



An
Bord
Pleanála

Inspector's Report ABP-320684-24

Development	Demolition of existing house, construction of 11 dwellings and all associated site works.
Location	Carrickmacross Road, Drumconrath, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2460435
Applicant	Micheal MacMahon
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Tommy & Edel Bartley
Observers	None
Date of Site Inspection	11 th December 2024
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of c. 0.670ha, is located on the northern edge of the village of Drumconrath, County Meath. The site is located outside the built-up area of the village and is bound to the west by the Carrickmacross Road / L3403, to the east by the Mullyandrew River with agricultural land beyond, and to the north and south by single dwellings on relatively large plots.
- 1.2. The site is located c. 220m north of Main Street, from which a footpath extends on the eastern side of Carrickmacross Road as far as the adjoining dwelling north of the site. Land between the site and Main Street includes a housing estate, church and primary school to the southwest, and wastewater treatment plant, community centre and pitch & putt to the south.
- 1.3. The site, with a road frontage of c. 70m and a depth of c. 80m, comprises a vacant / derelict dwelling and attached shed adjacent to the road, grass land to the rear and mature boundary hedges. The topography of the site comprises a downward slope from the road to the river at the eastern boundary, with a level of c. +42.148m on the road edge adjacent to the proposed site entrance, compared to c. +33.5m adjacent to the stream, equating to a difference of c. 8.6m. The site comprises a steep slope at the rear of the existing dwelling, after which point the site plateaus with a gentle slope to the edge of the river. Access to the site is via an existing farm entrance on Carrickmacross Road, located on the southern end of the western boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a single storey vacant / derelict dwelling and construction of 11 no. dwellings (3 no. part single, part two-storey three-bedroom detached dwellings; and 8 no. two-storey three and four-bedroom semi-detached dwellings). The proposed development also comprises internal roads, public open space, landscaping and boundary treatments, car parking, and connections to public utilities. Surface water would be attenuated on site prior to discharging to the river on the eastern boundary.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 25 no. conditions. A number of conditions required submission of revised plans and particulars for agreement with the Planning Authority prior to commencement of development, including Conditions 4 and 8 which relate to public open space and access arrangements, respectively; Condition 15 relates to the submission of a Construction & Environmental Management Plan (CEMP); while Condition 17 relates to surface water management.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report contains an assessment of the proposed development. Points of note include:

- The proposal is acceptable in principle in the context of the zoning objective for the land and in the context of national and regional planning policy.
- Density of 16 dwellings per hectare is acceptable in the context of the village setting.
- Siting and design, including use of split-level houses to the front, is acceptable.
- The proposal will not result in any impact on the residential amenity of adjacent properties.
- Provision of public open space and boundary treatments are acceptable. Recommends a condition requiring incidental public open space areas and turning areas to the rear of Dwellings 1 and 3 to be subsumed into the private open space of those dwellings.
- Refers to the report from the Water Services Department in respect of flooding and surface water management.
- Concludes that a Stage 2 Appropriate Assessment is not required.
- Recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Environment Flooding-Surface Water Section: Report dated 1st August 2024 raised no objection on the issue of flooding, noting the flood mapping submitted, updated following a previous refusal, and that the houses and the attenuation system are located outside of flood zone A and B. The report recommended a request for further information with regards surface water management, including a redesign of the proposed attenuation system to address concerns of its location in a trafficable area and achieving acceptable separation distances from foundations.

Broadband Officer: Report dated 4th July 2024 recommended the inclusion of a condition with regards the provision of broadband infrastructure.

Housing Section: Report dated 26th June 2024 stated that Part V obligation to be met on site.

Transportation Department: Report dated 31st July 2024 raised no objection subject to the inclusion of a condition requiring amended plans in relation to the entrance radii and in relation to the access to the area of public open space at the rear / east of the site, to replace a stepped access with a ramped access. The report also recommended that the areas of public open space between units 1 & 4 and 3 & 8 be incorporated into the gardens of the adjoining units.

Public Lighting Section: Report (undated) recommended a request for further information with regards public lighting.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage, Development Applications Unit (DAU)

Submission dated 15th July 2024 recommended the inclusion of a condition requiring pre-development archaeological testing.

