



An
Bord
Pleanála

Inspector's Addendum 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

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1.0 Introduction

- 1.1.1. This report provides additional assessment of an appeal regarding a proposed large-scale residential development (LRD) under the provisions of the Planning and Development Act 2000, as amended. It should be read in conjunction with the original Inspector's report on file (ABP ref. 320049-24) dated the 26th day of September, 2024.
- 1.1.2. The Board issued a Direction under reference BD-017786-24 dated the 7th day of October, 2024, requesting an addendum report from the Inspectorate, providing an assessment of the proposed development by reference to whether the three-storey duplex units (blocks D, E, F and G) fall within the definition of a duplex unit and compliance of these units with respect to design standards in the Meath County Development Plan 2021-2027 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

2.0 Assessment

2.1. Introduction

- 2.1.1. The substantive issues arising from the grounds of appeal are dealt with in the original Inspector's report on file (ABP ref. 320049-24) dated the 26th day of September, 2024.

2.2. Duplex Units Definition

- 2.2.1. The Meath County Development Plan 2021-2027 does not provide a definition for a duplex unit and I am not aware of a current statutory definition for a duplex unit in Irish planning legislation or within the recent glossary compiled by the Office of the Planning Regulator.
- 2.2.2. The glossary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities defines a duplex unit as 'a building divided into two residential units. The units or apartments may be stacked one on top of the other on separate floors. Access to duplex units is generally direct 'own door'

access from public or semi-public areas. However, access to an upper floor duplex unit may be via grouped access or communal areas.'

- 2.2.3. The Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021) define a duplex unit 'as a dwelling within a building designed for use as two individual dwellings and/or on one shared plot, with separate entrances'.

2.3. Proposed Blocks D, E, F and G

- 2.3.1. Within their large-scale residential development pre-application opinion, the Planning Authority referred to the proposed duplex units, as including a 'type B2 – 4 bed - 7 person' unit type. In the details submitted with the planning application, the first party subsequently referred to this unit type B2 as a 'three-storey duplex apartment renamed and shown in apartment blocks D, E, F and H' and they stated that the 'duplex apartment Blocks D, E, F and H (previously referred to as B2 units) are now apartments'. The Planning Authority referred to these duplex units as being of the '3 bed, 3 storey unit typology', 'designed to comply with the required minimum floor areas and other standards established in Appendix 1' of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- 2.3.2. Based on the drawings submitted with the application the following is noted with respect to blocks D, E, F and G. Blocks D and G each contain four type B2 units, which the first party refers to on their drawings (no. DBN-AD-ZZ-DR-JFA-AR-P2001 and DBN-AG-ZZ-DR-JFA-AR-P2001) as three-bedroom, six-person apartments ('3 Bed 6P Apt.'). Blocks E and F each contain eight type B2 units, which the first party again refers to on their drawings (nos. DBN-AE-ZZ-DR-JFA-AR-P2001 and DBN-AF-ZZ-DR-JFA-AR-P2001) as three-bedroom, six-person apartments ('3 Bed 6P Apt.'). Each of these proposed type B2 units feature own-door ground-level access to a single residential unit on three floors.
- 2.3.3. Based on the planning guidance defining duplex units, as referred to above in section of 2.2, the proposed 'type B2' units would not fall into the guideline definition of a duplex unit, as they are not buildings on a shared plot divided into two individual units. It is clear that they are three-storey houses with own-door access and three

bedrooms. In relation to the number of persons that could be accommodated in the houses, I note that a double-bedroom in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities should feature a minimum floor area of 11.4sq.m. Each of the proposed bedrooms in the subject unit type B2 feature bedrooms of 11.4sq.m, therefore, the three bedrooms would reasonably accommodate six persons based on planning guidance. Accordingly, the proposed unit type B2 more appropriately falls into the category of a three-storey, three-bedroom, six-person, terraced townhouse, and, therefore, the Planning Authority should have assessed these units against the appropriate standards for a house of this type and not a duplex or apartment type unit.

2.4. Housing Mix

- 2.4.1. Arising from the revised interpretation of the 24 proposed type B2 units, the overall proposed development residential mix would more precisely align with the details in table 1 below. The development description contained in the public notices for the application referred to the total number of residential units proposed in the development and I am satisfied that the public would have been sufficiently aware of the nature and scale of the proposals submitted as part of the application.

