



An
Bord
Pleanála

Inspector's Report

ABP-321491-24

Development

Development will consist of the construction of 49 residential dwellings comprising 33 houses and 16 apartments/duplexes and all ancillary works. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

Location

Townland of Donacarnev Great and Betaghstown, as well as along Pilltown Road and the 'Narrowways', Bettystown Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

2460334

Applicant(s)

Greenwalk Homes Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

As Above

Observer(s)

1. Tom and Karina Keogh

2. Michael and Eilish Craig

Date of Site Inspection

18th March 2025.

Inspector

Kenneth Moloney

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	9
3.1. Planning Authority Reports	10
3.2. Prescribed Bodies	13
3.3. Third Party Observations	13
4.0 Planning History.....	13
5.0 Policy Context.....	14
5.1. National Planning Context.....	14
5.3. Meath County Development Plan, 2021 – 2027, (as varied).....	17
5.4. Natural Heritage Designations	20
6.0 EIA Screening.....	20
7.0 The Appeal	21
7.1. Grounds of Appeal	21
7.2. Planning Authority Response.....	26
8.0 Observations.....	26
9.0 Assessment	28
10.0 Material Contravention	48
11.0 Appropriate Assessment	51
12.0 New Issue.....	52
13.0 Recommendation	52
14.0 Reasons and Considerations.....	52

Form 3 - EIA Screening Determination.....	80
Appendix 1 – Appropriate Assessment Screening	
Appendix 2 – Appropriate Assessment	
Appendix 3 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The appeal site is located on the western edge of Bettystown, Co. Meath, approximately 1.7km from the town centre.
- 1.2. The subject site comprises of two fields, situated between two established suburban housing developments, and overall, the appeal site measures approximately 1.48 ha in size.
- 1.3. The smaller field to the front adjoins Pilltown Road and a larger field immediately to the north extends to the site boundary to the west adjoining further agricultural fields. The gradient of the appeal site slopes gently downwards from the north-west towards the public road (Pilltown Road).
- 1.4. The application site also extends from the site access point along Pilltown Road going east before turning down the Narrowways Road linking up with existing footpath at this location.
- 1.5. Draycott Lodge, an established housing development is situated to the immediate south of the appeal site comprises of two-storey detached dwellings. The railway line adjoins the south western boundary of Draycott Lodge.
- 1.6. The existing residential development located to the immediate north of the appeal site is Whitefield Manor, a suburban housing development comprising of two-storey dwellings.
- 1.7. The appeal site is adjoined by individual houses on their own sites to the immediate east and along Pilltown Road. Pilltown Road provides access from the appeal site towards Bettystown and the immediate context of the appeal site is characterised by houses on individual sites.
- 1.8. A drainage channel runs through the site along its eastern boundary. There is a medium voltage overhead power line traversing the site in a south to north direction.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development:
 - Construction of 49 no. residential dwellings comprising: 33 no. houses and 16 no. apartments/duplex apartments in 1 no. 3 storey building.

- Vehicular/pedestrian access from the Pilltown Road.
- Public open space in a series of spaces as well as outdoor play area and landscaped planting.
- Ancillary works to facilitate the development, including the upgrade of the foul wastewater pipe (for c.80m) along the Pilltown Road.
- New public footpath to extend from Draycott Lodge footpath, along the front of the proposed site down Pilltown Road and turning right up the Narrowways Road to meet existing footpath.

2.2. Table 1 below provides a breakdown of residential units proposed.

	<u>1-bed unit</u>	<u>2-bed unit</u>	<u>3-bed unit</u>	<u>4-bed unit</u>	Total	Overall Mix
Houses	0	0	31	2	33	67%
Apartments	8	0	8	0	16	33%
Overall Mix	16%	0%	80%	4%	49	

- 2.3. The proposed 3-bedroom houses range in floor area from c. 109 m² to c. 117 m², and the proposed 4-bedroom units have a floor area of approximately 125 m². The proposed houses are predominately two-storey terraced units, with the exception of a single detached two-storey unit.
- 2.4. The proposed 16 no. apartments are contained in single 3-storey block adjacent to the western boundary of the development site. The ground floor units comprising of 1-bed room apartments have floor areas of c. 53.8 m² for the mid terrace units and 55.5 m² for the end of terrace units. The 3-bedroom mid-terrace duplex units have floor areas of approximately 120 m², and the two end of terrace units have floor areas of approximately 126 m².
- 2.5. The proposed unit types and bedspaces is summarised in the Table 2 below.
- 2.6. Table 2 'Unit Types and Bedspaces'

Unit Type B/ P	1 bed/ 2P	3 bed/ 5P	4 bed/ 6P	Total
Houses		31	2	33
Duplexes		8		8
Apartments	8			8
Unit Type Total	8	39	2	49
Total Bedspaces	16	195	12	223

2.7. The proposed public open space provision consists of three separate parcels within the site measuring approximately 15.4% (0.215 ha) of the site area. The proposal also includes communal open space provision of 520 m² for the proposed apartments.