3.4. Third Party Observations

3.4.1. 1no. submission received during the statutory consultation period, as follows:

Tommy and Edel Bartley

Tommy and Edel Bartley are the appellants in this case and the owners of the property that adjoins the site to the north. The substantive issue relates to flood risk, which is the same as the grounds of appeal. The Board is referred to Section 6 where the appeal is dealt with in more detail.

4.0 Planning History

4.1. Application Site

P.A. 2360019 – refers to a January 2024 decision to refuse permission for the demolition of the existing dwelling and construction of 13 no. dwellings. The proposal comprised the same general layout as that of the current application, except there were 10 no. dwellings to the rear and, by association, a lesser area of public open space. The proposal was reduced to 12 no. dwellings at further information stage. The reason for refusal related to flood risk and read as follows:

1. *With reference to Meath County Council's MapInfo flood mapping for the relevant area, the highly vulnerable development is partially situated in Flood Zone A and Flood Zone B, i.e. it is at medium to high risk of flooding. It is the policy of the Meath County Council Development Plan 2021-2027 to implement the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan (INF POL 18) and to require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change (INF POL 20).*

The application documentation has not demonstrated compliance with the above-mentioned guidelines and the flood zone mapping does not correlate with the flood model levels. The Planning Authority has concerns that proposed dwellings are at risk of flooding, that surface water infrastructure is located in flood Zones A & B, that there is a reduction in existing floodplain capacity and that compensatory storage has not been provided. This may result in an increase in flood risk to neighbouring properties. Accordingly to grant the proposed development would contravene materially a policy of the County Development Plan, would pose an acceptable risk to the owner/occupier of the proposed dwelling houses, would be contrary to ministerial guidelines issued to the planning authorities under Section 28 of the Planning and Development Act 2000-2022, and therefore be contrary to the proper planning and sustainable development in the area.

P.A. Ref. KA60427 – refers to a 2011 decision to refuse permission for demolition of the existing dwelling and construction of 12 no. dwellings.

4.2. Surrounding Area

None relevant.

5.0 Policy Context

5.1. Meath County Development Plan 2021 – 2027, as varied

- 5.1.1. Drumconrath is designated a Rural Village (population of less than 1,500) under the county settlement hierarchy. Volume 2 of the Development Plan includes a written statement and zoning map for each village. Under the Drumconrath Land Use Zoning Map, the appeal site is subject to 2 no. zoning objectives. The vast majority is zoned *A1: Existing Residential* with the associated objective ‘*To protect and enhance the amenity and character of existing residential communities*’, and with a relatively small area of the site interfacing with the river on the eastern boundary zoned *F1: Open Space* with the associated objective ‘*To provide for and improve open spaces for active and passive recreational amenities*’. The area of land zoned ‘F1 - Open Space’ coincides with the Flood Zone A mapping as contained in the Strategic Flood Risk Assessment (Volume 4 of the Development Plan).

5.1.2. Section 1.0 under the Written Statement for Drumconrath outlines that the population of the village was 345 persons in 2016, compared to 370 in 2011, a percentage change of -6.70%. Section 4.3 outlines that there is spare capacity in water supply and wastewater treatment to serve the development and growth provided for in the County Development Plan. The following policies and objectives for Drumconrath are considered to be relevant:

- **DRUM POL 1** - To promote the identity of Drumconrath, to reflect its rich historical and cultural assets and to enhance its sense of place and identity through protection of the scale, character and the built and natural heritage of the village, and to encourage development which will improve and enhance the public realm, the character and structure of the village core and existing streetscape, to engage and connect with the river and riverbank open space, Castle, Motte and Bailey and the wider landscape, and to provide for development that will allow the village to develop in a sustainable manner, as an attractive place to live, work, recreate and visit.
- **DRUM OBJ 1** - To support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.
- **DRUM OBJ 21** - To ensure that all new development respects the scale, form and character of the village.