Table 1. Proposed Unit Mix

	1-bedroom	2-bedroom	3-bedroom	4-bedroom	Total
Apartments	28	48	-	-	76 (29%)
Duplexes	-	11	11	-	22 (8%)
Houses	-	85	76	8	169 (63%)
% of units	28 (10%)	144 (54%)	87 (33%)	8 (3%)	267 (100%)

- 2.4.2. Policy DM POL 6 of the Development Plan refers to the need for a mix of units in new residential developments. According to the Dunboyne North Masterplan – MP22 document, a suitable variety and mix of dwelling types and sizes should be provided throughout these lands to meet different needs, having regard to demographic and social changes, and to diversify existing housing stock in the area, with an adequate residential mix to be sought.

- 2.4.3. A mix of housing typologies is being proposed across these zoned lands as part of the proposed development and according to the first party 'this proposed mix incorporates a good mix of housing types that reflect the current demand for smaller housing units' and 'focuses on smaller and more affordable units' for couples, single occupants and small families.
- 2.4.4. I am satisfied that the proposed unit types would add to the housing typologies in the area, with the existing stock of housing closest to the site consisting of detached housing on large sites. The proposals would feature 37% apartment and duplex-style units, as well as 63% housing, a typical recent permitted mix for a residential scheme in a location such as this in County Meath (see ABP ref. 314550-22 and MCC ref. 23/849 - LRD003). I am satisfied that the proposed mix would not comprise an excessive mix of a single unit type relative to the location and context, and the proposals would generally comply with the mix requirements outlined above in the Development Plan and envisaged for the Masterplan lands, with a range of housing options provided for. This approach would also be in compliance with the provisions sought in specific planning policy requirement (SPPR) 4 of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) by avoiding mono-type building typologies.

2.5. Development Plan Standards

- 2.5.1. Section 5 of chapter 11 to the Development Plan sets out the general requirements for new residential developments in County Meath, referring to guidance set out in the aforementioned Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities, as well as other guidance documents.
- 2.5.2. The first party submitted a Housing Quality Assessment as part of their application comprising a schedule of accommodation based on unit types and providing details of apartment, duplex and house sizes, room sizes and widths, aspect, storage and private amenity space, relative to standards for houses and apartments.
- 2.5.3. The floor areas for the subject three-bedroom townhouses in blocks D, E, F and G, measuring a minimum of 115.1sq.m, would readily exceed the 110sq.m sought in the Quality Housing for Sustainable Communities – Best Practice Guidelines for

Delivering Homes Sustaining Communities for a three-bedroom, six-person, three-storey house. The main living / dining areas for the proposed townhouses measuring 23.4sq.m would exceed the minimum 15sq.m main living room area sought in these Guidelines. As stated, the floor areas for the proposed double bedrooms in the subject townhouses would meet or exceed the minimum floor area sought under the Guidelines, and the widths for each of these double bedrooms, measuring between 2.9m and 4.4m, would exceed the 2.8m minimum width sought under these Guidelines for double bedrooms. With respect to aggregate bedroom areas, the Guidelines would require a minimum of 36sq.m for the subject proposed townhouses, and this would be complied with via the aggregate bedroom floor areas measuring a stated 38.3sq.m.

- 2.5.4. A minimum of 6sq.m storage space is required for the subject proposed townhouses based on the aforementioned Guidelines. A variety of storage spaces are proposed within the subject townhouses, to be distributed at ground, first and second-floor levels. These proposed storage spaces would measure between 0.4sq.m and 2.7sq.m. The proposed ground-floor storage space measuring approximately 1.7sq.m leading into a water closet (WC) would not appear to be capable of functioning as storage space based on the door swings illustrated in the respective submitted floor plan drawings and the need to maintain access through this space to the WC. Notwithstanding this, the minimum storage space required (6sq.m) would continue to be complied with via provision of the remaining 7.6sq.m storage area for each of the subject townhouses.
- 2.5.5. With respect to aggregate living areas, the Guidelines refer to the need for a minimum of 37sq.m to be provided for townhouses of the type proposed in blocks D, E, F and G, whereas 35.6sq.m aggregate living areas in these townhouses is stated to be provided based on the first-party's Housing Quality Assessment. I consider the actual aggregate living areas proposed in the subject 24 townhouses to be closer to an aggregate figure of 30sq.m when only accounting for the living, dining and kitchen areas at ground floor to the subject townhouses. In this regard, the first party may have included the 5.5sq.m study rooms as part of their aggregate living areas in their Housing Quality Assessment. Notwithstanding this, the proposed living areas fall short of the floor area sought in the Guidelines. Internal alterations to the ground floor, for example via omission of hallways and absorbing these areas into living

