 units in the development until completion of all roads and transport infrastructure contained within the red line boundary of the site. Preferably cycle and pedestrian connections along the Old Navan Road would be provided as part of the subject proposals, however, they have not been proposed. Furthermore, there would not be scope to specifically request the developer to undertake the works to provide cycleways or footpaths along the Old Navan Road, as the first party has not identified the lands required for this to be within the site or within their control. The consent map included with the application (drawing no. DBN-SP-00-DR-JFA-AR-P1015) identifies lands adjoining the immediate stretch of the Old Navan Road as being largely within the control of the Planning Authority, although as noted above, some land may need to be acquired for the project.

8.6.13. I acknowledge that the pedestrian and cycle network proposed by the Planning Authority is at consultation phase only and that at present there is no permission in place for this network. Notwithstanding this, there are detailed plans in place to upgrade this infrastructure in the short term, backed by a statutory planning objective in the Development Plan to facilitate, the provision of new pedestrian and cycle

linkages and infrastructure, connecting lands at Pace to Dunboyne town centre (objective DCE OBJ 20), which the proposed development would in part support and would not conflict with. Furthermore, there is an acceptance from the Planning Authority that the proposals would tie into upgrade works for cyclists and pedestrians along the Old Navan Road, clearly highlighting a willingness on their behalf and primarily stated to be on their lands to provide these infrastructures cognisant of timelines suggested for the subject proposed development. The proposed development would comprise an initial two-year development phase comprising site setup, setting out for services and the construction of civil works, including the link road and bridge crossing. According to the submitted CEMP, a three-year timeline for the construction of the residential element of the development would follow the initial phase. The installation of a footpath is not a major infrastructure project in contemporary development terms, and there would be scope to prioritise elements of a pedestrian and footpath network most in need of attention, particularly where statutory planning objectives would support same.

8.6.14. To address the limited footpath infrastructure along the Old Navan Road and address the road safety concerns in relation to same, I am satisfied that the occupancy of the proposed residential units and childcare facility, should not occur until completion of a continuous footpath from the proposed link road junction on the Old Navan Road leading to the location of existing footpath infrastructure at the junction of Old Navan Road and Kennedy Road. I am satisfied that there is sufficient planning rationale, intention and timelines to allow for the development to be undertaken with certainty that the occupation of the units necessitating a footpath along the Old Navan Road, can occur with the necessary continuous footpath in place.

9.0 Environmental Impact Assessment

9.1. Statutory Provisions

9.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning and appropriate assessment sections of my report. The development would provide for 267 residential units and a childcare facility on a gross site area measuring 13.4ha in the Meath County Council area.

9.1.2. Item 10 of Part 2 to Schedule 5 of the Planning Regulations and section 172(1)(a) of the Act of 2000 provide that an EIA is required for infrastructure projects that involve:

> (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;
>
> (dd) all private roads which would exceed 2,000 metres in length;
>
> (f) (ii) flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.

9.1.3. The current proposal is not a development on urban land, given the greenfield nature of the site. As the subject proposed development comprises less than 500 dwelling units, as well as public roads on a gross site area of less than 20 hectares, the project alone is not within a class of development described in items 10(b)(i), (b)(iv) and (dd) above. Furthermore, an EIA is not required for the project as the flood alleviation works forming an ancillary element of the proposals would be of very marginal scale and would not exceed any thresholds specified in item 10(f)(ii) above.

9.1.4. Since lodgement of the EIAR as part of the application, a ten-year permission (MCC ref. 23/60065) for a commercial / retail development has been approved by the Planning Authority on an adjoining and overlapping site to the northwest of the appeal site measuring a stated gross area of 2.8ha. Furthermore, following a grant of a ten-year permission (MCC ref. 23/424) by the Planning Authority, there is also an appeal before the Board (ABP ref. 320091-24) in relation to an office development on a site measuring 4.7ha to the northwest of the appeal site on the opposite side of the R157 regional road and with infrastructural elements overlapping the appeal site. The proposals, cumulatively measured with the adjoining and overlapping permitted (MCC ref. 23/60065) and proposed (ABP ref. 320091-24) projects and their associated site areas, do not exceed thresholds under Schedule 5

of the Planning Regulations requiring the mandatory submission of an EIAR with the application.

9.1.5. Notwithstanding this, an EIAR was submitted with the application and the first party's reasoning for submitting this was based on the specific characteristics and nature of this site, its size, and the quantum of development proposed. I note that at pre-application stage the first party was advised by the Planning Authority to prepare an EIAR for the project. Under article 299A of the Planning Regulations, where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

9.2. Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

9.2.1. In this section, I assess compliance of the EIAR submitted with the requirements of Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations.

A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 2 of the EIAR, including details on the site location, design, layout, size, arrangements for access, and the construction methodology. In each technical chapter of the EIAR, details are provided regarding the use of natural resources and the production of emissions and / or waste where relevant. The proposals do not involve demolition works, but would comprise excavation works, which are described within the EIAR, the project CWMP and the CEMP. I am satisfied that the development description provided is adequate to enable a decision.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is reasonably comprehensive and sufficiently robust to enable a decision on the project.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).
The EIAR includes designed in or embedded mitigation measures and measures to address potential adverse effects identified in technical studies. These measures and arrangements for monitoring, are summarised in Chapter 16 of the EIAR titled 'Summary of Mitigation Measures and Monitoring', and in sections 7.14, 9.2, 9.3 and 9.4 of the CEMP. The mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).
Chapter 3 of the EIAR provides a description of the range of alternatives considered, including alternative locations, design, layouts, flood risk management and mitigation, as well as a 'do-nothing' alternative scenario. If the development were not to take place, the lands would remain in the present form featuring open agricultural lands, with an opportunity lost to provide 267 residential units, a childcare facility and a link road on zoned and serviceable land, proximate to a high-capacity rail station. As the appeal site lands are zoned in the Development Plan 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate', as well as the fact that the environmental sensitivities

of the site are not such as to preclude development per se, I am satisfied that alternative locations would not need to be considered in detail. The permitted in principle and open for consideration uses for this site are prescribed within the zoning objectives in the Development Plan, which facilitate the development of the site for residential and other restricted potential uses.

The process in arriving at the subject proposals, including consultation with various parties and design team deliberations, is provided as part of section 5 to the first party's Planning Report & Statement of Consistency. Section 3.10 of the EIAR, details the alternative designs and layouts considered for the project. Various opportunities and constraints in relation to the development of the site, cognisant of proposals to develop the adjoining mixed-use zoned land to the northwest of the site, in particular statutory and non-statutory planning provisions, existing and future road access, flood zones, drainage, public realm upgrades, roads, hedgerows and the immediate surroundings, are stated to have influenced the design and scale of the final proposed project, as presented. It is clear from the various documents submitted as part of the application, including the Architectural Design Statement, Landscape Design Statement, Energy Statement, External Infrastructure Planning Report, Report to Engineering Services and Building Lifecycle Report, that numerous reasonable alternatives needed to be considered in arriving at the finalised scheme. The Building Lifecycle Report and Energy Statement refer to the options being considered in order to achieve energy efficiencies and carbon reductions. To address a request from the Planning Authority, the proposed development was amended to provide an alternative design for the road bridge crossing over the River Tolka.

I am satisfied that at the time of lodging the application, there were no alternative processes having regard to the nature of the proposed project relative to the legislative planning procedures.

I am satisfied, therefore, that the first party has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons in opting for the current proposal before the Board, and in doing so the first party has taken into account the potential impacts of the project on the environment.

A description of the baseline environment and likely evolution in the absence of the development.
The baseline environment is addressed in each technical chapter within the EIAR, and the likely evolution of this environment in the absence of the proposed development is described, with particular reference to ‘do-nothing scenarios’.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.
The methodology employed in carrying out the EIA, including the forecasting methods, is set out in each of the individual chapters assessing the environmental effects. The first party has indicated in each chapter where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA, with very limited difficulties encountered. I comment on these, where necessary in the assessment below and for the reasons stated, I am satisfied that forecasting methods overall are adequate in respect of likely effects, including methods applied to account for Covid-19 pandemic restrictions when modelling traffic flows and the resultant potential for air and noise emissions.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This vulnerability of the project is specifically dealt with in chapter 17 of the EIAR, including flood risk and seismic activity, as well as proximity to major industrial sites and dangerous substances. Only low risks have been identified in relation to the project’s vulnerability to major accidents and / or disasters. There are no upper or lower-tier Seveso establishments within 3.5km of the site, and measures to address risks from spills and potential pollution events are addressed in the project CEMP. Highly vulnerable land uses, such as housing, are not proposed in the identified medium to high-risk flood zone. Risks of landslides are not

considered substantive in this location particularly given the relatively flat terrain of the site. The proposed development is primarily residential in nature and will not require large-scale quantities of hazardous materials or fuels, and the proposed uses are unlikely to present significant risk of major accidents or disasters. Having regard to the location and characteristics of the site, as well as the zoning of the site, I am satisfied that there are unlikely to be any significant effects of the project deriving from major accidents and / or disasters.
Article 94 (c) A summary of the information in non-technical language.
The EIAR submitted with the application comprises a non-technical summary (Volume I), a main report (Volume II)) and book of appendices (Volume III). I have read the Non-Technical Summary document, and I am satisfied that the document is concise, comprehensive and is written in a language that is easily understood by a lay member of the public. As part of a further information response to the Planning Authority, the first party also provided an addendum to the EIAR to address any impacts of the revised project on the environment and to highlight any changes to the EIAR that had been initially submitted with the application. The changes primarily focussed on the 'hydrology and hydrogeology' and 'material assets service infrastructure' chapters of the EIAR.
Article 94 (d) Sources used for the description and the assessments used in the report.
The sources and references used to inform the description, and the assessment of the potential environmental impacts are set out at the end of each individual chapter in the EIAR. I consider the sources relied upon are generally appropriate and sufficient in this regard.
Article 94 (e) A list of the experts who contributed to the preparation of the report.
Where relevant, I am satisfied that the introductory section of each of the EIAR chapters demonstrates the competence of the individuals who prepared each chapter of the EIAR, including details relating to expertise and qualifications.

9.3. Consultations

9.3.1. According to the Planning Authority, the application was advertised and submitted in accordance with the statutory requirements. Public participation and consultation are an integral part of the large-scale residential development process. The EIAR was available for the public to view at the offices of Meath County Council and An Bord Pleanála, as well as on their respective websites and on a dedicated project webpage. A link to the application and EIAR was available from the Department of Housing, Local Government and Heritage EIA portal webpage.

9.3.2. Direct and formal public participation in the EIA process was undertaken through the statutory planning application process, including with various prescribed bodies. The EIAR lists 17 statutory bodies that were consulted in relation to its preparation, with responses to this consultation received from the Health and Safety Authority, the Geological Survey of Ireland and Uisce Éireann included as an appendix to the EIAR.

9.3.3. This EIA has had regard to the submissions received from the Planning Authority, the prescribed bodies and members of the public, which are summarised above in sections 5 and 7 of this report. Several of the topics and issues raised by the observers that concern environmental matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid repetition.

9.3.4. I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

9.4. Compliance

9.4.1. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and the associated supplementary information provided with this by the developer, is sufficient to comply with article 94 of the Planning Regulations. Matters of detail are considered in my assessment of the likely significant effects below.

9.5. Likely Significant Direct and Indirect Effects

9.5.1. The EIAR describes and assesses the direct and indirect significant effects of the project on the following factors; (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water; air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interactions between factors (a) to (d). I have considered all potential effects listed in the EIAR, and in the tables below I outline those impacts that have greatest potential to be of significant effect on the environment.

9.5.2. A decommissioning phase for the project has not been assessed in the submitted EIAR. A Building Lifecycle Report has prepared for the project to achieve a durable standard of development that will not require regular structural or fabric replacement, or maintenance for structures outside general day-to-day care and as a means to provide longevity to the development. The development is intended to be of permanent duration and should the proposed buildings be demolished, further permission would be required, and it is assumed that the legislation, guidance and good practice at that time would be followed, and the effects are likely to be similar to the proposed construction effects.

9.6. Population and Human Health

Issues Raised

9.6.1. Issues were raised during the course of the planning application and appeal asserting to the potential impacts of the development on neighbouring residences, including via an altered roads arrangement attracting HGVs onto local roads, thereby posing risks to human health. Concerns were also expressed regarding flood risk to neighbouring homes and the potential impacts on the residential amenities of a neighbouring house to the northeast of the site.

9.6.2. The Chief Executive from the Planning Authority did not identify undue significant impacts for neighbouring residences and refers to the supporting services required for the development as being currently or in future centred upon Dunboyne town centre, while noting the additional school places that would be generated by the development. The Planning Authority were satisfied with the final proposals

submitted in addressing flood risk and they recommended the attachment of conditions addressing noise, air and dust emissions arising from the construction phase of the project. The Planning Authority also note the need to consider the potential cumulative impacts of the works alongside other masterplan developments and the DART+ West rail project, and for the development to be constructed in compliance with technical guidance.