2.8. Proposed car parking provision is illustrated in Table 3 below.

	Units	Ratio per unit	Spaces
Houses	33	2	66
1-bed Apartment	8	1	8
3-bed Apartment	8	2	16
Visitor Spaces		1 (per 4 apartments)	4
Total	49		94

2.9. Bicycle storage for 32 no. spaces is provided to the immediate north and south of the proposed apartment building.

2.10. The external finishes of the proposed houses and apartment block include select brick, uPVC or timber framed windows, and fibre cement roof slates.

2.11. The proposed development will be served by public water mains and public foul sewer.

2.12. The application is accompanied by the following documentation:

- Engineering Services Report
- Outline Construction & Environmental Management Plan

- Site Specific Flood Risk Assessment
- Traffic & Transport Statement
- Resource Waste Management Plan
- Road Safety Audit Response
- Urban Design Statement
- Building Lifecycle Report
- Housing Quality Assessment
- Landscape Design Statement
- AA Screening Report and NIS
- Ecological Impact Assessment
- Outdoor Lighting Report
- EIA Screening Report
- Noise report

2.13. Additional information was submitted (dated 17th September 2024) in response to PA request. The FI response did not significant amendments to application. The FI response included proposals to address flood risk by upgrading the culverts outside of the application site boundary, along the Pilltown Road, and the proposals include pipeline upgrade to replace the existing 300 mm pipe under the road (Pilltown Road) and replace at its current location with a system of 3 x 450mm pipes.

2.14. The first party appeal submission (dated 17th December 2024) includes an amendment to the site layout drawing to facilitate a revised agricultural access to the agricultural lands to the immediate west of the development. The revised agricultural entrance is situated to the south of the proposed apartment block and necessitates a revised site layout. Revised site layout results in the loss of 4 no. duplex units and 190 sq. m. of communal open space, reducing the density in the proposed development to 31 uph, from 35 uph. The alternative agricultural route is contained in drawing no. 2318 PA 1001.

3.0 Planning Authority Decision

The Planning Authority decided to **refuse** permission for the following reasons.

1. Having regard to the nature of the proposed residential development in combination with the proposed agricultural access proposed as part of the scheme, the proposed development would result in heavy agricultural traffic passing through a residential area and would endanger public safety by reason of traffic hazard. The proposed development would materially contravene Policy SH POL 10 of the Meath County Development Plan which states “To require that applications for residential development take an integrated and balanced approach to movement, place making, and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTS and DECLG (2013 and updated in 2019).” The proposed development would set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.
2. It is the policy of the Meath County Council Development Plan 2021-2027 (as varied) 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 (Policy 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 (Policy INF POL 20)

Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not potentially increase flood risk elsewhere and would consequently not satisfy item 2(i) and item 2(ii) of the

development management Justification Test as set out in “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009).

The proposed development, if permitted, would be contrary to the aforementioned Ministerial Guidelines which have been issued under Section 28 of the Planning and Development Act 2000-2022 and would materially contravene policies INF POL 18 and INF POL 20 of the Meath County Development Plan 2021-2027 (as varied), and by itself and by the undesirable precedent it would set, would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. The Planning Officer’s report dated 24th June 2024, notes the following.

- Majority of site zoned A2 ‘New Residential’. Proposal considered acceptable in principle.
- Proposal can be accommodated within core strategy provisions within the life of the MCDP.
- Design, sitting, layout, scale and residential amenities considered acceptable.
- Access issues, including proposed access to adjacent agricultural lands, footpath connectivity and bicycle storage needs clarification.
- SSFRA not sufficiently detailed and FI required.
- Appropriate mitigation measures implemented during the construction and operational stages of development will not have a significant effect upon any qualifying features, and therefore the integrity, of the Natura 2000 sites connected with the site.
- EIS/EIAR not required.

3.1.2. The Planning Officer's report recommends that the following be addressed by way of further information; (1) demonstrate how access to the remaining agricultural lands will be provided, clarify footpath connectivity throughout the development and bicycle storage details, (2) address public lighting plan. (3) submit a revised SSFRA that

includes a detailed and thorough assessment of the existing watercourses and drainage ditches to address flood risk concerns. (4) surface water drainage details. (5) Elevations and plans for the proposed bin storage to ensure adequate ventilation and drainage. (6) Address third party submissions received. (7) Advisory: new statutory notices maybe required in accordance with S. 34(8) of the P&D Act. Consult with PA.

- 3.1.3. The Planning Officer's second report dated 18th November 2024 assesses the further information received. The PA, having regard to the FI submitted, recommends that permission be refused.