5.1.3. Chapter 2 (Core Strategy), Chapter 3 (Settlement and Housing Strategy), Chapter 6 (Infrastructure Strategy), Chapter 11 (Cultural and Natural Heritage Strategy), Chapter 10 (Climate Change Strategy) and Chapter 11 (Development Management Standards and Land Use Zoning Objectives) of the development plan are all considered relevant. The following policies and objectives of the above chapters are considered relevant:

- **CS POL 1** - To promote and facilitate the development of sustainable communities in the County by monitoring and managing the level of growth in each settlement to ensure future growth is in accordance with the Core Strategy and County Settlement Hierarchy in order to deliver compact urban areas and sustainable rural communities.

- **CS OBJ 1** - To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.
- **CS OBJ 4** - To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.
- **CS OBJ 6** - To strengthen the social and economic structure of rural towns and villages by supporting the re-use of existing buildings and the regeneration of under-utilised buildings and lands.
- **CS OBJ 12** - To ensure that all settlements, in as far as practicable, develop in a self-sufficient manner with population growth occurring in tandem with the provision of physical and social infrastructure.
- **SH OBJ 9** - To ensure that in Villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%.
- **SH POL 4** - To promote social integration and the provision of a range of dwelling types in residential developments that would encourage a mix of tenure, particularly in any State funded house building programmes.
- **SH POL 5** - To secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households.
- **SH POL 8** - To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the associated Urban Design Manual – A Best Practice Guide, DEHLG (2009) and any subsequent Guidelines.
- **SH POL 12** - To promote innovation in architectural design that delivers buildings of a high-quality that positively contributes to the built environment and local streetscape.

- **INF POL 16** - To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS.
- **INF OBJ 15** - To require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments (including extensions).
- **INF OBJ 16** - To ensure that all new developments comply with Section 3.12 of the Greater Dublin Regional Code of Practice for Drainage Works V6 which sets out the requirements for new developments to allow for Climate Change.
- **INF POL 18** - To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.
- **INF POL 20** - To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.
- **INF OBJ 21** - To restrict new development within floodplains other than development which satisfies the Justification Test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).
- **INF OBJ 25** - To require the use of Sustainable Urban Drainage Systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.
- **HER POL 3** - To require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or

monitoring as appropriate, for development in the vicinity of monuments or in areas of archaeological potential. Where there are upstanding remains, a visual impact assessment may be required.

- **DM OBJ 13** - A detailed Design Statement shall accompany all planning applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units.
- **DM POL 5** - To promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged.
- **DM OBJ 14** - provides for a density range for each settlement type, including:
 - Smaller Towns and Villages: 25uph - 35 units per hectare
 - Outer locations: 15uph – 25 units per hectare
- **DM OBJ 26** - Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the 15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.

5.2. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.

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

The site is located within the 'Gateway Region' which, along with county towns and the Regional Growth Centres of Athlone and Dundalk, it includes smaller towns and villages which support the wider rural and agricultural area where the population is more dispersed. The followings RPOs are of particular relevance:

- **RPO 3.2:** Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- **RPO 3.3:** Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'

5.3. National Planning Framework

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

- **National Policy Objective 4** - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- **National Policy Objective 15** - Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- **National Policy Objective 33** - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.4. Section 28 Ministerial Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

5.5. Natural Heritage Designations

5.5.1. The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Stabannan-Braganstown SPA (Site Code: 004091), c. 12.7km to the east,
- Dundalk Bay SPA (Site Code: 004026), c. 20km to the east,
- Dundalk Bay SAC (Site Code: 000455), c. 20km to the east,

5.5.2. The Corstown Loughs pNHA (Site Code: 000552) is located c. 1.2km north of the site.

5.6. EIA Screening

5.6.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings.

5.6.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party appeal has been submitted by Tommy and Edel Bartley against the Planning Authority's decision to grant permission. The main points of the appeal are summarised as follows:

- Raises procedural issues with regards transparency / access to information and notification of appeal from the Planning Authority.
- Appellants purchased their cottage for its rural location. Proposal will impact on their lives and sense of well-being.
- The site is within a floodplain, with reference made to photos and videos submitted with the appeal of a previous flood event in the village. The proposed development will include pumps, drains and other engineering works to address flood risk, and wildlife will be taken over by development and human presence.
- There is other land outside of a floodplain available for houses in Drumconrath.