Context

9.6.3. Impacts of the project on population and human health are addressed in chapter 4 of the EIAR. The methodology for the assessment is described, as well as the study area receiving environment and the sources referenced. The report is asserted to have been undertaken having regard to the requirements set out in Government and industry guidelines for EIA. The assessment methodology includes site surveys and a desk-top survey of human health and the baseline population, with reference to planning policy. There are certain limitations with respect to the baseline demographic assessment, which relied on data collated up to 2016, given that more up-to-date census data for 2022 has since been released in stage form by the Central Statistics Office (CSO). While the limitations in relying on 2016 data are noted, I would accept that this would be unlikely to have a significant impediment to the assessment of likely effects of the development on human health and population. I also understand that the population of Dunboyne declined marginally over the 2016 to 2022 period.

Baseline

9.6.4. The assessment considers attributes and characteristics associated with local land uses, neighbouring facilities and services, transport, health and safety, demographics and human health. The baseline environment with respect to these factors is described throughout my report above, including section 2.

Potential Effects

Table 9.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Residential units and associated amenities would not be provided at the site, the distributor link road would not be undertaken and

	the demographic, social and travel patterns of the study area would remain.
Construction	Direct, slight, short-term adverse effects for human health are predicted to arise from nuisance associated with construction activity (noise, vibration, air quality and traffic). Direct impacts on the appearance of the areas a result of the construction activity. Positive economic effects predicted to arise from the employment and business created during the construction activity. Short-term effects for the health and safety of those working on the construction site, as well as those passing the construction activities.
Operation	Direct effects of increased housing for the local population in the area with long-term indirect positive effects for local services from the increased critical mass estimated to amount to 732 persons. Direct effects for amenities arising from the additional public open space proposed. Direct effects for the local population arising from impacts on landscape, reducing overtime as the population become accustomed to the development.
Cumulative	Other major proposed projects adjoining and overlapping the site are noted.

Mitigation

9.6.5. Mitigation measures are set out in relation to each of the potential effects of the project, with reference to monitoring measures for noise, vibration and air quality, as well as measures set out in relation to the project CEMP and CTMP to prevent nuisance and undue impacts to human health, such as controlling construction hours and restricting delivery times and haul routes. Health and safety risks during the construction works would be managed in line with the relevant regulatory regimes and the site would be secured with appropriate signage and lighting. The imposition

of limits by conditions in any grant of permission would further reinforce the preservation of human health during the operational phase.

Residual Effects

9.6.6. With the implementation of mitigation measures, including monitoring, residual effects of the project on human health and the population are set out in section 4.9 of the EIAR. These measures provide that only slight to imperceptible residual impacts would arise, with no significant residual effects on human health or population.

Direct and Indirect Effects Assessment

9.6.7. I have examined, analysed and evaluated chapter 4 of the EIAR, all of the associated documentation and submissions on file in respect of human health and population. I am satisfied that the first party's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on human health and population, as a consequence of the development, have been identified. Parties to the application have raised the following issues in respect of human health and population, which I address below.

- flood risk;
- traffic.

9.6.8. In relation to the potential for increased flood risk to impact on the safety and wellbeing of neighbouring residents, I am satisfied that these impacts have been addressed as part of the revised proposals submitted to the Planning Authority. Detailed assessment of flood risk is undertaken in section 8.2 of the report above, resulting in a conclusion that significant residual effects for the safety and wellbeing of neighbouring residents would not arise, with the existing protective berm remaining in situ and the proposed bridge to be constructed to address known and future-proofed floor risk levels. The location and levels for the proposed housing has been set out to address the findings of the Site Specific Flood Risk Assessment (March 2024), thereby, ensuring no significant risks for the health and wellbeing of future residents of the housing.

9.6.9. The effects of the development on traffic in the area are addressed in section 8.5 of the report above, with an acceptance that additional and more varied traffic would be attracted into the immediate local road network along the Old Navan Road. Detailed

designs for the new road network, including signage and layouts arising from audits, which would be further enhanced following reviews at future stages in the development process, serve to mitigate against any substantive risks to human health arising from the altered road network. Conditions would be applied in the event of a grant of planning permission to require specific off-site infrastructural works to be in place and operational to address risks to road safety and trafficking identified in sections 8.5 and 8.6 of the report above. The construction works would be limited to the hours, as set out in the decision of the Planning Authority, which have not been contested by the first party. The proposed link road would potentially decrease the need for traffic movements through Dunboyne town centre, by providing a more convenient route from the M3 motorway to the Old Navan area from the northern side of Dunboyne, which may have indirect positive impacts for the town centre by reducing traffic congestion and associated emissions in this neighbouring area.

Direct and Indirect Effects Conclusion

9.6.10. Having regard to the examination of environmental information in respect of human health and population, in particular the EIAR provided by the first party and the submissions from the Planning Authority and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on human health and population are, and will be mitigated as follows:

- significant direct positive impacts for population, due to the substantive increase in the housing stock during the operational phase;
- direct negative effects arising for human health during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including limited construction hours, traffic management, dust and noise minimisation measures and monitoring, resulting in no residual impacts on human health;
- direct negative effects arising for human health as a result of an increased risk of flooding during the operation phase of the development, which would be mitigated by the design of the road bridge and site drainage accounting for medium and high-risk flood events, resulting in no residual impacts on human health.

9.7. **Biodiversity**

Issues Raised

9.7.1. The Planning Authority initially required a method statement to address potential impacts of the proposed construction works, including the bridge crossing, given the potential implications for adverse effects on the aquatic environment, including downstream habitat and species. Following a response by the first party, the Planning Authority was satisfied that the revisions to the proposals would suitably address matters raised, with mitigation measures and planning conditions, to provide assurance that adverse effects on the aquatic environment would not arise. The Planning Authority require their agreement with respect to the final construction method statement for the bridge crossing, as opposed to agreement with an ecologist.

Context

9.7.2. Chapter 13 of the EIAR addresses impacts on biodiversity with a hedgerow appraisal and a bat survey report forming appendices to this chapter. A detailed description of the construction phases and the various elements of the proposed works, including the bridge crossing, are initially set out in this chapter of the EIAR. The methodology for the assessment incorporated a desktop survey, identification of sensitive ecological sites and fieldwork, including surveys for amphibian, habitat and flora, invasive flora, breeding and winter birds, mammals, otter and kingfisher, hedgerow and bats (roosting, transects and detectors). These surveys were undertaken between September 2021 and August 2023. It is noted that an NIS for the project was provided as a separate standalone document accompanying the application and a revised AA Screening Report was submitted as part of the further information response to the Planning Authority. Section 10 of my report assesses the proposed development in the context of the conservation objectives for designated European sites within the zone of influence of the project.

9.7.3. The first party noted that the available datasets recorded for the area do not constitute a complete list of species potentially within the area, while their surveys and desk-based work are asserted to allow robust conclusions to be accurately arrived at. I am satisfied that this did not limit robust assessment of the project in

relation to impacts on biodiversity, particularly given the extent of surveying undertaken and the baseline conditions referred to below.

Baseline

9.7.4. Habitats identified on site are listed and illustrated in figure 13.11 of the EIAR. The first party states that the site is dominated by agricultural grassland (GA1) and dry meadows (GS2), as well as being traversed by treeline (WL2), hedgerow (WL1) and drainage ditch (FW4) habitats. Along the river corridor surveying identified wet grassland (GS4) and lowland depositing river (FW2) habitats, with flower beds and borders (BC4) and grassy verge (GS2) habitats along the roadside verges of the site. The site features a total of 104 trees, tree groups and hedgerows, as listed in the Arboricultural Impact Assessment & Method Statement submitted with the application, with eight trees, one group of trees and part of two hedgerows to be removed as part of the proposed development. These trees and hedgerows to be removed are primarily located along the perimeter of the site, including the northern boundary with the rail station access road and the proposed route for the link road traversing the site.

9.7.5. No Annex I habitats were recorded within the appeal site during the first party's habitat surveys, while grey wagtail, meadow pipit, yellowhammer, snipe and starling bird species were observed during surveys. A kingfisher was recorded along the river habitat and common frog was also identified on the site. Signs of otter, fox and badgers using the site was recorded. No bat roosts were recorded, and a tree of moderate suitability for bat roosting would be maintained as part of the proposals. Activity and movement associated with bat foraging and commuting was primarily noted to be focused along the hedgerows and treelines on site and in the immediate areas. Sycamore and butterfly bush were recorded on site, but these medium-impact invasive species are not considered a significant risk to biodiversity. Although a separation distance of over 17km from the appeal site, using the source-pathway-corridor approach, the appeal site is linked via the River Tolka to the North Dublin proposed Natural Heritage Area (pNHA) (site code: 000206), Dublin Bay UNESCO biosphere, North Bull Island Ramsar site (ref. 406) and Sandymount Strand / Tolka estuary Ramsar site (ref. 832). The key ecological receptors were identified as the breeding bird assemblage, the River Tolka, hedgerow, treeline and

drainage ditch habitat, non-volant mammals, bat assemblage, common frog and the fish assemblage using the River Tolka.

Potential Effects

Table 9.2: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain primarily in use for agricultural purposes, with the biodiversity value of the site being maintained.
Construction	Direct permanent loss of trees and hedgerows, or damage to trees, and hedgerows, with indirect impacts for associated species reliant on these trees and hedgerows. Direct harm and mortality effects for species, arising from habitat loss, damage or fragmentation. Direct harm to common frog populations during works to the drainage ditch. Direct effects for species arising from increased disturbance (noise) and increased emissions. Direct effects for water should there be a measurable increase in pollutants or sedimentation to the aquatic habitat, with implications for downstream habitat connected with the site.
Operation	Direct permanent effects for water should there be a measurable increase in hydrocarbons and other potential pollutants to aquatic habitat during occupation. Loss of habitat for breeding birds, bats and small mammals. Disturbance to local wildlife, including during nighttime via lighting. Reduced quality of foraging / nesting habitat, including hedgerows.
Cumulative	Other major developments within 500m of the site are noted, including the approved Part 8 Dunboyne Business Park link road.

Mitigation

9.7.6. The proposed development appears to largely address the potential primary impacts on habitats, both on and off the site, via measures that are embedded in the overall design of the scheme and the construction methods. In this regard I note the substantive open space buffer from the housing area to the river channel.

9.7.7. To address potential impacts of the project on local ecology, the first party sets out various avoidance, remedial and alleviation measures, including pre-construction surveys, the sensitive timing of certain works relative to nesting and spawning periods, a method statement for the bridge structure, tree and mammal protection measures, and noise and dust control measures during the construction phase. During the operational phase, bat-friendly lighting would be installed, replacement tree and hedgerow planting would be undertaken with a management plan for the latter. Biodiversity enhancement measures would be undertaken, incorporating log piles for invertebrates and fauna, wildflower planting and bird-box schemes. Monitoring would be undertaken to ensure the effectiveness of the stated mitigation measures.

Residual Effects

9.7.8. With the implementation of mitigation measures, including monitoring, the first party does not consider the residual effects of the project to be significant.

Direct and Indirect Effects Assessment

9.7.9. I have examined, analysed and evaluated chapter 13 of the EIAR, and all of the associated documentation and submissions on file in respect of biodiversity. I am satisfied that the first party's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified. Parties to the application have raised the following issue with respect to biodiversity:

- loss of sycamore trees.

9.7.10. Observers to the application raised concern regarding the potential for loss of sycamore trees along the northeast boundary of the site, primarily as it would provide some screening of the development. The first party's arboricultural impact assessment notes that these trees (refs. 60 – 64), which are a medium-impact, non-

native species, would be maintained and protected as part of the application proposals. The tree protection measures outlined by the first party in their arboricultural impact assessment are stated to follow the requisite best practice standards. I note that the subject row of trees would adjoin an area intended to form a landscaped perimeter to the development, with no specific additional boundary structures intended to be installed along this part of the site boundary and only limited reprofiling. With the inclusion of protection measures to safeguard the subject trees and the hedgerow on this boundary, I am satisfied that the risk of damage to the subject sycamore trees arising from the proposed development would be negligible.

Direct and Indirect Effects Conclusion

9.7.11. Having regard to the examination of environmental information in respect of biodiversity, in particular the EIAR provided by the first party and the submissions from the Planning Authority and observers during the course of the application and appeal, it is considered that the main significant direct and indirect effects on biodiversity are, and will be mitigated as follows:

- direct negative effects arising for aquatic habitat during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, sensitive timing of works within the river corridor and agreement with the Planning Authority regarding a construction method statement for the road bridge element of the project, resulting in no residual impacts on biodiversity.

9.8. **Land, Soil & Geology**

Issues Raised

9.8.1. Specific issues in relation to land, soil and geology are not raised.

Context

9.8.2. Chapter 5 of the EIAR addresses land, soils and geology, with the first party initially setting out the assessment methodology and sources of information. This section of

the EIAR is supported by a ground investigation report and soil sample results, which are included as appendices to the EIAR.