In relation to FI **Item 1**, the PA report considers the applicant has not adequately addressed the access concerns in relation to adjacent agricultural land. The PA considers the applicant's response for access to the agricultural land through the proposed development site is a traffic hazard. PA has concerns in relation to the response for footpath connectivity and bicycle storage.

In relation to FI **Item 2** the PA accepts the revision to P4 lighting class and the amended lighting proposals adjacent to the duplex units and the bin storage.

The PA notes in relation to **Item 3** that the applicant has not assessed fluvial flood risk from the Pilltown watercourse (on the Pilltown Road) which contributes to the historic flooding on the Pilltown Road at the Pilltown bridge and at the entrance to the subject site, and further the PA considers that the existing surface water system, although defective, may act as a constraint to surface water runoff from the site and by removing the existing constraint and increasing flows into the downstream watercourse, there could be an increase of flood risk to downstream receptors during a critical flood event. The submitted SSFRA has not assessed this potential increase in flood risk further downstream, and permission cannot be granted.

In respect of **Item 4** the PA considers the response to surface water drainage is acceptable.

In relation to **Item 5**, the PA considers that the submitted elevations and plans illustrating the proposed bin storage and associated ventilation, and drainage is acceptable.

The PA notes the response by the applicant in relation to third party submissions and the applicant has addressed **Item 6**.

In respect of **Item 7** the PA considers that the response to the request for Further Information did not contain significant additional information and therefore, there was no requirement to re-advertise

3.1.4. **Other Technical Reports**

Environmental Waste Section: The report confirms no objections to the proposed development subject to construction and operational conditions.

Environmental Flooding – Surface Water Section: Additional information sought to address flood risk concerns in relation to the subject site and also to address surface water drainage. The **second report** recommends refusal as applicant has not assessed fluvial flood risk from the Pilltown watercourse (on the Pilltown Road) which contributes to the historic flooding of the Pilltown Road at the Pilltown bridge and at the entrance to the subject site. The submitted SSFRA has not assessed this potential increase in flood risk further downstream, and permission cannot be granted.

In relation to surface water drainage the applicant's response is considered acceptable and should permission be granted conditions are recommended.

Transportation Department: Additional information is sought to address access for remaining agricultural lands, clarify footpath connectivity throughout the development and bicycle storage details. The **second report** considers that the issue in relation to the agricultural access is not addressed and the development as proposed would result in heavy agricultural traffic passing through a residential area creating a traffic hazard and should not be permitted.

Housing Section: Part V to be met by the delivery of units on the site.

Public Lighting Section: Additional information sought to address public lighting plan. The **second report** confirms the amended public lighting plan is satisfactory.

3.2. Prescribed Bodies

- 3.2.1. **HSE:** Recommended that applicant agrees with PA on energy saving proposals, water recycling and conservation measures. Ventilation and drainage proposals for the proposed bin storage to be agreed.
- 3.2.2. **Iarnrod Eireann:** No objections. The construction traffic management plan shall ensure safe vehicular movements under the nearby railway bridge.
- 3.2.3. **Uisce Eireann:** No objections. Development shall be the subject of a connection agreement.

3.3. Third Party Observations

A total of 5 no. observations received during the course of the planning application. The issues raised can be summarised as follows:

- Inadequate footpath provision from proposed development to Bettystown Cross.
- Loss of residential amenities due to loss of light, heat, privacy and overshadowing impacts.
- Boundary treatment needs addressing.
- Flood risk concerns.
- Security concerns for established residential properties.
- Proposed potential access to Whitefield Manor will have adverse impacts on children's play area, safety, parking and loss of green space.
- Appropriate Assessment is required as development is located within a Zone of Influence of SAC.

4.0 Planning History

On-site

- None

Adjacent Site

- ABP Ref. 320164 – This relates to Railway Order Application which is currently before Board for DART + Coastal North Railway Order 2024 - Northern Line between Dublin City Centre and Drogheda including the Howth Branch. In relation to Pilltown and the appeal site the works relate to the decommissioning and removal of existing overhead medium voltage power lines to accommodate the electrification works, with associated underground diversion.

5.0 Policy Context

5.1. National Planning Context

5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high quality urban places), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

5.1.2. Climate Action Plan 2025

Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector.

5.1.3. Section 28 Ministerial Planning Guidelines

Several national planning guidelines are applicable to the proposed development (increased residential densities and achievement of certain standards for apartment and duplex development). The relevant guidelines include the following:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:

- Section 3.3.3: contains Table 3.5 which defines categories of urban areas within 'Key Town / Large Town – Suburban/Urban Extension' are areas comprised of low-density car orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential development. Densities in the range of 35dph-50dph should be applied to such locations.
- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
 - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations.
 - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).

- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
 - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-3 bedroom units), SPPR 4 (50% to be dual aspect units in intermediate/ suburban areas), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height), and SPPR 6 (maximum of 12 apartments per floor level per core).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines). Applicable policy for the proposed development includes: Table 3.1 which provides a classification of vulnerability of different types of development (e.g. residential as highly vulnerable).

5.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)**

- The RSES supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. It advocates sustainable consolidated growth, including brownfield and infill development.

5.3. Meath County Development Plan, 2021 – 2027, (as varied)¹

- 5.3.1. The subject site is primarily zoned '**Z2 New Residential**'. The stated objective for such lands is: *"to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate"*.
- 5.3.2. Section 11.14.6 of the Development Plan also states that 'Z2 Zone' is the primary zone to accommodate new residential development. However, the MCDP (as varied) notes that whilst the residential zoned lands are primarily intended for residential accommodation, these lands may also include other uses that would support the establishment of residential communities.
- 5.3.3. A smaller portion of the appeal site, situated to the south and adjoining the public road, is zoned '**A1 Existing Residential**' with the objective to *'protect and enhance the amenity and character of existing residential communities'*.
- 5.3.4. Chapter 3 'Settlement and Housing Strategy' advises that key attributes of the settlement strategy are the strengthening of urban structures with the achievement of compact growth and a sense of place. Bettystown is identified as a Self-Sustaining Town (Tier 4) in the county settlement strategy where a key feature of future development is more moderate growth with a focus on the delivery of social and physical infrastructure in tandem with residential development. Section 3.8.9 refers to design criteria for residential development and includes guidance on the creation of attractive urban environments. Section 3.8.10 advocates higher densities in achieving compact sustainable development.
- 5.3.5. The following policies are relevant to the proposed development.
- SH POL 3 – Permeability
 - SH POL 4 – Range of Dwelling Types
 - SH POL 8 – Public / Private Open Space Provision
 - SH POL 9 – Residential Densities
 - SH POL 10 states as follows;

¹ Variation No. 1 and Variation No. 2 to the Meath County Development Plan 2021-2027, was adopted on the 13th of May, 2024. Variation No. 3 to the Meath County Development Plan 2021-2027, was adopted on the 27th January 2025.

“To require that applications for residential development take an integrated and balanced approach to movement, place making, and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTS and DECLG (2013 and updated in 2019)”.

Other relevant policies include;

- SH POL 11 – Energy Efficiency Development
- SH POL 13 – Compliance with Development Standards

5.3.6. Chapter 5 ‘Movement Strategy’ advises it is an objective to create attractive efficient compact settlements which reduce the need to travel and improve the quality of life for inhabitants by clustering of development coupled with improvements in street layouts and design. The following policies are relevant to the proposed development.

- MOV POL 1 – Sustainable Compact Settlements
- MOV POL 2 – Higher Densities on Public Transport Corridors

5.3.7. Chapter 6 ‘Infrastructure Strategy’. The following policy and objective are relevant to the proposed development.

- INF POL 18 states as follows;

“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 – states as follows;

“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”.

Other relevant policy includes;

- INF OBJ 21 – Inappropriate Development on Floodplains

- 5.3.8. Chapter 11 ‘Development Management Standards’. Section 11.5.1 sets out the development management standards for residential development including guidance on density, dwelling size and mix, separation distances, open space provision, boundary treatments and apartments. Section 9 includes recommended standards for car and cycle parking.
- 5.3.9. The following policies and objectives are relevant to the proposed development.
- DM POL 4 – Compliance with Compact Settlements Guidelines 2024.
 - DM POL 5 – Sustainable Development (Range of Densities)
 - DM OBJ 18 / 19 – Minimum Separation Distances
 - DM POL 6 – Mix of Unit Typologies
 - DM POL 9 – Retention of Field Boundaries
 - DM POL 14 – Apartments demonstrate compliance with Sustainable Urban Housing Guidelines²
- 5.3.10. Volume 2 – ‘Written Statement for Settlements – Bettystown-Laytown-Mornington East and Donacarney (East Meath)’.
- 5.3.11. The Plan advises that the settlement has developed as a commuter settlement, with population growth taking place in the absence of any significant employment growth.
- 5.3.12. Social and community infrastructure has also failed to keep pace with the rapid increase in population. Section 3 advises on the vision for the settlement as follows:
- ‘To support and encourage the consolidation of the East Meath settlements and facilitate greater connectivity between the settlements and support the provision of additional social and community infrastructure and improvements to the urban environment, whilst protecting and promoting the tourism sector and reinforcing the role and function of the redefined town centre in Bettystown’*
- 5.3.13. The Development Strategy (Section 4) advises that the residential development will focus on consolidation.
- 5.3.14. The following policy and objectives are relevant to the proposed development.