6.2. Applicant's Response

The Board received a response on the 25th September 2024 on behalf of the applicant to the third-party appeal. The relevant points of the response are summarised below:

- Procedural issues are outside the control of the applicant. The Planning Authority was satisfied that all regulatory requirements were met. The appellant was not disadvantaged and made a submission to the Planning Authority and a subsequent appeal to An Bord Pleanála.
- The current application proposes 11 no. dwellings all located outside Flood Zone A and B. The content of the previous application is irrelevant.
- There are no engineering works proposed to address flooding. The open space area will be left as an open green space will preserve its function as a natural floodplain.
- No evidence put forward by the appellant that an upstream blockage will result in greater flooding of the appeal site (with reference to a point made in the appellant's submission to the Planning Authority). The submitted flood risk assessment is reliable and evidence based.
- Submitted Ecology Report concluded that the proposal may proceed without any significant negative ecological effects arising, with a recommendation to carry out a bird and bat survey of the buildings prior to development

commencing, and to implement measures to avoid spillage / sediment entering the river during construction stage.

- Majority of existing hedgerows are to be retained.
- By reason of split-level design of Unit 1, there will be no loss of privacy to the appellants' property and refers to commentary in Planner's Report in this regard.
- Sets out compliance with the relevant provisions of the County Development Plan and Sustainable Residential Development & Compact Settlements Guidelines for Planning Authorities, 2024

6.3. Planning Authority Response

A response was received on the 11th September 2024 which states that the Planning Authority notes the content of the third party appeal, considers that all issues have been dealt with in the course of its assessment, and requests the Board to uphold its decision to grant permission.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

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

- Principle of Development
- Procedural Issues
- Flood Risk

- Residential Amenity
- Other Matters

The issue of appropriate assessment screening also needs to be addressed.

7.2. Principle of Development

- 7.2.1. Under the Drumconrath Land Use Zoning Map, the appeal site is subject to 2 no. zoning objectives. The vast majority is zoned *A1: Existing Residential*, and with a relatively small area of the site interfacing with the river on the eastern boundary zoned *F1: Open Space*. All proposed dwellings are to be located on lands zoned *A1*, with public open space located across part of the site zoned *A1* and across all of the land zoned *F1*. I am satisfied that the proposed development is in accordance with the zoning objectives for the site.
- 7.2.2. Drumconrath is designated a Rural Village (population of less than 1,500) under the county settlement hierarchy of the County Development Plan. SH OBJ 9 of the County Development Plan seeks *to ensure that in Villages no single application on a defined parcel of land shall increase the existing housing stock by more than 15%*. Census 2022 indicated a housing stock of 159 no. for Drumconrath Village. The proposed development of 11 no. dwellings represents an increase in the housing stock of c. 7%. As such, I consider that in terms of numbers, the proposal for 11 no. dwellings is consistent with Objective SH OBJ 9.
- 7.2.3. The applicant refers to a density of 16 dwellings per hectare. This is based on the total site area of 0.670ha and includes the area of land zoned *F1: Open Space*. The net developable area should exclude the area of land zoned 'F1: Open Space'. As such, the proposal comprises 11 no. residential units with a density of c. 20 units per hectare based on a net developable area of c. 0.550 ha.
- 7.2.4. Objective DM OBJ 14 of the current County Development Plan provides for a density range for each settlement type, including '*Outer locations: 15 – 25 units per hectare*'. Specific to Drumconrath, DRUM OBJ 1 supports and encourages residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved,

whilst DRUM OBJ 21 seeks to ensure that all new development respects the scale, form and character of the village.

- 7.2.5. Table 3.7 of the Sustainable Residential Development and Compact Settlements Guidelines 2024 sets out that the density of development at the edge of rural towns and villages at locations that can be integrated into the settlement should respond in a positive way to the established context. Having regard to the established pattern of development in the village, I am satisfied that the proposed net density of 20 dwellings per hectare is acceptable at this edge of Village location, consistent with DM OBJ 14, DRUM OBJ 1 and DRUM OBJ 21 of the Development Plan and Table 3.7 of the Sustainable Residential Development and Compact Settlements Guidelines.