Baseline

9.8.3. The history of land use on and adjacent to the site is initially set out in the EIAR, referring to various maps and aerial imagery for the area in chronological order. The Geological Survey of Ireland (GSI) indicates that the site bedrock geology is dominated by Dark Limestone and Shale of the Lucan Formation, although this was not encountered during investigations to depths of 6m below ground level. Teagasc soil mapping indicates that the site features 'deep well-drained mineral (mainly basic)' soils, with alluvium soils along the river channel and associated flood zone. Made ground is found along the roads where roadworks and engineering works are proposed. Firm to very stiff, silty-sandy, gravelly clays were encountered between 3.5m and 5m below ground level and overlying the site topsoil, with glacial till / boulder clay below this. The human health screening of soil samples for residential sites with consumption of home-grown vegetables, identified that some soils exceed the screening value of 1% organic matter for barium (56.8mg/kg). The majority of soils encountered would be likely to be acceptable as waste at inert sites.

9.8.4. The Environmental Protected Agency (EPA) online mapping service shows that between 5% and 10% of homes in the immediate area are estimated to feature high-radon levels. The closest geological heritage areas include Louisa bridge cold spring located 6.7km to the south of the site and Huntstown Quarry located 8.9km to the east of the site. There are no quarries within the immediate vicinity of the site, and the site has low susceptibility to landslides with the nearest known landslide event having occurred 2.9km to the southeast of the site along the M3 motorway corridor close to Clonee. Karst features or rocky outcrops were not in evidence on the site.

Potential Effects

Table 9.3: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain in use for agricultural purposes.

Construction	Removal of materials off site and the operation of construction activities on site requiring safe control of wastes and other materials, such as fuels. Piled foundations for apartment blocks and the bridge structure, impacting on soils and bedrock. Increased dust emissions arising from construction traffic. Contamination of soils and bedrock. Increased sedimentation to watercourses. Risk to human health via use of naturally occurring barium within the soils onsite, if such soils are used in areas for production of homegrown vegetables.
Operation	Revised use of the land. Imperceptible permanent impacts on localised portions of soil and bedrock.
Cumulative	Significant cumulative effects alongside other neighbouring projects and as part of the Dunboyne north masterplan lands development are not anticipated to arise.

Mitigation

9.8.5. Mitigation measures are set out to limit the extent of topsoil stripping and excavation works and to reuse of material on site where practical and appropriate. Material excavated from a former compound area associated with the M3 Parkway rail station project would not be reused on site and soils on site would not be reused as topsoil in gardens or areas with potential for homegrown vegetables, unless subject of further testing for their use in such areas. Measures to address the removal of surplus materials are outlined in the EIAR for the construction phase and reinforced by the measures outlined in the project Construction Waste Management Plan. Measures to address the control of pollution to soils and bedrock are set out in the project CEMP, including various standard control measures, while an array of measures to control dust emissions are also outlined. Various assessments would continue to be undertaken as part of the construction phase monitoring measures to

address risks to stability and identify hazardous materials. Embedded design elements of the project include limited depths for services and foundations to reduce the amount of soil and material to be exported from the site.

9.8.6. Specific monitoring measures are not proposed for land, soils and geology, although I would note the landscape maintenance and defects measures, included as part of the Landscape Design Strategy.

Residual Effects

9.8.7. With the implementation of mitigation measures, including embedded and additional measures, residual effects of the project for land, soils and geology are set out in section 5.11 of the EIAR. The first party asserts that these provide that no significant residual effects on land, soils and geology would arise from the project.

Direct and Indirect Effects Assessment

9.8.8. I have examined, analysed and evaluated chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of land, soil and geology. I am satisfied that the first party's presented baseline environment is reasonably comprehensive and that the key impacts in respect of likely effects on land, soil and geology, as a consequence of the development have been identified. The altered use of the land is not considered to be a significant effect of the project.

9.8.9. In relation to the potential to impact on land, soils and geology, I am satisfied that these impacts would be mitigated by a suite of appropriate construction phase management measures, including further surveying, monitoring and testing of materials and the implementation of measures within the CWMP and CEMP, as well as the mitigation listed in section 5.9 of the EIAR, resulting in no significant residual effects for land, soils and geology.

Direct and Indirect Effects Conclusion

9.8.10. Having regard to the examination of environmental information in respect of land, soils and geology, in particular the EIAR provided by the first party, and the submissions from the Planning Authority and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on land, soils and geology are, and will be mitigated as follows:

- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including continued monitoring of materials during the construction processes.

9.9. Water

Issues Raised

9.9.1. It is stated by the Planning Authority that foul wastewaters arising from the proposed development would be capable of being treated in Ringsend WWTP. It is stated that Uisce Éireann currently has a project in their investment plan that would provide the necessary upgrade and capacity to supply water for the development and this project is scheduled to be completed by quarter 3 of 2026, with a connection possible following this. Based on the CEMP project timelines, it would be late 2026 before works would commence on the residential phase of the development. The Planning Authority was not initially satisfied with the drainage proposals submitted with the application, with concerns raised regarding drainage channels, culvert designs, the surface-water drainage system, overland flood routes, drainage to the proposed link road and the need for a drainage maintenance plan for the development. Site specific flood risk measures and development proposals were initially not considered by the Planning Authority to suitably address flood risk, and these concerns were shared in third-party submissions at application and appeal stages. Following the submission of further information by the first party, the Planning Authority agreed that the surface water drainage proposals would be appropriate and that the proposed development would not result in substantive risk of flooding to other lands. Detailed consideration of flood risk has been undertaken in section 8.2 above.

Context

9.9.2. Impacts of the project on hydrology and hydrogeology are addressed in chapter 6 of the EIAR, as well as the associated addendum report. The sources of information and assessment methodology are initially detailed, prior to setting out the baseline conditions. The assessment relies on mapping, walkover surveys, desktop surveys, flood risk assessment and on-site ground investigations, with a report on same forming appendix 6.1 to the EIAR.

Baseline

9.9.3. The River Tolka flows in a southerly direction along the eastern side of the site, with a drainage ditch crossing the southern side of the site, feeding into the Naulswood stream, which flows into the River Tolka. The ground on site generally falls gradually southeast towards the river. A hydrological connection from the site with the nearest European site, Rye Water Valley Special Area of Conservation (SAC) and the nearest aforementioned geological heritage areas is not in evidence. Hydrological connections with other sensitive ecological sites via the River Tolka are known to arise. Groundwater levels were anticipated as being at 5m to 8.5m below ground level based on Dunboyne Water Supply Groundwater Source Protection Zones Report (GSI, 2004). For one borehole test, water was encountered at 2.1m below ground level, however this was not identified as being hydraulically linked to the deeper bedrock aquifer, based on the low permeability of the clay sitting above the bedrock layer. Limited potential for lateral groundwater flows is asserted to arise. Groundwater vulnerability is identified as being predominantly low in the western and southern portions of the site, while being moderate or high for the remainder of the site. Groundwater recharge levels would not allow for soakaway design and construction.

9.9.4. Under the Water Framework Directive (WFD) the overall status of the Dublin groundwater body (EPA ref. IE_EA_G_008) underlying the appeal site, was assessed as being 'good' (between 2016 and 2021), and the risk of this waterbody not achieving good water-quality status in 2027 for the purposes of the WFD is 'under review'. The proposed development site lies within the Liffey and Dublin bay catchment. Figure 6.1 of the EIAR illustrates the locations of neighbouring watercourses, including the Naulswood stream. Under the WFD, the Naulswood stream and the immediate stretch of the River Tolka feature 'moderate' water quality status and they are categorised as 'at risk' of not achieving good water quality status for the purposes of the WFD. The Tolka estuary transitional waterbody (EPA ref. IE_EA_090_0200) is assigned a 'poor' water quality status, with this waterbody 'at risk' of not achieving good water quality status for the purposes of the WFD.

9.9.5. The southern portion of the site is located in the inner source zone for the Dunboyne public water supply, with three associated wells adjacent to the southern portion of the site. The drinking water quality of these wells was recorded by Uisce Éireann as

being ‘excellent’ in 2023. Varied risks of flooding were identified for the site, with greatest risks along the river corridor. During pre-application discussions it was confirmed that the proposals would connect to Uisce Éireann wastewater and water supply networks.

Potential Effects

Table 9.4: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The baseline water environment would be unlikely to change.
Construction	Direct, short-term effects for ground and surface water from the construction, excavation, drilling and piling activities, including release of sediment, hydrocarbons and leaching. Direct effects for the bedrock aquifer from changes in groundwater levels and flow regimes. Direct effects to surface water drainage leading to increased flood risk. Direct effects to water quality in Dunboyne public water supply.
Operation	Direct effects to groundwater and surface water via contamination during maintenance of the development and associated infrastructure. Direct effects to water via increased risk of flooding.
Cumulative	Other major developments within 1km of the site are noted, including the approved link road connection between Dunboyne Business Park and the R157 regional road (MCC ref. P822022).

Mitigation

9.9.6. Embedded measures forming part of the overall development are initially set out as primarily mitigate the potential effects of the project on water. The specific mitigation measures are quite extensive and include those proposed in relation to lands, soil and geology, as well as adherence to best practice construction management guidelines. The measures supported within the CEMP and CWMP generally to

prevent release of hydrocarbons, sediment and other potential pollutants to water, as well as maintaining of the drainage regime are also included as mitigation measures for water.

9.9.7. Mitigation measures are set out by the first party to address the potential for impacts on key receptors, the River Tolka, the public water supply source protection zone and the drainage ditch on the side. The efficacy of the mitigation measures set out, including control of surface water runoff, monitoring of environmental conditions and fuel storage, all managed as part of a final CEMP, are well established in practice. Monitoring and inspection of water samples from locations along the river will be undertaken in line with guidance, with records to be maintained. During the operation phase, maintenance and management measures for development infrastructure and facilities would be undertaken to address impacts to water, including undertaking and implementing SUDS. Audits of the stormwater network would also be undertaken for the operational phase of the development to ensure the effectiveness of this infrastructure.

Residual Effects

9.9.8. With the implementation of mitigation measures, residual effects of the project are set out in section 6.7 of the addendum to the EIAR, where it is asserted that no significant residual effects on water would arise, with only slight adverse temporary impacts on groundwater and surface water quality.

Direct and Indirect Effects Assessment

9.9.9. I have examined, analysed and evaluated chapter 6 of the EIAR, all of the associated documentation and submissions on file in respect of water. I am satisfied that the first party's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on water, as a consequence of the development have been identified. Parties to the application and appeal have raised the following issues in respect of water, which I address below:

- surface water management;
- flood risk.

9.9.10. Observations from neighbouring residents, flagged concerns with respect the potential for surface water runoff from the development to increase the risk of

flooding to neighbouring properties. At further information stage, revised proposals and additional information was presented by the first party for the project, to address the matters raised by the Planning Authority in their initial assessment of the development. The project would feature an array of surface water management measures, including SUDS, which would restrict surface water discharge from the site to greenfield runoff rates, with fuel interceptors installed to remove hydrocarbons and audits of the system to ensure that it is installed in a safe and appropriate manner. Measures would also be employed to restrict flows into the piped surface water drainage infrastructure situated within the identified area on site at risk of flooding. With the measures to be employed and the revised proposals for surface water management, significant impacts for water are not envisaged.

9.9.11. As also addressed in sections 8.2 and 9.6.9 of my report above, I am satisfied that the proposed development can be constructed and has been designed to alleviate the risk of flooding to appropriate levels, with substantive risk of flooding to other lands averted, noting two very minor additional adjoining areas of flooding calculated to arise with the development in place. The development has also been adequately designed, to account for potential future flood risk scenarios.

Direct and Indirect Effects Conclusion

9.9.12. Having regard to the examination of environmental information in respect of water, in particular the EIAR provided by the first party and the submissions from the Planning Authority and observers during the course of the application and appeal, it is considered that the main significant direct and indirect effects on water are, and will be mitigated as follows:

- direct negative effects arising for water during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including sediment and pollution-control measures, resulting in no residual impacts on water;
- direct negative effects arising for water as a result of flooding during the operation phase, which would be mitigated by the design of the road bridge accounting for medium and high-risk flood events, resulting in no residual impacts on water.

9.10. Air and Climate

Issues Raised

9.10.1. Substantive specific issues in relation to air and climate are not raised.

Context

9.10.2. Chapter 7 of the EIAR deals with air quality, with chapter 8 separately dealing with climate. The first party initially described the site context before setting out the legislative and policy context for the air quality and climate change assessments. The air quality section of the EIAR details the relevant legislation and guidance informing this element of the report, including ambient air quality standards and dust deposition guidelines. Human receptors within 350m of the site are stated to be at most risk of air quality impacts arising from the development. The first party sets out the significance criteria used in the assessment of the impact of the development on climate, centred on assessments of greenhouse gas emissions and climate change risk.