areas in an open-plan layout, could be undertaken to increase the aggregate living areas to more closely align with the minimum standard sought in the Quality Housing Guidelines. However, I do not consider the shortfall in aggregate living room areas for the subject townhouses to be substantive or a shortfall that would impact on the residential amenities of future residents of these units, with a practical and standard layout for the living areas in each of the subject townhouses provided for, including ample access to natural light, dual aspect and reasonable internal widths for the living areas to accommodate standard contemporary house fixtures, furnishing and fittings. Consequently, I do not consider a material deviation in relation to planning policy provisions to arise for the standards of the subject townhouses. I also acknowledge the additional separate provision of study rooms in each of the subject townhouses, which would not strictly form part of the living space but would afford future residents of the townhouses an alternative, non-standard internal space.

2.5.6. Policy DM POL 7 and table 11.1 of the Development Plan set out private open space requirements for new houses in County Meath, with a minimum provision of 60sq.m for three-bedroom houses required. Section 11.5.12 of the Development Plan addressing such standards, states that all houses should have an appropriate and useable area of private open space, exclusive of car parking, to the rear of the front building line.

2.5.7. Each of the subject proposed townhouses would be provided with a terrace area to the front, part of which would be behind the front building line in a recessed courtyard space, each measuring a total of 15.3sq.m. The areas to the rear of the subject townhouses are not stated to provide private amenity space for these townhouses. Communal spaces onto pedestrian paths are proposed directly to the rear of blocks D, E and F and adjoining other masterplan lands to the northeast of the site, which are intended to feature a mixed-use urban centre. A car park area serving a supermarket / commercial development is permitted under MCC ref. 23/60065 to the rear of block D. With the exception of block G, there would be scope to allocate private rear amenity space for each of the townhouses in blocks D, E and F, by utilising part of the adjoining communal and public spaces, including pedestrian routes to the rear of these blocks, and providing boundaries separating the rear private amenity spaces and the adjoining 'mixed-use' and 'supermarket / commercial development' masterplan lands. In section 2.6 below, I address this

matter further with respect to the provisions within the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, including how the provision of rear private amenity spaces would impact on communal and public open spaces, and scope to attach a condition requiring additional private open space for the subject townhouses.

- 2.5.8. Section 11.5.12 of the Development Plan states that any flexibility with respect to private amenity space standards should only be applied in response to well-designed development proposals. Objective DM OBJ 12 of the Development Plan aims to encourage and facilitate innovative design solutions for medium to high-density residential schemes where substantial compliance with normal development management considerations can be demonstrated. The file and Planning Authority assessment indicates substantial compliance of the proposals with normal development management considerations. Dunboyne North Masterplan – MP22 envisages a community on these lands ‘that can adapt and grow with the changing needs of its residents and encourages innovative design solutions to the provision of density in a mixture of typologies and bedroom sizes whilst providing high-quality living environments, a strong sense of place and liveable pedestrian priority streets’. The Masterplan document also advocates the facilitation of flexibility in the application of the development management standards on these lands where high-quality design and layout has been demonstrated and subject to the maintenance of privacy and the protection of residential amenities.
- 2.5.9. The proposals provide for an element of private amenity space for each of the subject 24 townhouse units, albeit not strictly aligning with the minimum provisions within the Development Plan. The number of units (24) falling short of the minimum private amenity space standard would be less than 10% of the overall units (267) in the development and, thereby, does not result in the scheme in flagrant disregard of private amenity space standards. As noted in my original Inspector’s report, surplus public open space relative to standards, albeit intermittently susceptible to flooding, would be provided as part of the scheme, as well as communal areas. I am satisfied that there is flexibility provided for in the Development Plan allowing for a degree of versatility and innovativeness to be applied when considering private amenity standards for housing, as well as other housing standards, including consideration of the compensatory amenity space benefit provided by alternative communal areas

provided as part of the proposals. Furthermore, the Masterplan, albeit not a statutory document, in shaping the key design principles for these lands encourages alternative innovative design approaches, which I am satisfied would further support the approach undertaken by the first party, prioritising pedestrian movement along the site boundary and providing a layout facilitating greater scope to integrate the proposed development with the adjoining masterplan lands, while also maintaining the amenities of future residents of the subject townhouses to a reasonable and contemporary urban-living standard. Consequently, I am satisfied that a condition omitting the subject townhouses or requiring the provision of additional private amenity space to serve the subject units would not be necessary based on Development Plan standards relating to internal living areas and private open space.