7.3. Procedural Issues

- 7.3.1. The appellants contend that the spelling of the applicant's first name is misleading and caused confusion in terms of finding the particulars of the application on the Planning Authority's online planning register / public viewer. Having reviewed the application documentation, I find no ambiguity with regards to the name. The public notices and application form are consistent with the spelling of the applicant's name. The spelling of the name is also consistent with the record as displayed in Meath County Council's online planning register / public viewer.
- 7.3.2. The appellants raise an issue with the date on which they were notified by the Planning Authority of its decision to grant permission, and by association, the time afforded to them to submit an appeal. Article 31 of the Planning and Development Regulations 2001, as amended, sets out the obligation of the Planning Authority with regards notifying relevant parties of its decision on a planning application. Procedural issues of this nature are outside the remit of the Board.
- 7.3.3. The above issues raised by the appellant are of a procedural nature, having no implications on my assessment of the proposed development.

7.4. Flood Risk

- 7.4.1. The main concern of the appellants relates to flood risk and in the context of which they query the credibility of the applicant's flood risk assessment by virtue of the

previous application and the accuracy of the flood risk assessment with regards the impact from upstream blockages. The appellants also refer to proposed engineering works to address flood risk, which would impact on wildlife.

- 7.4.2. The Planning Authority concluded that the flood risk was addressed by virtue of the fact that no development would occur within the flood risk zone.
- 7.4.3. The site shares its eastern boundary with the Mullyandrew River, which flows in a northerly direction out of the village. The Strategic Flood Risk Assessment contained in Volume 4 of the County Development Plan shows that part of the eastern end of the site is subject to Flood Zone A, with the area coinciding with the part of the site zoned *F1: Open Space*.
- 7.4.4. INF POL 20 of the County Development Plan requires that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the "Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009.
- 7.4.5. The applicant has submitted a Site-Specific Flood Risk Assessment (SSFRA). This includes a scoping assessment which identifies that the primary flood risk to the proposed development site can be attributed to a potential fluvial flood event in the Mullyandrew River located to the east boundary, and that secondary and residual flood risk can be attributed to a potential blockage/surcharge in the vicinity of the site.
- 7.4.6. The SSFRA also includes a hydraulic model used to simulate water levels at different points along the Mullyandrew River. The hydraulic modelling assessed the suitability of the river to transmit 1% AEP (Flood Zone A) and 0.10% AEP (Flood Zone B) flood flows, with an allowance included for climate change. The modelling examined the effect of residual flood risk associated with blockages / surcharges at the two bridges upstream, namely the bridge for accessing the wastewater treatment plant, located c. 85m south of the site, and the bridge on Main Street, a further c. 200m to the south. The opening on the upstream face of each bridge was reduced to 50% of its capacity within the modelling software.
- 7.4.7. The SSFRA modelling shows the extent of Flood Zone A and B on the site in the context of the proposed development and concludes that the dwellings would be located within Flood Zone C, and that developments in this zone are generally not

considered at risk of fluvial flooding and would not adversely affect adjacent lands and properties from a flood risk perspective.

- 7.4.8. I consider that the site-specific flood risk assessment submitted with the application provides a robust analysis of the flood risk associated with the site. Taking account of climate change and potential upstream blockage / surcharge scenarios, the SSFRA modelling shows that the proposed dwellings would be located outside Flood Zone A and B. The SFFRA indicates that the highest flood level on the site is +33.798mOD, compared to the finished floor levels of the proposed dwellings, which range from +35.60m to +39.90m. By virtue of the location of the dwellings outside Flood Zone A and B, I consider that the application of a Justification Test is not required.
- 7.4.9. On the basis of the foregoing, I consider that the proposed development is consistent with INF POL 20 of the County Development Plan.
- 7.4.10. The appellants also contend that the proposed development, by virtue of introducing human activity and works, including engineering works within the flood zone, will impact on wildlife and associated eco-systems.
- 7.4.11. DRUM POL 1 of the Development Plan seeks to provide for development that will allow the village of Drumconrath to develop in a sustainable manner, to engage and connect with the river and riverbank open space, whilst also seeking to protect the scale, character and the built and natural heritage of the village.
- 7.4.12. Plans and particulars lodged with the application indicate that all development including the dwellings, internal roads and car parking would be located c. 25m from the edge of the river and outside the identified Flood Risk Zone, allowing this area to function as a natural flood plain. The works proposed within the flood risk zone comprise the provision of a surface water outfall pipe to the river.
- 7.4.13. From a water quality perspective, the submitted Ecology Report recommends the implementation of measures to avoid spillage or sediment drifting into the river during construction. A preliminary Construction Environment Management Plan submitted with the application refers to the provision of silt traps and management of waste generated on the site, which I consider to be standard practice. If a grant of permission is forthcoming, I recommend that a final CEMP is required by condition, to be submitted to the Planning Authority for agreement prior to commencement.