² Sustainable Urban Housing: Design Standards for New Apartments (2023)

- BLMD POL 1 - Sustainable Residential Growth
- BLMD OBJ 1 – Settlement Consolidation
- BLMD OBJ 11 – Promote Sustainable Transport
- BLMD OBJ 15 – Flood Risk Management

5.4. **Natural Heritage Designations**

- Boyne Coast and Estuary SAC (Site Code 001957) 1.5km north
- River Boyne and River Blackwater SAC (Site Code 002299) 3.1km north
- Boyne Estuary SPA (Site Code 004080) 2.5km north
- River Boyne and River Blackwater SPA (Site Code 004232) 8.5km northeast
- Clogher Head SAC (Site Code 001459) 10.1km north
- North-West Irish Sea SPA (Site Code 004236) 1.5km east
- River Nanny and Shore SPA (Site Code 004158) 2.1km south

6.0 **EIA Screening**

6.1. EIA pre-screening and an EIA screening determination included in Appendix 3 and 4 of this Report.

6.2. The EIA Screening Determination concludes that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required. This conclusion is based on regard being had to that having:

1. the criteria set out in Schedule 7, in particular
 - a. the limited nature and scale of the proposed development, which is below the threshold in respect of Class 10 'Infrastructure projects', as set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, specifically, and (b) (i) construction of more than 500 dwelling units, and (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
 - b. the absence of any significant environmental sensitivity in the vicinity.

- c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).
 2. the results of other relevant assessments of the effects on the environment submitted by the applicants
 3. the features and measures proposed by applicants envisaged to avoid or prevent what might otherwise have been significant effects on the environment.
- 6.3. The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal may be summarised as follows.

Refusal Reason no. 1

Response to F.I.

- Proposed road layout and network as assessed under Stage 1/2 RSA deemed safe and compliant with DMURS.
- Proposal is consistent with Policy SH POL 10.
- Traffic and Transport Assessment submitted with application concluded development can be supported by existing road infrastructure. Car parking consistent with PA standards.
- No alternative access available to agricultural lands.
- Agricultural Access Management Plan prepared by CS Consulting Engineers responds to FI request no. 1.
- Proposed access will not impede residents' safety or cause traffic hazard.
- No polices in development plan precludes dual access.

- Applicant's Traffic Consultants³ auto tracked a combine harvester using the internal road within the site and it can be appropriately accommodated.

Peer Review

- Original peer review for agriculture access was conservative as included the combine harvester header which is usually towed to site. Main difference is the reduction in overall width and increase in length as a result of the trailer.
- Management Company will maintain cleanliness of internal road of residential estate. Proposals include the provision of wheel wash facility on site.
- Banksman employed on days of access and will oversee management of access.
- The auto-track analysis identified two areas of concern.
 - An oversail to a landscape area and is addressed by altering the swept path of the combine.
 - The original access had a 4.5m kerb radius now updated to 6.0m which is DMURS compliant.
- Having regard to the size of the agricultural lands (25 ha) and the limited access required of 6/7 days per year, the agriculture entrance can be safely managed.
- The minor amendment to site layout submitted with FI response, and revised agricultural access, submitted with appeal submission, passing fewer homes, address PA's refusal reason.
- The location of the entrance for Option 1 or Option 2 would not endanger public safety by reason of traffic hazard.

Relevant Precedents

- There is an established precedent in Bettystown at Castlemartin estate where an agricultural access passes through an existing residential development.

³ CS Consulting Group

- Council did not raise any concerns in relation to LA Ref. LB170428 in respect of Seoid na Tra development. Development forms a precedent with no 3rd party objections.
- ABP overruled MCC in appeal ref. 317754 in relation to a refusal reason of the proposed development not providing a separate access for agricultural lands to the east. The Board's Inspector was satisfied the location of the agricultural entrance would not endanger public safety by reason of traffic hazard and Board's Order concurred.
- Other precedents include Kilternan and Portrane, and Bettystown.
- A separate agricultural access route would be detrimental to the overall high quality and sustainable design of the scheme.

Revised Layout

- Board is recommended to grant permission with condition to upgrade entrance to 6m from 5.5m for agricultural entrance to the north or revised site layout with alternative route to the south.
- Revised site layout with alternative route to the south of the duplex block will have minimum visual impact and is appropriately segregated through appropriate landscape treatments.
- Revised site layout results in the loss of 4 no. duplex units and 190 sq. m. of communal open space, reducing the density to 31 uph, from 35 uph. Density still within the Compact Settlement Guidelines density range of 30-50 uph.
- Northern link road to be retained for future access to landbank.

Refusal Reason no. 2

Flood Risk

- SSFRA confirms no flood risk relating to the residential portion of the site. Proposed development is not located in a flood risk zone.
- PA's main concern is the perceived risk of flooding resulting from the upgraded 3 no. culverts along Piltown Road to lands adjoining the caravan park site, over 1.5km from the site.