2.6. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 2.6.1. The discrepancy arising from the first party and Planning Authority referring to the units in blocks D, E, F and G as apartments, rather than townhouses, does not have material implications with respect to the assessment of the proposed development against density, separation distances, public open space, car parking, cycle parking and daylight provisions contained within the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, including the related SPPRs.
- 2.6.2. With respect to quality urban design and placemaking, these Guidelines state that ‘the continued application of suburban housing standards originally conceived during the 20th century is hampering innovation in the housing sector in Ireland. In particular, the inclusion of suburban housing standards in some development plans has precluded compact own-door housing solutions that have the potential to offer a broader range of housing options’. Furthermore, a key design principle that these Guidelines advocates for, includes the ‘distribution of private open space in the form of patio gardens’.
- 2.6.3. SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities sets out minimum private open space standards for houses, stating that a starting point of at least 40sq.m private open space should be provided for three-bedroom houses, such as the subject townhouses. A reduced

area of private open space per house may be considered acceptable under the Guideline provisions where an equivalent amount of high-quality, communal space is provided in lieu of the private open space, albeit subject to at least half of the area being provided as private open space. Half of the private open space area sought in the Guidelines would amount to 20sq.m. The Guidelines state that any compensatory communal space should provide a high standard of amenity for all users and should be well integrated and accessible to the housing units it serves. Consequently, I am satisfied that in addition to the 20sq.m private open space required per townhouse, an additional provision of 20sq.m integrated and accessible communal space should also be provided for each of the subject townhouses, for this element of the development to comply with SPPR 2 of the Guidelines.

2.6.4. The communal space proposed to be provided as part of the areas directly adjoining the rear of block F would measure 285sq.m and the communal space at the northern end of block E would measure 153sq.m, with a 'low garden wall and railing facing onto public open space' proposed as a boundary treatment between these communal spaces and the public areas (see landscape design boundary treatment plan drawing no.1600 Revision P0). Communal space directly adjoining the rear of block D, block G and the southern end of block E is not proposed, as the landscaped space adjoining these blocks would be accessible to the public (see public open space provision drawing no.1100 Revision P0).

2.6.5. There would be ample scope for quality communal space to be provided directly to the rear of block D and the southern end of block E (readily exceeding 20sq.m per townhouse), by realigning the proposed public paths and providing a boundary treatment similar to that provided for to the communal areas adjoining block F and the northern end of block E, thereby delineating two additional areas of integrated communal space, amounting to approximately 110sq.m (4m x 27.3m) to the rear of block D and 81sq.m (20.5m x 4m) to the rear of block E. Scope to provide quality and directly accessible communal open space to the rear of block G is compromised by the current layout of the proposed development, which would require omission of a public footpath, car parking spaces and a section of a road turning head. Furthermore, the layout of neighbourhood cell E containing this block G, forming a courtyard of blocks overlooking a landscaped public open space, would not lend itself to the formation of a communal space that could be integrated well with block

G. I acknowledge that the first party identified a communal space (referred to as iv) in their public open space provision drawing (no.1100 Revision P0) measuring 60sq.m and serving block G. However, this space is not proposed to feature a boundary treatment defining it based on drawings submitted (see landscape design boundary treatment plan drawing no.1600 Revision P0), it would not be directly accessible from townhouse units 103 and 104, and it would not be semi-private, given that other units, albeit more distant than those in block G, would overlook this communal space. Accordingly, I am satisfied that an integrated and accessible communal space area not be achievable for proposed block G without substantive material changes to the development.