- 7.4.14. On the basis of the foregoing, I consider that the proposal strikes a reasonable balance between providing new housing within a settlement boundary and protecting the natural environment, consistent with DRUM POL 1.

7.5. Residential Amenity

- 7.5.1. The appellants submit that the proposal would impact on their quality of life. The Planning Authority concluded that the proposal would not cause a loss of amenity to adjacent residential properties.
- 7.5.2. The appellants' dwelling is single storey, fronting the public road and within c. 5m of the northern boundary of the appeal site. The southern elevation of the appellants' dwelling would be c. 10.5m from the northern side elevation of Unit 1 on the appeal site. Unit 1 is a split-level dwelling fronting the public road. The western/ roadside element is two-storey but designed and sited to appear as single storey on the road elevation, noting the ridge height of Unit 1 is +47.57m compared to c. +46.88m for the appellants' dwelling. By reason of design and use of site contours, this upper floor level of Unit 1 would be more akin to single storey in the context of the public road and adjoining properties, and as such I consider there would no loss of privacy or outlook to the appellants' dwelling.

7.6. Other Matters

Boundary Treatments

- 7.6.1. The proposed Site Layout Plan indicates that the existing hedgerow on the northern and southern boundaries would be retained whilst also constructing a new 2m high block wall along both boundaries, together with a 1.8m high timber fence dividing rear gardens of individual houses which would back onto those boundaries.
- 7.6.2. The submitted Ecology Report refers to boundaries as comprising predominantly hawthorn and bramble, but also notes a semi-mature sycamore tree on the southern boundary. If the Board is minded to grant permission, I would recommend a condition that requires the 2m high block wall be replaced with a 2m high concrete panel and post wall, which would reduce the impact of construction on hedgerows to be retained. I also recommend a condition that requires agreement from the Planning Authority on

any proposed treatment of the north, south or eastern boundary to the area of public open space, to ensure no impact on its function as a flood plain.

- 7.6.3. The eastern side boundaries to Units 7 and 11 interface with the area of public open space. The Site Layout Plan indicates a drop in levels between these houses and the adjoining area of public open space, and that for both houses the boundary would comprise a flanking wall of 1.2m high. For the purpose of ensuring sufficient passive surveillance of the area of public open space while also retaining privacy and safety to the occupants of the two dwellings, I recommend that a condition is attached to a grant of permission, if one is forthcoming, that requires the eastern boundary treatment for Units 7 and 11 to comprise a block wall with a maximum height of 1m with railings on top to form a boundary height of 1.8m.

Areas of Public Open Space

- 7.6.4. Condition 4 on the Planning Authority's notification of decision to grant permission required the applicant to submit a revised site layout plan to show the open space area adjacent to units 1 and 4 and the open space area adjacent to units 3 and 8 incorporated as private open space, and that the private open space areas are to extend forward to remove the reversing / turning areas indicated on the site layout plan for units 1 and 3.
- 7.6.5. The submitted site layout plan shows pockets of open space and a reversing area between units 1 and 4 and between units 3 and 8. In my view, by reason of the orientation of the dwellings and proposed boundary treatments, these pockets of open space and reversing areas would not be afforded sufficient passive surveillance from the main public areas or adjacent dwellings. As such, I recommend that Condition 4 be retained and attached to a grant of permission.