Meath County Development Plan

- S. 6.10.2 of MCDP & Policies INF POL 18 to 29 / objectives 20 to 28 address flood risk. SFRA for CDP (Vol. 4) confirms risk of fluvial, pluvial and groundwater flooding to the north and east of development site.

Response to minor flooding

- Condition of the surface water infrastructure and lack of maintenance is the primary reason for the minor flooding along Pilltown Road.
- Applicant to repair / replace and upgrade the existing culvert along a section of Pilltown Road.
- Applicant's hydraulic modelling of the proposed upgrade to existing culvert confirms no increase in flows arising. The flood mitigation measure includes a stormwater system with associated attenuation system reducing peak outfall from the site.
- Applicant confirms there is no attenuation along Pilltown Road that would slow surface water overflows onto Pilltown Road and back into Pilltown Drain. The current condition of the existing stormwater drains will be addressed with upgrade of culvert.
- The flooding along Pilltown Road is less than 50mm of standing water which allows safe access and egress of emergency vehicles and will not result in no displacement of water.
- PA's reason for refusal does not refer to the final proposed surface water management system which is designed to allow greenfield run off rates and capable of meeting requisite standards required by PA.
- The alternative site plan has increased the open space in the centre of the development allowing for the insertion of additional storm water storage and reducing outfall from the site.
- The water services report submits that in the event of a grant of permission, planning conditions addressing the GDSDS policies and code of practice to be addressed.

- Applicant is satisfied to comply with conditions recommended by the Water Services Report.

Justification Test

- JT Part 1: Site is located outside Flood Zone A and Flood Zone B. Site passed Part 1 of the relevant Development Management JT.
- JT Part 2(i): Run-off will not be increased compared to the existing scenario.
- Proposed surface water management system designed to allow greenfield run off rates ensures development will not increase flood risk in the catchment and not increase inundation onto Pilltown Road.
- The development site is in Flood Zone C based on historic flood events.
- The source of this inundation is from direct rainfall along Pilltown Road and surcharging of the existing culvert system. The culvert system currently receives runoff from the site and immediate surrounding lands.
- Applicant proposes to remediate a section of this culvert system by replacing part of the culvert system with 3no. 450mm culverts in parallel.
- Revised site layout includes additional stormwater storage. Hydraulic modelling confirms increase in capacity will not lead to an increase in peak surface water runoff from the site post development condition.
- JT Part 2(ii): No attenuation along Piltown Road that would slow surface water overflows onto Pilltown Road and back into Pilltown drain.
- The residential properties include freeboard of 0.6m from FFL. Sufficient freeboard has been set over the likely flood levels along Piltown Road.
- JT Part 2(iii): FFL will ensure site is protected if blockage of culvert system occurs along Piltown Road.
- JT Part 2(iv): Development design in accordance with DMURS and SuDS measures consistent with s. 28 guidelines.
- Applicant's SSFRA confirms from the sources 'Eastern CFRAM fluvial' and 'Coastal Flood Maps', the proposed site is not at risk from fluvial or coastal flooding.

- Site well drained and has a natural fall towards Piltown Road where levels fall.
- The drainage channels around the perimeter of the site will be retained following the construction of the development and continue to serve the wider lands, to the northwest of the development site.

Policy INF POL 18

- Proposal does not materially contravene this policy. Site is located outside of Flood Zone A & B as such the development has passed the relevant JT.
- Proposed development satisfies item 2(i) and item 2(ii) of the Development Management JT.

Policy INF POL 20

- SSFRA, in compliance with this policy, confirming residential development is not in an area of flood risk and development will not result in increasing flood risk elsewhere.

7.2. Planning Authority Response

The Planning Authority response considers that the appeal grounds have been addressed in Executive Planner's reports and associated technical reports prepared by internal departments of the PA during the course of the application. The Board are advised to refer to these reports.

8.0 Observations

2 no. observations were received. The issues raised in the observations are summarised as follows.

Tom and Karina Keogh

- Piltown Road from subject site to Bettystown Cross subject to severe flooding on an ongoing basis. Applicant's proposed solution will not address the situation and will result in further flooding from this elevated site.
- Residents' safety from farm vehicles, accessing through the site, has not been addressed.

- There is no agricultural entrance through Seoid Na Tra residential estate, as the agricultural entrance is fully sealed off, accordingly Seoid Na Tra is not a precedent.
- Proposed house no. 14 will cause adverse impacts on observers' residential property, including loss of light, heat, privacy and overlooking. No.s 15 – 19 will also have adverse impacts on established residential amenities.
- The shadow analysis has not addressed negative effects on the patio area and living area after 5:30pm.
- The existing large tree is situated in the northwest position of garden and does not interfere with light to patio or house.
- Suggested solution to develop this row of proposed houses (no. 7 to no. 14) as single storey dwellings.
- A suggested amendment to reduce overshadowing and address agricultural access is to route the agricultural access along the eastern boundary of the appeal site adjacent to Whitefield Manor.
- A solid block boundary wall is requested along the observer's property, similar to existing boundary treatment with Whitefield Manor.
- A fully lit public footpath is required from the subject development to Bettystown Cross.