Baseline

9.10.3. The baseline environment is described using historical air quality details from the EPA and weather conditions from Met Éireann. Prevailing westerly winds are noted, as well as average monthly air temperatures typical for this context. For comparative purposes annual mean concentrations of particulate matter and nitrogen dioxide in locations such as Castlebar and Swords during 2017 and 2021 are detailed in tables 7.5 and 7.6 of the EIAR. Potential sensitive receptors in the immediate area are identified. Estimates and quantities of potential greenhouse-gas emissions from the operation phase of the project are referenced in the EIAR. The baseline climate is expected to evolve over time, with due regard for this in the development designs.

Potential Effects

Table 9.5: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No potential change in air quality would arise and the climate would evolve in line with identified trends.

Construction	Release of particulate matter during demolition and construction works, including via vehicle movements, excavation and earthworks. Increased release of pollutants, including greenhouse gases from plant and machinery, and the sourcing of materials. Climate change risks to the construction works, including more extreme weather events.
Operation	Release of particulate matter via associated vehicular movements. Increased release of greenhouse-gas emissions from building services. Vulnerability of proposals to climate change.
Cumulative	Reference is made to projects in the wider area, including the permitted Dunboyne Business Park link road onto the R157 regional road, with the cumulative impacts to air quality and climate modelled based on a worst-case future design year.

Mitigation

9.10.4. Mitigation measures are set out in section 7.9.2 of the EIAR to minimise dust emissions, including communications with the public, site management, site preparation and maintenance, effective operations and vehicle / machinery usage, waste management and measures to address earthworks, construction and trackout. Other projects within 350m of the site would need to incorporate their own dust management and minimisation measures, and any potential cumulative construction impacts arising would be short term. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged for air quality, primarily as the expected resultant air pollutant concentrations would be in compliance with the respective air quality standards.

9.10.5. Measures would be undertaken to minimise use of vehicles and machinery during the construction phase, with excavated materials to be reused on site and materials to be sourced locally, where possible. High-performance buildings are stated to be proposed in order to reduce the amount of energy required in the development and green infrastructure is also proposed, as well as the encouragement of walking,

cycling and other more sustainable modes of transport. Various energy-efficiency and performance measures to address regulatory requirements are set out in the project Energy Statement. Flood-resilient plant species are to be considered for the landscaping along the river corridor, cognisant of potential climate change effects.

Residual Effects

9.10.6. With the implementation of mitigation measures, including the embedded and additional measures, residual effects of the project on air quality and climate are set out respectively in sections 7.10 and 8.10 of the EIAR. These measures are stated to provide that no significant residual effects on air quality and climate would arise.

Direct and Indirect Effects Assessment

9.10.7. I have examined, analysed and evaluated chapters 7 and 8 of the EIAR, and all of the associated documentation and submissions on file in respect of air quality and climate. I am satisfied that the first party's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on air quality and climate, as a consequence of the development have been identified.

9.10.8. There is potential for dust emissions to occur from earthworks, construction works and vehicular movements during the construction phase to sensitive receptors and the atmosphere in the vicinity. I am satisfied that such impacts would be mitigated by a suite of appropriate construction phase management measures, including implementation of the dust management measures stated in the EIAR and CEMP. The expected greenhouse gas emissions would have negligible impact on the climate given the proportionate impact relative to Irish emissions limits.

Direct and Indirect Effects Conclusion

9.10.9. Having regard to the examination of environmental information in respect of air quality and climate, in particular the EIAR, CEMP and the Energy Statement provided by the first party, and the submissions from the Planning Authority and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on air quality and climate will be mitigated as follows:

- direct negative effects arising for air quality during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust minimisation measures.

9.11. Noise and Vibration

Issues Raised

9.11.1. DAA refer to the proposals as needing to feature adequate consideration and details with respect to minimising inward noise levels to the proposed residences, given their context relative to Dublin airport flight paths (noise zone C). The Planning Authority has suggested a specific condition to address this requirement of the DAA. The Planning Authority refer to the need for specific noise-level limits at noise-sensitive locations during the construction hours. In relation to noise monitoring, the Planning Authority refer to the need to adhere to the guidance set out in 'BS 5228-1:2009 + A1:2-14 Code of Practice for Noise and Vibration Control on Construction and Open Sites', as well as the National Roads Authority 'Guidelines for the Treatment of Noise and Vibration in National Roads Schemes'. Observers to the application and the appellant assert that the proposed development would have undue impacts on the amenities of neighbouring residents, consequent to the increased noise emissions arising from the position, layout and arrangement of the proposed link road connecting into the Old Navan Road, relative to existing housing. The Planning Authority state that a noise impact assessment should be completed to address the proximity of some proposed residences to the R157 regional road. Iarnród Éireann recommend conditions to address noise and vibration impacts for future occupants of the development.

Context

9.11.2. Impacts of the project on noise and vibration are addressed in chapter 9 of the EIAR, with the methodology for the assessment described, information sources referenced and relevant legislation outlined. The nearest sensitive receptors to the appeal site are identified, comprising residential properties along the eastern boundary, approximately 40m from the link road junction onto the Old Navan Road. A baseline noise survey was undertaken to provide a reasonable representation of the ambient and background noise environment to inform the assessment. The EIAR outlines

the noise level standards to be achieved as part of the development, in particular allowing for the plant and works during construction and the potential increase in road traffic. The first party refers to 'BS 5228-1:2009 +A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites' with respect to the assessment and control of construction phase noise and vibration. The first party also refers to 'BS 8233:2014 – Guidance on sound insulation and noise reduction for buildings', with reference to noise insulation for internal and external amenity areas, as well as other guidelines and criteria in assessing standards for the noise and vibration impacts.

Baseline

9.11.3. The primary sources of noise in the area immediate to the appeal site comprise road traffic passing along the non-national road network, the regional road and the M3 motorway, aircraft, rail line activity, agricultural activity, birdsong and wind. Ambient noise levels averaged 56dB $L_{Aeq,16hr}$ over daytime periods and 52dB $L_{Aeq,8hr}$ during nighttime. Background noise levels ranged from 47 to 52 dB $L_{A90,16hr}$ during daytime periods and 38 to 46 dB $L_{A90,8hr}$ during nighttime periods. Predicted daytime noise levels surrounding the development are provided in the EIAR based on the first party's modelling. The traffic impact assessment information was used to determine the predicted change in noise levels in the vicinity of roads.

Potential Effects

Table 9.6: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No new noise or vibration sources would arise.
Construction	Increased noise during the excavation works, as well as construction works, in particular from machinery operation and the traffic movements, in particular heavy-goods vehicles. Increased vibration during the excavation and construction works, including the piling of foundations, although limited rock breaking is expected based on surveyed ground conditions.

Operation	Increased noise associated with additional and altered traffic regime, as well as building services plant equipment. Direct effects on the amenities of future residents of the proposed development via excessive noise levels to living areas from aircraft, road and rail traffic.
Cumulative	Cumulative impacts from noise and vibration are not expected.

Mitigation

9.11.4. To address potential construction phase impacts of the project on noise and vibration, the first party sets out various avoidance, remedial and alleviation measures, including the selection of quiet plant, control of noise sources, screening, control of construction hours, liaison with the public and monitoring. Noise effects during the operation phase of the development are not expected to exceed standard limits for residences, with mitigation to be undertaken to sensitive building façades, such as those facing roads. The proposed residences would be substantive distances of greater than 80m from the rail corridor, therefore, potential for significant noise impacts would not be likely to arise. A condition can be applied to a permission, similar to the affect of the condition proposed by the Planning Authority, to address the potential inward noise impacts to the proposed residences from aircraft.

Residual Effects

9.11.5. With the implementation of mitigation measures, including construction management measures, residual effects of the project on noise and vibration are considered by the first party to be negative, short-term and not significant, given the distance to local receptors.

Direct and Indirect Effects Assessment

9.11.6. I have examined, analysed and evaluated chapter 9 of the EIAR, all of the associated documentation and submissions on file in respect of noise and vibration. I am satisfied that the first party's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on noise and vibration, as a consequence of the development have been identified. Parties to the application and appeal have raised the following issue with respect to noise and vibration:

- operational traffic noise impacts for neighbouring residences.

9.11.7. There are no residential receptors immediately adjoining the housing area of the appeal site and the nature of the proposed development is such that following the construction phase it would not result in substantive increases in noise levels in the area, other than via increased traffic, which the first party has accounted for as part of their noise impact assessment. The first party's noise modelling indicates that the impacts from a change in traffic volumes would be imperceptible and long-term, while the volume of traffic predicted to arise on the Old Navan Road at the junction with the proposed link road, would be comparatively lower than other roads within the area and, as such, is not expected to cause any significant noise impacts. Changes in noise levels of greater than 1.1dB are not predicted along any of the roads assessed, including the local roads serving residential properties and the Old Navan Road. A +1.1dB change in noise levels would not be noticeable and the expected change in noise levels associated with the additional and altered traffic regime would not be anticipated to have a significant permanent impact on the environment, alongside the condition to ensure the approved business park link road is in operation prior to opening of the proposed link road.

Direct and Indirect Effects Conclusion

9.11.8. Having regard to the examination of environmental information in respect of noise and vibration, in particular the EIAR provided by the first party and the submissions from the Planning Authority and observers during the course of the application and appeal, it is considered that the main significant direct and indirect effects on noise and vibration are, and will be mitigated as follows:

- direct negative effects arising for noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including the control of construction hours and noise minimisation measures.

9.12. Material Assets

Issues Raised

9.12.1. Much of the concerns raised by the third-party observers during the application process and in the grounds of appeal, relate to transportation matters, in particular

the introduction of a new road between the R157 regional and the Old Navan Road. The Planning Authority accepted the principle of the proposed link road, including its location, while setting out that the assessment, including baseline data, utilised by the first party to assess traffic impacts, appeared robust. Following submission of further information and the decision of the Planning Authority, the concerns of observers remained with respect to the proposed link road element, including its junction with the Old Navan Road and the necessity for an appropriate pedestrian and cycle route from the site to Dunboyne town centre.

9.12.2. TII contend that the development would adversely affect the operation and safety of the national road network and that it would be at variance with national policy, with insufficient data submitted to counter same. TII also asserted that there was a lack of certainty that the proposals adhere to the Meath County Council Transportation Study at Dunboyne and Environs (2018) with a need for the development to be assessed against the model used in this study.

9.12.3. Iarnród Éireann referred to various requirements that they assert to safeguard the integrity of the railway line. During consideration of the application, the Planning Authority requested that the first party address various matters with respect to surface water drainage and following submission of revised proposals the Planning Authority was satisfied that suitable drainage arrangements had been set out in the revised proposals. The Planning Authority also outline various compliance conditions in their decision to ensure that the final development details feature suitable services and infrastructure on an ongoing basis in agreement with the relevant bodies.

Context

9.12.4. Impacts on material assets specifically in relation to traffic and transport are dealt with in chapter 11 of the EIAR. A Traffic and Transport Assessment was also provided as part of the application, the details of which are set out in section 8.5 above, including the extent of surveying and modelling undertaken. A Mobility Management Plan with alternative transport options has been prepared for the development with details of the various services available and envisaged for the area referenced.

9.12.5. The amount of cut and fill materials required to be exported and imported as part of the project has been set out, including 57,000m^3 of imported fill materials and 12,000m^3 of excavated soils for disposal off site. The number of heavy-goods vehicle traffic movements associated with this aspect of the construction phase of the project is not estimated. The first party sets out the extent of car and cycle parking required to be provided as part of the project based on planning provisions and the schedule of accommodation, which the Chief Executive of the Planning Authority does not find any substantive issue with.

9.12.6. Impacts on material assets specifically in relation to service infrastructure and utilities are dealt with in chapter 12 of the EIAR. The EIAR addendum report addresses the impacts of the revised surface water drainage proposals and calculations used to guide same. A Utility Report addressing electricity, broadband telecommunications and public lighting, and an External Infrastructure Planning Report addressing drainage and potable water services were submitted as part of the application. The External Infrastructure Planning Report was amended at further information stage by the first party to reflect on the revised surface water drainage element of the project, including the increased capacity of the attenuation tank.

9.12.7. As noted in section 8.5 of my report with respect to traffic modelling, I would not consider the lack of access to the model used in the Transportation Study at Dunboyne and Environs (2018) to place a substantive impediment on the assessment of traffic impacts arising from the subject proposals.