Access

- 7.6.6. Condition 8 on the Planning Authority's notification of decision to grant permission required the applicant to submit a revised site layout plan demonstrating a DMURS compliant entrance design using suitable radii and that access to the main area of open space is to be provided by way of a suitably graded ramp.
- 7.6.7. The submitted site layout plan shows stepped access to the main open space area. I consider that a ramped access would be more appropriate to provide access to all.

As such, I recommend that Condition 8 be retained and attached to a grant of permission.

Separation Distances – New Issue

- 7.6.8. The proposal includes 8no. two-storey dwellings backing onto the north and south property boundaries (Units 4 – 11, inclusive). The adjoining properties to the north and south are zoned Existing Residential, with potential for future backland housing development. Whilst these lands are currently undeveloped, I consider that SPPR 1 is relevant to ensure future development is not unreasonably prejudiced. SPPR 1 requires 16 metres between opposing first floor windows, the conventional application of which would require back-to-back rear gardens of 8m in depth, with a lesser distance where design measures are incorporated.
- 7.6.9. Units 4 -11 comprise four pairs of semi-detached dwellings. Each pair comprises a House Type 1.1 and House Type 1.2. The difference between the house types is that House Type 1.2 has additional living space at ground floor and a fourth bedroom at first floor, facilitated by a two-storey rear extension. I am satisfied that House Type 1.1 dwellings are sufficiently setback off the respective rear boundary, consistent with SPPR 1.
- 7.6.10. For House Type 1.2 (Units 4, 6, 8, 10), the two-storey rear extension comprises 2 no. bedroom windows on the rear elevation at first floor level. Separation distances between the bedroom windows and the respective rear boundaries are c. 3.5m, c. 5.5m, c. 6.8m and c. 5.5m, respectively for Units 4, 6, 8 and 10. The proposal does not include any specific design measures for a lesser setback, as referred to under SPPR 1. In my view, the bedroom windows on the first-floor level of the rear extensions of Units 4, 6, 8 and 10, by reason of proximity to the rear boundary, would be prejudicial to the future development of adjoining land, contrary to the spirit of SPPR 1. It is my recommendation that the first-floor level of the rear extension on House Type 1.2 be omitted by condition. The implication of the amendment is that House Type 1.2, which is currently a four-bedroom house, would become a three-bedroom house, resulting in all 11 no. dwellings having three bedrooms.
- 7.6.11. This is a new issue and the Board may wish to seek the views of the relevant parties.

8.0 Appropriate Assessment

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that permission be granted in accordance with the plans and particulars received by the Planning Authority on the 14th day of June 2024, and based on the reasons and considerations below, and subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the zoning objectives of the subject site, its location within an existing urban area, the nature and scale of the proposed development, and location of proposed dwellings outside of Flood Zone A and B, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, consistent with Objectives DM OBJ 14, DRUM OBJ 1 and DRUM OBJ 21 of the Meath County Development Plan 2021-2027, as varied. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 14 th day of June 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
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	<p>development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) The two-storey rear extension on House Type 1.2 (Units 4, 6, 8, 10) shall be reduced to single storey. b) The open space area adjacent to Units 1 and 4 and the open space area adjacent to Units 3 and 8 shall be incorporated as private open space. These private open space areas shall also both extend forward to remove the reversing turning areas indicated on the site layout plan for Units 1 and 3. c) DMURS compliant entrance design using suitable radii. d) Access to the area of public open space on the east of the site by way of a suitably graded ramp. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of orderly development and residential amenity.</p>
3.	<p>Recommendations, mitigation and monitoring measures outlined in the plans and particulars, including the Site-Specific Flood Risk Assessment and Ecology Report shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>

5.	<p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.</p>
6.	<p>Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the</p>

	<p>development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<p>All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
9.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; c) details of all proposed boundary treatments, including heights, materials and finishes. Boundary treatments are to include: <ul style="list-style-type: none"> i. Southern and northern boundaries of the site shall comprise 2m high concrete panel and post walls.