Michael and Eilish Craig

- Serious concerns in relation to flooding, particularly under the bridge. Grounds of the observer's property previously flooded.
- Separation distances between dwellings is less than 22m.
- The location of the public open space to the southwest of the proposed development will give rise to security concerns.
- Traffic intensification concerns on a road with limited capacity.
- Public footpath details submitted with further information response are unsatisfactory.

- Clarification required in relation to boundary treatments adjacent to residential property.
- No consultation from the developer regarding the proposed development.

9.0 **Assessment**

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Flood Risk
- Traffic
- Integrated Urban Design and Agriculture Access
- Residential Amenities
- Other Matters

9.1. **Principle of Development**

9.1.1. Zoning

The primary land use zoning objective on the appeal site, in accordance with the MCDP, 2021 – 2027, (as varied) is ‘A2 New Residential’ with the objective to

‘provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate’.

- 9.1.2. A smaller portion of the appeal site, situated to the south of the development site and adjoining the public road, is zoned ‘A1 Existing Residential’ with the objective to

‘protect and enhance the amenity and character of existing residential communities’.

- 9.1.3. The Plan notes that the A2 Zone is the primary zone ‘to accommodate new residential development’ and that the A1 Zone are ‘established residential areas’.

The proposed development of 49 no. residential units are 'permissible uses' within Zones A1 and A2 and, accordingly, I am satisfied that the proposed development is consistent in principle with zoning provisions of the current Development Plan, as varied.

9.1.4. Density and Scale

The net density of c. 35 dwellings per hectare for the proposed development is consistent with Section 11.5.3 'Density' of the MCDP, 2021 – 2017, as varied, which recommends a density of 30 – 50 units per hectare in areas of suburban / urban extension within Key Towns and Large Towns (5000+ population). I would note that the Compact Settlement Guidelines, 2024, recommend a density range of 30-50 dwellings per hectare in suburban / urban extensions of Large Towns. The revised proposal reduces the density from 35 uph to 31 uph, which is still consistent with the MCDP, as varied, and the Compact Settlement Guidelines, 2024.

9.1.5. The proposed development consisting of a total of 33 no. housing units and 16 duplex units is suburban in scale and is consistent with both the plot ratio and site coverage requirements of the MCDP, 2021 – 2027, (as varied). The proposed site coverage is less than 80% which is consistent with DM OBJ 16 of the development plan, and the plot ratio for the proposed development is 1.0 which is consistent with DM OBJ 15 of the MCDP, 2021 – 2027, as varied.

9.1.6. I am therefore satisfied that the proposed development is consistent in principle with the current Development Plan provisions in respect of density and scale.

9.2. **Flood Risk**

9.2.1. Introduction

The Strategic Flood Risk Assessment, which accompanied the Meath County Development Plan, 2021 – 2027, (as varied) confirms that the appeal site is not located in an area of Flood Zone A or Flood Zone B. The PA⁴ acknowledges that the probability of flooding on the appeal site is less than 0.1% and therefore at low risk of flooding as such the site is situated in Flood Zone C, based on the PA's MapInfo flood mapping and the OPW CFRAMS and NIFM flood mapping. The Planning

⁴ Environmental Flood – Surface Water Section Planning Report (dated 1st July 2024)

System and Flood Risk Management, Guidelines for Planning Authorities (2009) confirms that residential development is a 'highly vulnerable development', and that residential is appropriate development within Flood Zone C.

- 9.2.2. I can confirm, based on the documentation on the file and my site assessment, that the existing drainage regime in the surrounding area of the appeal site is managed by a series of open drains that run along Pilltown Road. There is an open drain running along the southern internal field boundary of the appeal site and flows in an easterly direction towards Pilltown Road.
- 9.2.3. There is a culvert system near the southern section of the appeal site along the site boundary with the adjacent residential development to allow local access. The site drainage system ultimately connects to a culvert system that runs parallel to Pilltown Road along its northern verge before connecting to an open channel on the southern side of the Pilltown Road, and ultimately drains to the Mornington River, further downstream.
- 9.2.4. Furthermore, I would note from the documentation on the file that the Pilltown Stream runs parallel to the Pilltown Road, on its southern verge. The open drains on the northern verge of the Pilltown Road, that drain the appeal site, flow into the Pilltown Stream approximately 15-20 metres north of the Pilltown Road / Narrowways junction.
- 9.2.5. Flood Risk Issue

The PA's Environment Section Report (dated 01/07/24) raised concerns in relation to the flooding on the public road (Pilltown Road) adjacent to the subject site which was not addressed in the applicant's submitted Site-Specific Flood Risk Assessment which accompanied the planning application. Although, as referred to in paragraph 9.2.1. above, the subject site is situated in Flood Zone C, the PA is specifically concerned with a recurring flood event that floods the public road adjacent to the subject site which has the potential to place the subject site and proposed access road in Flood Zone A or B or both. The Flooding Guidelines (2009) recommend that residential development located in either Flood Zone A or Flood Zone B would require a Justification Test.