Baseline

9.12.8. The assessment addresses the existing infrastructure forming the local road network serving the site, as well as referring to roads objectives for the area, including the objective for a link road between the regional road and the Old Navan Road, as well as replacement of the M3 Parkway rail station roundabout junction with a signalised traffic junction. Traffic levels in the area have been collated, along with data from resources such as surveys by TII. Existing bus and commuter rail services operating in the immediate area are referenced, including Dublin bus service 70 and GoAhead bus service 270 operating from Dunboyne town centre and providing connections with Blanchardstown and Dublin city centre. Figure 11.7 of the EIAR illustrates the BusConnects network intended to be undertaken in the wider area to the appeal site,

including the L64 and P64 routes connecting Dunboyne town centre with Dublin. The Transportation Study at Dunboyne and Environs supports an alternative route for buses to get through Dunboyne towards the M3 Parkway rail station and the Dunboyne North masterplan lands. Other infrastructures available in the area, including footpaths, cycle routes, telecommunication, drainage services and electricity networks, are identified by the first party. Telecommunications and engineering services are typically aligned under existing roads, while overhead electricity powerlines traverse the site. The proposed buildings up to five storeys would not be of a height and in a context that would typically effect telecommunications services. The information presented highlights capacity in local services, such as foul and water supply networks, to cater for the proposed development.

Potential Effects

Table 9.7: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There would be negligible impacts and imperceptible effects on local built services, as well as utilities or supplies should the proposed development not be provided. Traffic would follow similar patterns although the M3 Parkway rail station roundabout junctions may alter given the permission to replace same (MCC ref. 23/60065). Critical mass to justify service upgrades would not arise.
Construction	Short-term effects arising from increased traffic due to the vehicular movements associated with the site clearance, excavation, roadworks, provision of services and construction works, including works along the R157 regional road and the Old Navan Road. Direct negative short-term effects for material assets (utilities) due to the potential for damage to underground services and power outages.

	Short term effects for public water supplies potentially arising from the construction excavation, drilling and piling activities.
Operation	Positive effects of increased housing, public open space and a childcare facility for the local population in the area. Direct effects for traffic and public transport due to the increased vehicular movements and passengers required to serve the residential units and childcare facility in the proposed development. Direct effects for material assets as a result of increased demand for water supplies, wastewater services, electricity and telecommunications services.
Cumulative	Future local road improvement measures are referenced, as well as the intended development quantum and uses proposed under the masterplan for the subject lands, including the proposed office development (ABP ref. 320091-24).

Mitigation

9.12.9. Mitigation measures to address the impacts of traffic and transport during the construction phase relate to the adherence to measures within a final construction traffic management plan as part of the project CEMP, including use of assigned haul routes, control of delivery times and provision of advanced signage. The construction phase impacts on traffic would be primarily addressed as part of the outline construction traffic management plan and the monitoring of the performance of same. The mitigation measures for the operational phase of the project to address the impacts of traffic and transport broadly relate to the promotion of alternatives modes of transport to the private vehicle and the harnessing of future transport improvements envisaged for the area.

9.12.10. I note that there is a private access road between the railway embankment and an area of the appeal site intended to feature limited landscape works only, consequently, the potential for the development to impact on the integrity of the railway infrastructure would not be likely to be significant.

9.12.11. Engagement with utility operators would act as a mitigation measure for the project, in identifying and protecting existing services, as well as providing for

continued operation of such services. Testing and auditing of services to ensure their successful installation would also be undertaken. Waste management services would be employed as part of the operational phase, with the proposed development provided with suitable facilities for regular collection of waste and recycling materials.

Residual Effects

9.12.12. With the implementation of mitigation measures, including monitoring, and the measures to manage construction waste and traffic, residual effects of the project are set out in sections 11.9 and 12.10 of the EIAR. Traffic volumes arising on the local road network are not considered to have a significant negative impact. The mitigation measures provide that no significant residual effects on material assets would arise.

Direct and Indirect Effects Assessment

9.12.13. I have examined, analysed and evaluated chapters 11 and 12 of the EIAR, all of the associated documentation and submissions on file in respect of material assets. I am satisfied that the first party's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on materials assets, as a consequence of the development have been identified. Parties to the application and appeal have raised the following issues with respect to material assets:

- operational traffic impacts along the Old Navan Road;
- traffic impacts on the M3 motorway;
- absence of appropriate pedestrian and cycle routes connecting the site with Dunboyne town centre.

9.12.14. In sections 8.4 and 8.5 of the report above, the impact of the provision of a link road as part of the development is addressed, where it is noted that there is a statutory planning basis in support of this link road, including the junction arrangement onto the Old Navan Road. The layout was chosen to alleviate traffic speeds along the proposed link road and onto the Old Navan Road and substantive impacts on neighbouring residences as a result of the increased traffic arising from the development were not shown to arise.

9.12.15. In relation to the traffic arising from the proposed development, and its impact on the local road network, the results of the assessment provided in the EIAR confirm that

the surveyed neighbouring junctions would remain operating within capacity post development in the opening, design and future-year scenarios. While some additional congestion would arise onto the approach to the M3 junction and along the R157 regional road during peak periods in the future scenario with the entire masterplan lands developed, however, the resultant delays were not observed to be excessive, as they would be typical for an urban environment and they would clear reasonably quickly. The first party's traffic model accounted for the operation of the approved link road between the business park and regional road, and to provide certainty that there would not be undue impacts on the local road network and properties along the Old Navan Road, a condition should be attached to the permission to ensure that this approved link road is operational prior to the opening of the proposed link road.

9.12.16. Section 8.6 highlighted an issue with respect to the absence of a continuous network of footpaths connecting from the appeal site proposed link road junction on the Old Navan Road to Kennedy Road. Active travel measures are being put forward by the Planning Authority, which could address deficiencies in terms of pedestrian and cycle infrastructure on the subject stretch of road. A condition can be attached to ensure that such infrastructures are in place prior to the occupation of the development, thus ensuring no significant risks to road safety would arise.

Direct and Indirect Effects Conclusion

9.12.17. Having regard to the examination of environmental information in respect of material assets, in particular the EIAR provided by the first party and the submissions from the Planning Authority and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on material assets are, and will be mitigated as follows:

- significant direct positive impacts for material assets, due to the substantive increase in the housing stock during the operational phase;
- direct negative effects arising for traffic during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including a construction traffic management plan;
- direct negative effects arising for traffic and transport during the operation phase, which would be mitigated by conditions of a permission restricting

phased opening of the proposed link road and the occupancy of the proposed residences and childcare facility until appropriate infrastructures are available.

9.13. Archaeological, Architectural and Cultural Heritage

Issue Raised

9.13.1. The Minister for Housing, Local Government & Heritage recommended the attachment of conditions addressing the need for further detailed archaeological assessment to be undertaken prior to commencement of the development and this assessment should be based on geophysical surveys and test excavations. The Planning Authority state that the conditions recommended by the Minister for Housing, Local Government & Heritage relating to archaeology should be attached as conditions in the event of a grant of permission.

Context

9.13.2. Chapter 14 of the EIAR describes and assesses the impact of the development on cultural heritage, including archaeological and architectural heritage. This section of the EIAR is supported by four appendices, including an Archaeological Photographic Record and a Geophysical Survey Report. The legislative and planning policy context for this part of the assessment is set out, including the provisions of the National Monuments Act. In terms of archaeological potential, the first party undertook a desk-based study of the site and an area 1km from the site. This was followed up by field surveys in April and August of 2022. Details of the placenames relating to the area and a chronological description of the historical background to the surrounding area is provided, including cartographic analysis and remote sensing using aerial and lidar imagery. A geophysical survey of the site was undertaken in July 2023.

Baseline

9.13.3. The first party states that the only recorded monuments or places (RMPs) on site are situated along the existing road corridor connecting between the M3 Parkway rail station roundabout and the M3 motorway / R157 regional road junction. These sites comprise a series of postholes and pits (ref. ME050-057--) that were fully excavated under archaeological licence and part of a burnt spread (ref. ME050-058--), with both sites asserted to date to the bronze age. There are other RMPs in the immediate

vicinity of the site, the closest of which would be 110m to the northeast of the site along the rail line, which also relate to a burnt spread (ref. ME050-059--). Archaeological sites have also been identified along the M3 motorway corridor as part of previous investigations for the road project. The River Tolka is located along the east boundary of the appeal site and no in-channel works are to be undertaken that would have the potential to impact on any unrecorded underwater archaeological sites.

9.13.4. A limestone single-arch railway bridge that previously traversed a road located approximately 80m to the east of the site, is the closest architectural heritage feature to the appeal site. Norman's Grove House and surrounding estate are situated approximately 900m to the east of the site, and this would appear to be the closest structure included in the Record of Protected Structures attached to the Development Plan (ref. 91523). There are numerous other protected structures located within the centre of Dunboyne. The appeal site does not have status as an architectural conservation area. The townland boundary dividing Bennetstown and Dunboyne follows the River Tolka and the field boundary running along the southern side of the main development area of the site.

9.13.5. The geophysical survey forming appendix 14.4 to the EIAR carried out in April 2023, and this identified areas of archaeological potential, including sub-surface remains of two enclosures as well as a number of other features of archaeological potential. Other features identified included curvilinear and pit-type anomalies, as well as ditch-type and other features. Figure 14.7 of the EIAR provides an overview of the archaeological anomalies identified in the geophysical survey of the appeal lands.

Potential Effects

Table 9.8: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain as agricultural pastureland and any archaeological remains would not be likely to be salvaged should any be situated on site.
Construction	Direct effects for archaeological heritage given the potential for significant undiscovered archaeological material, including initial

	findings within the geophysical survey and along townland boundaries.
Operation	Direct effects for features of cultural significance.
Cumulative	Other major neighbouring developments including the office proposals (ABP ref. 320091-24) and the permitted supermarket scheme (MCC ref. 23/60065) were both subject of archaeological assessments that revealed nothing of archaeological significance, while test trenching was recommended as part of the archaeological assessment for the permitted 'Part 8' link road (MCC ref. P822022).

Mitigation

9.13.6. The first party asserts that a suitably qualified and licensed specialist archaeologist should oversee further investigations, including test trenching, and that they should also monitor the proposed excavation works with the agreement and approval of a method statement for same from the National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage.

Residual Effects

9.13.7. With the implementation of mitigation measures, the first party asserts that residual effects of the project for archaeological, architectural and cultural heritage are set out in section 14.5 of the EIAR. These provide that only slight / moderate adverse residual effects for unrecorded archaeological resources could arise.

Direct and Indirect Effects Assessment

9.13.8. I have examined, analysed and evaluated chapter 14 of the EIAR, all of the associated documentation and submissions on file in respect of archaeological, architectural and cultural heritage. I am satisfied that the first party's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on archaeological, architectural and cultural heritage as a consequence of the development have been identified.

9.13.9. The development would be a substantive distance from known features of cultural heritage significance and the separation distances involved would not result in direct impacts on such features, with screening elements in the intervening landscape,

negating the impact of the development on the setting or character of the closest neighbouring cultural heritage features. During the construction phase, the first party has set out standard measures with respect to archaeological monitoring and recording, which can be further clarified in line with the NMS and the Planning Authority requirements as a condition in the event of a grant of planning permission for the development.

Direct and Indirect Effects Conclusion

9.13.10. Having regard to the examination of environmental information in respect of archaeological, architectural and cultural heritage, in particular the EIAR provided by the first party and the submissions from the Planning Authority and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on archaeological, architectural and cultural heritage are, and will be mitigated as follows:

- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence.

9.14. Landscape & Visual Impact Assessment

Issues Raised

9.14.1. The Planning Authority accept that the proposed development can be accommodated and absorbed in this area without causing significant, detrimental or unacceptable landscape and visual effects, although they would have preferred for details of the visual changes in the flood plain to be provided. They also assert that insufficient cross-referencing between the Landscape and Visual Impact chapter of the EIAR and the application tree survey has been undertaken. Observers to the application referred to the absence of photomontage viewpoints of the development in winter conditions and along the Old Navan Road close to existing residences.

Context

9.14.2. Chapter 10 of the EIAR deals with the landscape and visual impacts of the development, with the first party initially setting out the guidance used for the assessment, including the Guidelines for Landscape and Visual Impact Assessment,

and subsequently clarifying how the landscape impact assessment criteria was arrived at. This section of the EIAR was supported by a 'Photomontages' booklet forming appendix 10.1 to the EIAR, including a total of 13 short, medium and long-range viewpoints. Additional photomontages of the eastern riverside area of the site were provided by the first party in response to the Planning Authority's further information request. The photomontages submitted provide visual representations that I am satisfied provide a reasonably accurate portrayal of the completed development in summer settings, with the proposed landscaping in a mature and well-maintained condition. In addition to the photomontages, the first party has provided seven computer-generated images of the completed development, revealing the appearance of the development from the site boundaries and within the development.

Baseline

9.14.3. The main development area for the site is dominated by an agricultural field enclosed by trees and hedgerows, with ancillary areas of the site following a river corridor and stretches of neighbouring roads. In the immediate areas to the site, agricultural fields and one-off housing dominate the landscape, although the adjacent rail station facility, which features an extensive car park with approximately 1,200 spaces, dominates the area to the north of the site. Business parks are also a notable feature of the area, positioned off the main road corridors cutting through the area.