	<p>ii. The eastern boundaries of Units 7 and 11 shall comprise a concrete block wall with maximum height of 1m with railing on top to form a full boundary height of 1.8m.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>No boundary treatment to the north, south or east sides of the area of public open space shall be constructed without written agreement by the Planning Authority.</p> <p>Reason: To safeguard the function of the area as a floodplain.</p>
11.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the junction with the public road to the shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions and/ or additions shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
12.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals for this shall be</p>

	<p>submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
14.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
15.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the [residential] amenities of property in the vicinity.
17.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
18.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p>
19.	<p>(a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant 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.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>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.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
22.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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.

Jim Egan
Planning Inspector

16th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320684-24		
Proposed Development Summary	Demolition of existing house, construction of 11 dwellings and all associated site works.		
Development Address	Carrickmacross Road, Drumconrath, Navan, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	√	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Pre-screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____ Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320684-24
Proposed Development Summary	Demolition of existing house, construction of 11 dwellings and all associated site works.
Development Address	Carrickmacross Road, Drumconrath, Navan, Co. Meath
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the demolition of an existing dwelling and the construction of 11 no. dwellings and all associated site works on a site with a stated area of c. 0.670 ha.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,</p>	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal.</p>

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, the building setback from the adjoining river and associated flood plain, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, are the Stabannan-Braganstown SPA (Site Code: 004091), c. 12.7km to the east, Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455), both c. 20km to the east.

The proposed development is located on the edge of an urban settlement and comprises the construction of 11no. dwellings and all associated site works. The development would be connected to public services including water and sewer. Surface water would be attenuated within the site prior to discharge at pre-development rates to a river on the eastern boundary of the site. The river, referred to as the Mullyandrew River, flows into the Garra River c. 3.5km to the east, which in turn flows into the River Dee a further c. 2.5km to the south, which in turn flows east through Ardee and into the Irish Sea at Annagassan, Co. Louth, c. 20km east of the appeal site.

The Planning Authority concluded that there are no potential significant effects on European Sites and as such AA is not required.

European Sites

I consider that there are 3no. European sites located within a potential zone of influence of the development, as follows:

- Stabannan-Braganstown SPA (Site Code: 004091)
- Dundalk Bay SPA (Site Code: 004026)
- Dundalk Bay SAC (Site Code: 000455)

European Site	Qualifying Interests	Distance	Connections
Stabannan-Braganstown SPA (Site Code: 004091)	Greylag Goose (Anser anser) [A043] https://www.npws.ie/protected-sites/spa/004091	12.7km	No

Dundalk Bay SPA (Site Code: 004026)	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>	20km	Indirect hydrological connection
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	https://www.npws.ie/protected-sites/spa/004026		
Dundalk Bay SAC (Site Code: 000455)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>https://www.npws.ie/protected-sites/sac/000455</p>	20km	Indirect hydrological connection

Likely impacts of the project

The proposal comprises the demolition of an existing dwelling and construction of 11no. dwellings together with all associated works.

An indirect hydrological connection by the adjoining river is identified between the site and the Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455).

During the construction phase there is potential for surface water runoff from site works to discharge to the Mullyandrew River, which ultimately discharges to the Irish Sea at Dundalk Bay at a distance of c. 20km to the east via the River Garra and subsequently the River Dee. However, the hydrological connection to the Dundalk Bay sites is indirect and weak. Intervening land use and the separation distance of c. 20km means that water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities, if such an event were to occur due to dilution and settling out over such a distance. The

construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area.

From an operational perspective, the development would be connected to all public utilities and all surface water run-off would be attenuated on-site prior to discharge to the adjoining river. Condition 17 on the Planning Authority's decision required the submission of a revised surface water management proposal, noting that the proposed attenuation system is located in a trafficable area and does not achieve acceptable separation distances from foundations. I recommend that a similar condition is attached to a grant of permission, if one is forthcoming. As above, the hydrological connections are indirect and weak and the separation distance is significant, such that there is no real likelihood of any significant effects on European Sites in the wider catchment area.

In terms of cumulative impact, there are no extant permissions within the vicinity of the site.

On the basis of the above, and by virtue of the distance between the site and the Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455), I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.