- 2.6.6. I am satisfied that there would be scope for quality communal space accessible to blocks D, E and F to be provided as part of the development, and in this regard a condition could be attached to address the additional provision of communal space stated above to be required and capable of being provided. The additional communal space measuring approximately 191sq.m, would not have a material impact on the overall quantum of public open space to be provided relative to planning provisions for public open space.
- 2.6.7. Consequently, with the exception of block G, integrated accessible communal space could be provided for the subject blocks in line with the provisions in SPPR 2 of the Guidelines. As noted, the minimum reduced provision of 20sq.m private open space for the subject townhouses would not be provided based on the plans presented in the application. Notwithstanding this, there would be scope for an additional 4.7sq.m of terrace or patio areas to be provided directly adjoining the rear of these units given their context and layout, with doorways opening directly onto these areas as part of the first-party's ground floor plans for the subject townhouses. With the provision of such terrace / patio areas, the proposals would align with the approach within the Guidelines to the provide innovative housing solutions, while also ensuring the townhouses in blocks D, E and F could comply with SPPR 2 of the Guidelines.
- 2.6.8. With the additional provision of 4.7sq.m rear terrace areas, a minimum of 20sq.m private open space would be provided for each of the subject townhouses in blocks D, E and F. Furthermore, well in excess of the 20sq.m high-quality communal space per townhouse would be integrated and accessible directly from the respective townhouses in blocks D, E and F, in lieu of the private open space. Accordingly, I

am satisfied that with the attachment of a condition providing for private rear terrace / patio areas measuring a minimum of 4.7sq.m, featuring a formal boundary treatment and accessible off the living / dining areas to blocks D, E and F, the townhouses in these blocks would be provided with private amenity space, as well as integrated, high-quality communal space to align this element of the proposals with the requirements of SPPR 2 of the Guidelines.

- 2.6.9. Given the layout constraints in providing directly accessible high-quality and integrated communal space for each of the four townhouses in block G, the proposed development would not achieve the necessary private amenity space standards for this block in line with SPPR 2 of the Guidelines. Accordingly, in the event of a grant of planning permission, I am satisfied that a condition should be attached omitting block G from the proposed development. It would appear most logical from a planning perspective for the resultant area arising from the omission of block G to be absorbed into the adjoining public open space serving neighbourhood cell E. The omission of block G would result in the development achieving a net density of 51 units per hectare, which would remain in line with Development Plan and National planning policy provisions.

3.0 Conclusion and Recommendation

- 3.1.1. I have assessed the proposed development by reference to whether the three-storey blocks D, E, F and G fall within the non-statutory definitions of a duplex unit and their compliance with respect to design standards in the Meath County Development Plan 2021-2027 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The substantive issues pertaining to this appeal are addressed in my original report dated 26th day of September, 2024. This report represents my professional planning assessment, judgement and opinion on the matter assigned to me.
- 3.1.2. Based on the above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below in the draft Board Order.

4.0 Recommended Order

Planning and Development Act 2000, 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 provisions of the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities issued by the Department of Environment, Heritage and Local Government in 2007;
- o) the submissions and observations received; and
- p) the reports 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.

5.0 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 proposed development shall provide for a total of 263 residential units and shall be amended as follows:
 - (a) block G, including the private open space and communal space proposed to be associated with this block, shall be omitted from the proposed development, and the resultant area shall be landscaped as public open space and integrated with the adjoining public open space serving neighbourhood cell E of the proposed development;
 - (b) each townhouse in blocks D, E and F shall be provided with a rear private terrace / patio area defined with a formal boundary treatment and measuring a minimum area of 4.7sq.m, with direct access to the private terrace / patio areas from the living / dining areas of each of the respective townhouses in blocks D, E and F;
 - (c) an additional communal / semi-private area measuring a minimum area of 80sq.m shall be provided directly to the rear of block D (proposed units 009 to 012 inclusive) and the associated private terrace / patio areas referenced in item (b) above;
 - (d) an additional communal / semi-private area measuring a minimum area of 60sq.m shall be provided directly to the rear of block E (proposed units 001 to 003 inclusive) and the associated private terrace / patio areas referenced in item (b) above.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. (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.

12. (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.

13. (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.

14. (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.

15. 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.

16. (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.

- 17.** 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.

- 18.** 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.

- 19.** 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.

- 20.** 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.

- 21.** 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.

- 22.** 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.

- 23.** 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.

24. 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.

25. 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.

- 26.** 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.

- 27.** 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.

- 28.** 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.

- 29.** 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.

- 30.** 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

9th October 2024