9.14.4. Sections 8.17 and 8.18 of the Development Plan address landscapes, views and prospects, as well as other visual amenity classifications, with map 8.6 identifying the views and prospects to be protected. Based on the Development Plan, the appeal site and the northern area to Dunboyne are identified as being within the 'The Ward Lowlands' landscape character area, comprising an expansive area of pasture and arable farmlands. The Meath Landscape Character Assessment (appendix 5) accompanying the Development Plan identifies the subject site as being in an area of low landscape character value and high sensitivity. Development principles outlined in the Landscape Character Assessment discourage excess removal of trees, hedgerows and historic walls, encourage planting of native species, preserve important views and consolidate the urban fringe. The subject landscape character is stated in the Development Plan to have low potential capacity for multi-house

developments, although such developments should be limited to areas designated to accommodate such growth. The closest protected views comprise a location off the R154 regional (R77 – Mooretown) approximately 13km to the northwest of the site.

Potential Effects

Table 9.9: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The use of the site as pastureland primarily would continue with the appearance of the site and immediate area likely to largely remain unaltered with limited change in the landscape.
Construction	Slight, negative and temporary landscape impacts would potentially arise from the construction of buildings and associated works on site over an estimated five-year period.
Operation	Positive, long-term landscape impacts would potentially arise. Imperceptible to moderate, permanent negative impacts, from the areas surrounding the site based on various receptor locations, with moderate impacts likely only at the most sensitive receptor location featuring housing along the Old Navan Road area to the southeast of the main development area.
Cumulative	Effects of the development alongside the proposed office (ABP ref. 320091-24) and supermarket (MCC ref. 23/60065) projects in the immediate masterplan area, as well as the Part 8 link road (MCC ref. P822022) are considered.

Mitigation

9.14.5. During the construction phase, site hoarding is anticipated to reduce the visibility of works and plant moving within the site. Specific mitigation measures for the operational phase are not identified, although reference is made to the landscaping measures proposed as part of the development, including the planting of native trees and shrubs, as well as maintaining and supplementing of planting providing screening for the more sensitive visual receptors.

Residual Effects

9.14.6. No significant residual effects on the landscape or the visual amenities of the area are asserted to arise.

Direct and Indirect Effects Assessment

9.14.7. I have examined, analysed and evaluated chapter 10 of the EIAR, all of the associated documentation and submissions on file in respect of landscape and visual impacts. I am satisfied that the first party's presented baseline environment, is comprehensive and that the key visual impacts in respect of likely effects on landscape, as a consequence of the development have been identified. Parties to the application have raised a number of issues in respect of the visual impact of the development, which I address below.

9.14.8. The following table 9.10 provides a summary assessment of the likely visual change from the first party's 13 selected viewpoints arising from the completed proposed development.

Table 9.10 Viewpoint Changes

No.	Location	Description of Change
1	M3 Parkway rail station – 110m northeast	Upper-floor levels to blocks A, B and C would be visible with some screening via street trees. The level of visual change would be moderate from this medium-range view, due to the separation distance and set back onto the open expansive car park area.
2	R147 Bracetown Business Park – 700m east	Visibility of the subject development would not be achievable due to the drop in ground level and vegetation cover. I consider the magnitude of visual change from this long-range view to be negligible in the context of the receiving environment.
3	Old Navan Road – 130m southeast	Upper-floor levels to blocks A, B and C, as well as the roofscapes to several houses along the eastern fringe of the development would be visible, while the remainder of the development would not be visible primarily due to the existing field and roadside boundaries, as well as the proposed planting. I consider the magnitude of visual change from this

		medium-range view to be slight in the context of the receiving urban environment.
4	Old Navan Road – 320m south	Roofscapes and upper levels to houses along the southern and eastern fringes to the development would be visible, while the remainder of the development would not be visible primarily due to the planting along the existing field boundaries. I consider the magnitude of visual change from this long-range view to be slight in the context of the receiving urban environment.
5	St. Patrick's Park – 1km south	Visibility of the subject development would not be achievable due to existing buildings and variation in ground levels. I consider the magnitude of visual change from this long-range view to be negligible in the context of the receiving urban environment.
6	The Grove – 850m south	Upper-floor levels to block A would be visible with screening of the remainder of the development by planting, buildings and the change in ground level. The level of visual change is only slight from this long-range view, due to the separation distance and screening.
7	Kennedy Road, Bennettstown – 340m south	Visibility of the subject development would be restricted to buildings on the southwest fringe of the site, primarily due to the existing field boundary vegetation. I consider the magnitude of visual change from this long-range view to be slight in the context of the receiving environment.
8	Kennedy Road, Warrenstown – 480m west	Upper-floor levels to blocks G and H, as well as the roofscape to housing would be visible, with some screening via roadside planting. The level of visual change would be slight from this long-range view, due to the separation distance and the screening.
9	R157 – 270m southwest	Portions of blocks G and H would be visible with substantial screening via roadside planting and the drop in ground level. The level of visual change would be slight from this long-range view, due to the separation distance and the screening.
10	R157 – 100m southwest	The front elevation and part of the side elevation to block H setback from the roadside would be visible, with substantial screening of the remainder of the development via roadside

		planting. The level of visual change would be moderate from this medium-range view, with the introduction of buildings onto the road corridor.
11.	R157 – 210m north	Upper-levels to blocks A, B, C, D and E, as well as side elevation to block H would be visible, with screening of the remainder of the development via intervening planting. The level of visual change would be slight from this medium-range view.
12.	Naulswood – 950m northwest	Visibility of the subject development would not be available, due to the existing field boundary vegetation and drop in ground level. I consider the magnitude of visual change from this long-range view to be negligible in the context of the receiving environment.
13.	R147, M3 junction, Pace – 600m northeast	Visibility of the subject development would not be available, due to the existing roadside boundary vegetation and drop in ground level. I consider the magnitude of visual change from this long-range view to be negligible in the context of the receiving environment.

9.14.9. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontage viewpoints are taken from locations, contexts, distances and angles, which provide a reasonably comprehensive representation of the likely visual impacts of the development from key reference points. In relation to the request for additional photomontage viewpoints from the Old Navan Road area to the west of the site, I am satisfied that this would not be necessary, particularly given the separation distance from the proposed buildings to the nearest residences in this area, which would result in limited views of the development. The photographs are taken from publicly accessible locations in line with Guidelines for Landscape and Visual Impact Assessment.

9.14.10. In the immediate area the development would be most visible from the approaches along the R157 regional road, the rail line and the access road to the rail station, with only intermittent views of the higher building elements from local vantage points outside the immediate area. The development would be viewed as an extension of the Dunboyne-Pace-Clonee settlement in this suburban setting and a substantive new element in the landscape where visible from neighbouring properties. The

proposed development does not represent a substantial increase in height and scale when considering the predominance of two to three-storey housing within the development, although buildings of five storeys are noted to be proposed.

9.14.11. Where potentially discernible from long-range views as identified in the first party's zone of theoretical visibility, the proposed development would read as part of the wider emerging landscape extending from the rail line complex, and screening offered by changes in ground level and boundary planting would largely restrict the visual impact of the development from beyond Bennetstown and Dunboyne townlands. Environmental conditions would also influence the appearance of the development from the selected viewpoints, particularly along the roads approaching the site, with screening by mature trees varying throughout the seasons. In relation to the need for photomontages depicting winter settings for the development, I am satisfied that the site would not be particularly sensitive, such as being heavily populated with deciduous trees, to warrant photomontages to depict the development in such settings.

9.14.12. When comparing the existing situation along the flood plain to the river, and the proposed landscaping intended to be provided along this corridor, comprising very limited planting and extensive cut grass areas, the visual change along the flood plain would be largely imperceptible, reflective of the continued likelihood for this area to receive flood waters.

9.14.13. I am satisfied that the visual change arising from the proposed development would be largely imperceptible from the wider areas, but moderate visual impacts would arise along the R157 regional road when approaching the site, as well as the accesses and parking area to the rail station. The appearance of the development would not be out of character with the emerging character of the area, including the permitted supermarket building of similar scale and height to the majority of buildings proposed in the development. The local population would become accustomed to the development over time, which would have positive effects in providing contemporary buildings with a defined edge in this part of the masterplan lands extending the settlement of Dunboyne-Pace-Clonee at a transport node.

Direct and Indirect Effects Conclusion

9.14.14. Having regard to the examination of environmental information in respect of landscape and visual impacts, in particular the EIAR and Photomontages provided by the first party, and the submissions from the Planning Authority and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on landscape and visual impacts are:

- direct negative effects arising for the visual amenities and landscape of the area during the construction phase, which would not be significant and would be of temporary duration;
- direct effects arising for the landscape arising from the proposed buildings and associated features, which would have negligible to moderate negative effects for the appearance of the area.

9.15. The interaction between the above factors

9.15.1. Chapter 15 of the EIAR includes table 15.1 addressing the interactions between each of the environmental disciplines assessed in the EIAR. The various potential interactions between the assessed disciplines at different phases of the project are considered in the EIAR. Where necessary, mitigation was employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another, with the first party referring to the measures in each chapter of the EIAR and the supporting documents as primarily addressing any potential significant residual impacts of the project. The potential for land, soils and geology impacts to interact with five of the other eight factors is considered to arise during the construction phase, including water, population and human health, biodiversity, air quality and climate and cultural heritage factors. For example, an interaction between land, soil and geology with biodiversity would arise during the construction phase from the excavation of materials and the need to control and contain these materials, in particular ensuring excess materials would not enter watercourses, as excess sedimentation could have detrimental impacts on the water quality of downstream aquatic habitats. Other interactions are addressed, including those arising from noise and vibration during the construction and

operation phases impacting on population and human health, with various measures to be employed, including those outlined in the CEMP.

9.15.2. I have considered the interrelationships between the factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

9.16. Cumulative Impacts

9.16.1. Observers assert that the EIAR fails to provide a comprehensive cumulative impact assessment of the proposed development. Throughout the EIAR the first party has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing, proposed and permitted developments in the environs of the site that they were aware of at the time of preparing the EIAR. Where such developments have been permitted, they would be largely in accordance with the nature and scale of development envisaged for the area within the Development Plan, which has been subject to Strategic Environment Assessment. The proposed development could potentially occur in tandem with the development of other sites that are zoned for development in the area. Within table 1.2 of the EIAR, the first party sets out four neighbouring projects considered for their cumulative impacts with the development, the recently permitted supermarket development adjoining and overlapping the site (MCC ref. 23/60065), the office development before the Board (ABP ref. 320091-24) and the recently permitted business park link road connection (MCC ref. P822022). Reference is made to an invalid application for a large-scale residential development (MCC ref. 23/816), however, following withdrawal of an appeal (ABP ref. 318500-23) in March 2024, permission has since been granted by the Planning Authority for 716 residential units, a childcare facility, a section of a Dunboyne eastern distributor road and a reservation for the distributor road, on this neighbouring site to the east of Dunboyne. The DART+ West Railway Order (ABP ref. NA29S.314232-22) allowing for the extension of the electrified DART rail network

to the M3 Parkway rail station is also referred to elsewhere within the EIAR. I note the other applications for large-scale residential development and the eastern distributor road along the northeast side of Dunboyne, which are before the Planning Authority at present (as referred to in section 4 of my report).

9.16.2. In relation to cumulative effects, the appellant refers to the need for future phases of the development to be included as part of the project. It can only be assumed that this is in reference to the proposals envisaged in the Planning Authority's Dunboyne North Masterplan – MP22. As noted, this is not a statutory plan for the area, and specific areas within the masterplan lands are not in control of the first party, therefore, it would be overly onerous to expect the entire masterplan proposals to be included in the subject application and addressed in the associated EIAR. While there is a non-statutory plan to guide development proposals in this area, there is only a requirement to consider the cumulative effects of the proposed project with existing and permitted developments, including those referenced above, such as the adjoining permitted supermarket development, the business park link road and the DART+ West electrification project. These other neighbouring projects would need to incorporate their own measures to limit emissions during construction, and the subject project would feature a live construction traffic management plan that could be revised to address any potential trafficking issues arising, should the adjoining and neighbouring permitted projects take place at the same time as the subject proposals. I also note that the first party's traffic modelling accounted for the entire estimated Dunboyne north development scenario and future traffic scenarios to address cumulative traffic impacts.

9.16.3. The nature, scale, form and character of the project would generally be similar to that envisaged for the site within the adopted statutory plan for this area. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area alongside the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

9.17. Reasoned Conclusion on the Significant Effects

9.17.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the first party, and to the submissions from

the Planning Authority, prescribed bodies and observers during the course of the application and appeal, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impacts for population and material assets, due to the substantive increase in housing stock during the operational phase;
- direct negative effects arising for human health, air quality, traffic, noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including the control of construction hours, implementation of a construction traffic management plan, noise and dust minimisation measures and monitoring, resulting in no residual impacts on human health, air quality, traffic, noise and vibration;
- direct negative effects arising for water quality and biodiversity during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, sensitive timing of works within the river corridor and agreement with the Planning Authority regarding a construction method statement for the proposed road bridge, resulting in no residual impacts on water and biodiversity;
- direct negative effects arising for water and human health as a result of flooding during the operation phase, which would be mitigated by the design of the road bridge and site drainage accounting for medium and high-risk flood events, resulting in no residual impacts on water and human health;
- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including monitoring of excavated materials, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for traffic and transport during the operation phase, which would be mitigated by conditions of a permission restricting phased opening of the proposed link road and the occupancy of the proposed residences and childcare facility until appropriate infrastructures are available, resulting in no residual impacts on traffic and transport;

- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence, resulting in no residual impacts for archaeological, architectural and cultural heritage.
- direct effects arising for landscape / townscape during the operation of the proposed development, which would have slight to moderate effects for the appearance of the area, resulting in no residual impacts for landscape and the visual amenities of the area.

9.17.2. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditions in the event of a grant of planning permission for the project, the environmental impacts identified would not be significant and would not justify refusing permission for the proposed development.

10.0 Appropriate Assessment

10.1.1. For the purposes of this section, please refer to the assessment forming Appendix A to my report. The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), or any other European site, in view of the site's Conservation Objectives.

11.0 Conclusion and Recommendation

11.1.1. The proposed use of the appeal site, including housing, childcare facility and utilities such as roads and engineering services, would be compatible with the overall policies and objectives for their respective land-use zonings within the Development Plan. Furthermore, I am satisfied that the proposed use of the appeal site would not have undesirable effects on any permitted uses and it would be consistent with the proper planning and sustainable development of the area. The information available

sufficiently demonstrates the intention and scope for other off-site projects necessary to be completed in a manner that would sustainably enable the phased undertaken of the subject proposed development, in accordance with the sustainable development and proper planning of the area.

11.1.2. Having regard to the above assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the draft Order below.

11.1.3. Finally, 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.

12.0 Recommended Order

Planning and Development Acts 2000 to 2020 as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 23/60290

Appeal by Bennettstown Residents care of Keith Sutton, Hawthorn Cottage, Bennettstown, Dunboyne, County Meath, A86 NY04 against the decision made on the 4th day of June, 2024, by Meath County Council to grant subject to conditions a permission to Marina Quarter Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development:

The development will consist of:

i) 267 no. residential units comprising 145 no. dwelling houses and 122 no. apartments/duplexes providing a mix of 1, 2, 3 and 4-bed units. The dwelling houses range in height from 2-3 storeys. The apartments/duplexes are in 8 no. blocks (i.e. Blocks A-H, with Blocks B and C joined) ranging in height from 3 to 5 storeys;

ii) a single storey creche;

iii) modifications to the R157 regional road including changes to the existing carriageway/traffic lanes and the replacement of an existing roundabout with a new signalised junction;

iv) a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road;

v) the provision of footpaths, cycle lanes and 2 no. pedestrian crossings on the existing M3 Parkway access road;

vi) a foul pumping station and connection to the existing public sewerage system via the Old Navan Road;

vii) a watermain connection to the north of the site at Pace (townland);

viii) 3 no. ESB substation/kiosks and the undergrounding/re-routing of existing electricity lines;

ix) reprofiling of land and relocation of existing berm adjoining the River Tolka as part of flood mitigation measures and;

x) all associated ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site measuring 14.17 hectares. Access will be via 2 no. new vehicular access points along the new link road between the R157 and the Old Navan Road. Pedestrian access will also be provided on to the existing M3 Parkway access road.

at Bennetstown, Pace and Dunboyne townlands, Dunboyne, County Meath

Decision

GRANT permission for the above proposed development, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

a) The location of the proposed housing element of the development site within the settlement boundaries to Dunboyne on lands with a land-use zoning

objective ‘A2 – New Residential’ under the Meath County Development Plan 2021-2027;

b) the policies and objectives of that Development Plan;

c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;

d) the pattern of existing and permitted development in the area;

e) the provisions of the Climate Action Plan 2024 issued by the Government of Ireland;

f) the provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;

g) the provisions of Project Ireland 2040 - National Planning Framework, issued by the Government of Ireland in 2018;

h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;

i) the provisions of Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2024;

j) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2023;

k) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2018;

l) the provisions of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;

m) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical

Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;

n) the submissions and observations received; and

o) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which is situated on the edge of an urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application, including the Appropriate Assessment Screening report and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than for European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC).

Appropriate Assessment

The Board considered the Natura Impact Statement, and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), in view of the sites' conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

(i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,

(ii) the mitigation measures that are included as part of the current proposal, and

(iii) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

a) The nature, scale and extent of the proposed development;

b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, including the addendum report;

c) The submissions from the first party, the Planning Authority, third parties, and prescribed bodies in the course of the application and appeal; and;

d) The Planning Inspector's report;

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the first party, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and the

associated documentation submitted by the first party and submissions made in the course of the planning application and appeal.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- significant direct positive impacts for population and material assets, due to the substantive increase in housing stock during the operational phase;
- direct negative effects arising for human health, air quality, traffic, noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including the control of construction hours, implementation of a construction traffic management plan, noise and dust minimisation measures and monitoring, resulting in no residual impacts on human health, air quality, traffic, noise and vibration;
- direct negative effects arising for water quality and biodiversity during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, sensitive timing of works within the river corridor and agreement with the Planning Authority regarding a construction method statement for the proposed road bridge, resulting in no residual impacts on water and biodiversity;
- direct negative effects arising for water and human health as a result of flooding during the operation phase, which would be mitigated by the design of the road bridge and site drainage accounting for medium and high-risk flood events, resulting in no residual impacts on water and human health;
- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including monitoring of excavated materials, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for traffic and transport during the operation phase, which would be mitigated by conditions of a permission restricting phased opening of the proposed link road and the occupancy of the proposed

residences and childcare facility until appropriate infrastructures are available, resulting in no residual impacts on traffic and transport;

- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence, resulting in no residual impacts for archaeological, architectural and cultural heritage.
- direct effects arising for landscape / townscape during the operation of the proposed development, which would have slight to moderate effects for the appearance of the area, resulting in no residual impacts for landscape and the visual amenities of the area.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable development in this edge-of-urban, residential-zoned location within walking distance of commuter rail services, would be suitably undertaken and constructed to avoid risks of flooding, would not increase the risk of flooding substantively to other sensitive lands, would feature an appropriate provision of transport infrastructures, would be compliant with the provisions of the Meath County Development Plan 2021-2027, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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

plans and particulars received by the planning authority on the 28th day of March, 2024, and 11th day of April, 2024, 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. The mitigation and monitoring measures contained in the Environmental Impact Assessment Report and the Environmental Impact Assessment Addendum Report shall be implemented, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. The mitigation and monitoring measures contained in the Natura Impact Statement and the Construction Environmental Management Plan shall be implemented, except where otherwise required by conditions attached to this permission.

Reason: To protect the integrity of European Sites.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) The first phase of the residential phases of the development shall include the proposed childcare facility. The phasing scheme shall identify a sufficient quantum of parking spaces and open spaces to serve residents and visitors for each phase of the development;

(b) Work on any subsequent phases shall not commence until substantial completion of phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority;

(c) The proposed link road connecting the R157 regional road and the Old Navan Road shall not be opened to vehicular traffic in advance of the opening of the approved link road connection to vehicular traffic between the R157 regional road and Dunboyne Business Park, as or similar to that approved under Meath County Council planning register reference P822022;

(d) The proposed residential units and childcare facility shall not be occupied prior to the completion of the proposed link road and a continuous footpath, safely segregating pedestrian and road traffic, from the proposed link road junction on the Old Navan Road connecting into the footpath infrastructure at the junction of the Old Navan Road and Kennedy Road, with the exception of any intervening road crossing points.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: To protect the environment, in the interest of pedestrian and road safety, to ensure the timely provision of services and infrastructure for the benefit of the future occupants and residents of the proposed units and to ensure the satisfactory phased undertaking of the overall development.

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

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

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including bin and cycle stores, shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

The use of render on the blocks fronting the plaza shall not be permitted, revised proposals shall be submitted for the written agreement of the Planning Authority prior to the commencement of the residential buildings in the development.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

7. The internal noise levels, when measured at the residential windows of the proposed development, shall not exceed: (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the residential element of the development. The agreed measures shall be implemented before the proposed residential units are made available for occupation.

Reason: In the interest of residential amenity and to address the site location relative to flight paths associated with Dublin airport and within noise zone (c) of the Meath County Development Plan 2021-2027.

8. Proposals for an estate / street name, public plaza, house and apartment numbering scheme and any 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 / apartment 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 acceptable to the planning authority. The proposed temporary advertisement / marketing signage relating to the name of the development shall not be erected until the developer has obtained the planning authority's written agreement for the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

10. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

(d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

11. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) Details of the management company contract, and drawings / particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

12. (a) Prior to the commencement of development, a construction method statement and detailed design of the proposed bridge crossing the Tolka flood plain, shall be submitted to, and agreed in writing with the planning authority. Detailed designs shall include, but are not limited to, the foundations, supports, deck, approach embankments, width and span, junctions, geometry, gradients, levels, layout, kerbs, drainage, street lighting, footpaths and cycleways. The minimum soffit levels of the proposed bridge shall be as set out in figure A-1 of Appendix A to the IE Consulting letter reference IE2510/MOF/5996 dated the 20th day of March, 2024, with the exception for the soffit level of the most westerly span of the bridge, which shall be a minimum of 70.7m above ordnance datum.

(b) Details of all water and wastewater infrastructure crossing flood zones A and B on the development site, shall be in accordance with Uisce Éireann requirements and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of orderly development, environmental protection, residential amenity, public health and safety, and to prevent flooding.

13. (a) Prior to the commencement of the proposed development detailed designs for the proposed R157 regional road upgrade and junction works and the proposed link road shall be submitted to and agreed with the Planning Authority.

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

(c) All findings of the submitted Stage 1 Road Safety Audit & Quality Audit (Internal Roads) for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

14. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor(s) shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted to and agreed with the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian, cyclist and road safety.

15. (a) The landscaping scheme shown on the Landscape Design Masterplan A and B (drawing nos. 1500 Revision P0 & 1501 Revision P0) and the Landscape Design Statement, as submitted to the Planning Authority as part of the application, shall be carried out on a phased basis within the first planting season following substantial completion of respective phase external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the residential units are made available for occupation and the areas shall be maintained as communal or public open space by the developer until taken in charge by the local authority or management company.

(c) Prior to commencement of the residential element of the development, details of a public artwork feature, shall be submitted to, and agreed in writing

with, the planning authority, and thereafter installed as part of the phased landscaping of the development.

Reason: In the interest of environmental, residential and visual amenity, and to accord with the provisions of the Meath County Development Plan 2021-2027.

16. Prior to commencement of development, all trees, groups of trees, hedging and shrubs that are to be maintained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees or hedgerows which are to be maintained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree or hedgerow to be maintained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

17. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. This schedule shall cover a period of at least three years for each phase of the development and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

18. A plan containing details for the management of waste and recycling within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular recyclable materials, and for the ongoing operation of these facilities for each proposed residential

unit and the childcare facility shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste and recycling shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate waste and recycling storage.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

(a) engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment of the site. The assessment shall include the analysis of the archaeological geophysical surveying and the results of archaeological test excavations across the site (both geophysical-detected features and other locations where impacts may occur). No sub-surface work should be undertaken in the absence of the archaeologist without their express consent;

(b) the works associated with the archaeological assessment will be incorporated into the project Construction and Environmental Management Plan, considerate of the final phasing programme;

(c) the assigned archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches shall be excavated at locations chosen by the assigned archaeologist (licensed only under the National Monuments Acts 1930-2004), having consulted the site drawings;

(d) the Archaeological Impact Assessment Report shall describe the results of the archaeological testing and the resulting proposed mitigation measures. Furthermore, the Archaeological Impact Assessment Report shall provide a detailed conservation plan for the protection, preservation in situ and presentation of the geophysical detected enclosure and associated features located within the boundaries of the site;

(e) on completion of the archaeological work (items a to d of this condition), the assigned archaeologist shall submit a written report of the Archaeological Impact Assessment Report to the Planning Authority and to the National

Monuments Service of the Department of Housing, Local Government and Heritage. Where archaeological material / features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the recording, preservation and protection of any remains that may exist within the site.

20. Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public open spaces, communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided on a phased basis prior to the making available for occupation of any unit within the respective phase.

Reason: In the interests of amenity and public safety.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects', published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the construction practice for the development, including:

(b) Location of the site and materials compound(s), including areas identified for the storage of construction waste;

(c) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to obviate queuing of construction traffic on the adjoining road network;

(g) Details of construction phase mobility strategy, incorporating onsite mobility provisions;

(h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(i) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;

(k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;

(l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(m) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;

(n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety.

23. Site development and building works shall be carried out only between the hours of 08:00 to 19:00 Mondays to Fridays inclusive and 09:00 to 13:00 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

24. The percentage of all car parking spaces to be provided with functioning electric-vehicle charging stations / points will be as set out in the application documents (20% of spaces), and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric-vehicle charging points or stations at a later date.

Reason: To future proof the development such as would facilitate the use of electric vehicles.

25. All service cables associated with the proposed development, such as electrical, telecommunications and communal television cables shall be located underground. Ducting shall be provided by the developer in accordance with the detailed standards of the planning authority for such works to facilitate the provision of broadband infrastructure within the proposed development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual and residential amenity.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,

drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

27. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the Development Plan of the area.

28. 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.

29. The developer shall pay to the planning authority a financial contribution in respect of the Re-opening of the Navan to Dublin Railway Line Phase 1 – Clonsilla to Dunboyne (Pace), in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Colm McLoughlin
Senior Planning Inspector

26th September 2024

Appendices

Appendix A – Appropriate Assessment Screening Determination

The requirements of Article 6(3) of the Habitats Directive, related to screening the need for AA of a project under section 177U of the Act of 2000, are considered in the following section.

1. Description of the project, site and context

A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. The site primarily features fields used for agricultural purposes, located on the edge of an urban settlement with the habitats identified on site outlined in section 10.7 above. No Annex I habitats were recorded within the appeal site and only limited use of the appeal site by flora and fauna was identified within the first party's ecological surveying. Various bird species have been recorded as using the site, including kingfisher, while bats have been recorded foraging along hedgerow and tree lines, and evidence of otters, frogs and fox using the site has been recorded. Aquatic habitat along the riparian corridor is noted, including fish species that use the river. The surface water drainage regime is described in section 10.9 above. The River Tolka, as well as a drainage ditch discharging to this river via Naulswood stream, traverses the site, flowing generally in a southeast direction towards Dublin Bay.

Details of the construction phase of the development are provided throughout the subject application documentation, including the CEMP, with cognisance of the site context relative to the River Tolka. According to the Engineering Services Report submitted with the application, foul wastewater from the operational phase of the proposed development would discharge to the public network running along the Old Navan Road with a pumping station and rising main required to connect into this. As confirmed by the Planning Authority, the associated foul wastewaters would be treated at Ringsend WWTP in Dublin, which is stated to have capacity for the proposed development. Treated effluent from this WWTP is discharged into Dublin bay.

Following various standard practice construction site environmental management measures, including the installation of a sustainable urban drainage system (SUDS),

surface and storm waters would be discharged by gravity into the river running along the eastern side of the site, which also ultimately discharges at Dublin bay.

The closest European sites, including SACs and SPAs, and the direction and distance to same, are identified in table A.1 below.

Table A.1 Neighbouring European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
001398	Rye Water Valley / Carton SAC	6.6km	southwest
004024	South Dublin Bay and River Tolka Estuary SPA	18.0km	southeast
000210	South Dublin Bay SAC	20.3km	southeast
004006	North Bull Island SPA	20.8km	southeast
000206	North Dublin Bay SAC	20.8km	southeast
004236	North-west Irish Sea SPA	22.8km	southeast

Submissions and Observations

The first party has submitted documents titled 'Appropriate Assessment Screening Report' and 'Natura Impact Statement', both dating from September 2023 and prepared by Enviroguide Consulting. These documents provide a description of the site, the receiving environment and the proposed development, as well as identifying European sites potentially within the zone of influence of the development. The AA Screening Report concluded that the possibility of the proposed development having a significant effect on three European sites (South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North Dublin Bay SAC) cannot be excluded. With the implementation of avoidance and mitigation measures, the NIS concluded that the proposed development would not have an adverse effect on the integrity of the above European sites, individually or in combination with other plans and projects.

The submissions and observations from third parties, the Planning Authority and prescribed bodies are summarised in sections 5 and 7 of this report. The Planning Authority engaged an external consultant to review the AA Screening Report and the NIS initially submitted with the application, asserting that the first party had not provided sufficient certainty that the mitigation within the construction method

statement for the proposed bridge would be secured. In response to this the first party submitted a revised 'Appropriate Assessment Screening Report' dating from March 2024 and prepared by Enviroguide Consulting, screening out a hydrogeological pathway from the site to European sites. The Planning Authority accepted that the first party had provided sufficient details regarding the mitigation measures to be employed, to provide certainty that these measures would work in screening out the potential for significant impacts on European sites via hydrogeological pathways. The Planning Authority also noted that the construction method statement would need to be signed off by the competent authority.

According to information provided with the application, Uisce Éireann has indicated that the project can be serviced, with confirmation of feasibility to provide necessary connections to water supply and for wastewater drainage for the development, and that there is capacity in these public utility services.

2. Potential impact mechanisms from the Project

Zone of Influence

The European sites in the vicinity of the proposed development are identified in figure 7 of the first-party's revised 'AA Screening Report', while the qualifying interests of three European sites are listed in table 2 of their report.

In determining the potential zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. The appeal site is not located within or adjacent to any European site. There is a river running adjacent to the site, which ultimately discharges into the Tolka estuarial area forming part of Dublin bay complex located approximately 18km to the southeast of the site. There is a hydrological connection from the development site via this watercourse to European sites located within Dublin bay. There is not a hydrogeological connection from the site to Rye Water Valley / Carton SAC (Site Code: 001398), which is a substantive distance from the appeal site.

Conclusion on the Extent of the Zone of Influence

In using the 'source-pathway-receptor' approach, in respect of potential indirect effects, I would accept that all other European Sites outside of the immediate Tolka

estuarial area to Dublin bay can be screened out for further assessment at the preliminary stage based on a combination of factors, including the intervening distances, the lack of a biodiversity corridor link to these conservation sites, and the dilution effect for surface water runoff.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites within Dublin bay and their qualifying interests as summarised in the table A.2 below. I am satisfied that no other European Sites fall within the possible zone of influence of the development.

3. European Sites at Risk

Table A.2 European Sites at Potential Risk

Site Name / Code	Qualifying Interests	Connections
South Dublin Bay SAC 000210	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Indirect hydrological connections exist through wastewater from the site passing through the piped network for treatment at Ringsend WWTP, before being discharged to Dublin bay.
South Dublin Bay and River Tolka Estuary SPA 004024	Light-bellied Brent goose *Branta bernicla hrota* [A046] Oystercatcher *Haematopus ostralegus* [A130] Ringed plover *Charadrius hiaticula* [A137] Grey plover *Pluvialis squatarola* [A141] Knot *Calidris canutus* [A143] Sanderling *Calidris alba* [A149] Dunlin *Calidris alpina* [A149] Bar-tailed godwit *Limosa lapponica* [A157] Redshank *Tringa totanus* [A162] Black-headed gull *Chroicocephalus ridibundus* [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]	
North Bull Island SPA 004006	Light-bellied brent goose [A046] Shelduck *Tadorna* [A048] Teal *Anas crecca* [A054]	

	Pintail *Anas acuta* [A054] Shoveler *Anas clypeata* [A056] Oystercatcher [A130] Golden plover *Pluvialis apricaria* [A140] Grey plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed godwit *Limosa* [A156] Bar-tailed godwit [A157] Curlew *Numenius arquata* [A160] Redshank [A162] Turnstone *Arenaria totanus* [A169] Black-headed gull [A179] Wetland and waterbirds [A999]	A hydrological connection exists via the River Tolka running through the site; Hydrological connections exist through surface water ultimately discharging from the site directly into the River Tolka and an associated drainage channel ultimately discharging to an estuarial area of Dublin bay; Indirect hydrological connections exist through wastewater from the site passing through the piped network for treatment at Ringsend WWTP, before being discharged to Dublin bay.
North Dublin Bay SAC 000206	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with marram grass *Ammophila arenaria* (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort *Petalophyllum ralfsii* [1395]	
North-west Irish Sea SPA 004236	Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Little Gull (Larus minutus) [A177] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182]	

	Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Little Tern (Sterna albifrons) [A195] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204]	

4. Likely significant effects on European sites

Section 4.3 of the revised AA Screening Report details the likely effects of the proposed development on European Sites. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, habitat loss and alteration or habitat / species fragmentation would not be likely to arise. The following issues are considered for examination in terms of their implications for likely significant effects on the conservation objectives of European sites within the potential zone of influence of the project:

- Effect 1 – changes in water quality and resource;
- Effect 2 – disturbance and / or displacement of species;
- Effect 3 – changes in population density.

The Conservation Objectives for the five sites in the zone of influence are detailed in table A.3 below, with discussion regarding the effects of the proposed development on these conservation objectives following the table.

Table A.3 Could the Proposed Development alone undermine Conservation Objectives

Site	Conservation Objectives	Conservation Objectives Undermined?			
		Effect	1	2	3
South Dublin Bay and River Tolka Estuary SPA	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf		Yes	No	No
North Bull Island SPA	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species		Yes	No	No
North Dublin Bay SAC	QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf		Yes	No	No
South Dublin Bay SAC	QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		No	No	No
North-west Irish Sea SPA	QIs – 21 bird species To maintain the favourable conservation condition of red-throated diver, great northern diver, Manx shearwater, common scooter, black-headed gull, common gull, lesser black-headed gull, great black-headed gull, roseate tern,		No	No	No

	common tern, Arctic tern, little tern, guillemot, razorbill and little gull. To restore the favourable conservation condition of fulmar, cormorant, shag, herring gull, kittiwake, puffin. https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf				

Changes in Water Quality and Resource

The most challenging elements of the proposed development from an environmental perspective would be at construction stage, due to the need to undertake works to provide a road crossing for the bridge and undertake works within a known flood plain.

Should potential pollutants flow downstream and lead to a deterioration in water quality, this could indirectly affect the food supply and foraging habitat of bird species within the North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and designated birds that utilise the wider river network. This would appear a reasonably logical assessment of the potential effects of the proposed development adjacent to the river channel, as the site activities could have impacts on water quality that may influence the achievement of the site conservation objectives specifically relating to bird species. The development could reasonably effect the maintenance or restoration of the favourable conservation condition of marine / coastal habitats in North Dublin Bay SAC given that the development could lead to pollutants and sediment entering these habitat.

Effects on the qualifying interests of the South Dublin Bay SAC and North-west Irish Sea SPA are screened out on the basis that these designated sites are a significant distance from the appeal site and any possible pollutants to the surface water would dilute or settle to the bottom before reaching the SAC and SPA sites, which are approximately 5.5km from the estuarial discharge point of the River Tolka.

Disturbance and / or Displacement of Species

Based on the distances to the nearest European sites and the findings of ecological surveying undertaken for the project, disturbance or displacement of species associated with European sites would not be likely to arise.

Changes in Population Density

There is no potential for changes in population densities of species associated with any European sites.

Screening Conclusion

I conclude that the proposed development would potentially have a likely significant effect on the qualifying interest, associated with European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC) from activities and works that could impact on water quality in the river channel discharging to the Tolka estuarial area of Dublin bay. An appropriate assessment is required on the basis of the effects of the project on these three European sites.

5. Stage 2 - Appropriate Assessment

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interests of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

Test of Effects & Mitigation Measures

As the site of the proposed development is at a remove from Dublin bay, no direct effects would occur for the associated European sites. In terms of indirect effects the key element is the potential impact on water quality and resource during construction and operation phases.

Management measures, including specific measures for this project to prevent pollution downstream affecting water quality, are outlined in the NIS and the CEMP, which would ensure that there are no likely effects on the River Tolka from surface water runoff during the construction phase, thereby avoiding negative effects on water quality. I am satisfied that with the implementation of the specific measures outlined in the NIS and the CEMP for the management of surface water, such as silt fences and containment of fuels and other fuels, as well as submission of a

construction method statement for the road bridge to be agreed with the Planning Authority and compliance with the Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters (IFI, 2016), the proposed construction activity would not have likely significant effects on water quality downstream.

During the operational phase, the proposed development would feature a host of SUDS measures to intercept, store and treat surface and stormwaters leaving the site and entering the River Tolka. Such measures would include fuel interceptors, allowing for the removal of excess hydrocarbons and sediment.

The evidence available provides certainty that the project, including mitigation and planning conditions, would not result in pollution of water or significant adverse impacts for qualifying interests, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), in view of the sites' conservation objectives.

I am therefore satisfied that the development would not cause changes to the key indicators of conservation value, hence there is no potential for any adverse impacts to occur on either the habitat or the species associated with European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC).

6. In-combination Effects

The development of the metropolitan area is catered for through land-use planning by the Planning Authorities in the greater Dublin area, including through the Dublin City Development Plan 2022-2028 and the Meath County Development Plan 2021-2027. These statutory plans have been subject to AA by the respective Planning Authorities, who have concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this and other projects, would add to the loadings to the municipal sewer, evidence shows that negative effects to water quality are not arising. I am satisfied that there are no projects that can act in combination with the development

that could give rise to significant effects to European sites within the zone of influence.

7. Appropriate Assessment – Conclusion

The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), or any other European site, in view of the site's Conservation Objectives.