- 9.2.6. I would note that the local topography as illustrated in Figure 2-6 'Topographical Survey'⁵ indicates a natural fall in levels along Pilltown Road in a north-easterly direction which would facilitate surface water flow along the public road and away from the development site. The applicant's Topographical Survey indicates levels of 16.04m OD on the development site adjacent to the drainage channel, and a level of 14.20m OD along Pilltown Road adjacent to the proposed site entrance. These site levels are consistent with the Existing Site Survey (drawing no. 2318 P 1010) which accompanied the application.
- 9.2.7. Therefore, having regard to the local topography and concerns raised by the PA, the main area of flood risk concern is the access / egress to the development site, which has historically resulted in flooding. Furthermore, flooding at this location has resulted in a surcharge to the surface water system with consequential impacts on the downstream surface water system along Pilltown Road. The observers have also raised concerns with flooding along Pilltown Road.
- 9.2.8. Therefore, the primary flood risk concern is that the development as proposed, having regard to historic flooding adjacent to the site entrance and downstream of the Pilltown Stream, would contribute to this flood risk.
- 9.2.9. Proposed Solutions
- The applicant submitted flood mitigation measures as part of their response to a further information request. The applicant's flood mitigation measures include the provision of attenuation tanks to slow surface water flow from the proposed development. The proposed attenuation storage volume within the proposed development is provided by two detention basins, detention basin 1 offering 54.32 m³ capacity for lower frequency storms, while basin 2 provides 240.17 m³ and 107.25 m³ capacity for storms.
- 9.2.10. I would note that the applicant argues that without attenuation the floodwaters from the development site would flow overland (downslope) and directly inundate Pilltown Road and subsequently discharge to Pilltown stream, whereas the proposed attenuation tanks will control surface water flow from the development site, and thereby mitigate flood risk further downstream.

⁵ Additional Information – Flood Risk Consulting. JBA Consulting.

9.2.11. In addition, the applicant proposes to install three 450mm culverts in the existing ditch to the south of the development site and upgrade culverts on the northern side of Pilltown Road by replacing outdated 450mm diameter pipes with three 450mm diameter pipes. Figure 4-1 'Proposed Upgrade Works to Existing Storm Drains Along Pilltown Road' of the applicant's FI response⁶ illustrates the proposed culvert upgrade measures to address the PA's flooding concerns. I would note that the proposed 3 no. 450mm culverts to replace the existing ditch are located within the applicant's site boundary whereas the proposed replacement pipes, further along Pilltown Road, are outside of the applicant's site boundary.

9.2.12. The applicant submits that the current blockage, identified by CCTV survey, within the existing culverts along the northern side of the Pilltown Road will be removed or significantly reduced due to the proposed culvert upgrade and thereby relieve overflow into the Pilltown Road. Notwithstanding the PA raised a concern that the proposed installation of culverts would increase flows downstream.

9.2.13. I would note that hydraulic modelling, undertaken by JBA Consulting for the first party as part of the FI stage, of the proposed three 450mm diameter culvert upgrade confirms no increase in flows arising. In summary, the hydraulic modelling submits, as follows.

- The existing culvert only conveys surface water from the site and a number of surrounding fields. Catchment area is indicated in Figure B-1.
- Hydraulic model has been built on the existing culvert system to confirm the risk of inundation from the system.
- The Modified Rational Model was selected as the most appropriate system for the hydrology system.
- Results from modelling in scenario 1 (existing situation) confirm that the system will overtop onto lower Pilltown Road during a 50% AEP flood event. The flood model assumes that all culverts have 100% capacity and do not reflect the existing damaged/blocked condition recorded in the applicant's CCTV survey.

⁶ Additional Information – Flood Risk Consulting. JBA Consulting

- Results from modelling in scenario 2 (proposed situation), which includes main mitigation measures, i.e. the provision of 3 no. 450m culverts along Piltown Road, confirms that the culvert is utilising 58% of the available capacity during the 1% AEP event.

- 9.2.14. The hydraulic modelling results confirm that the 3no. 450mm culverts have the capacity to convey the predicted 1% AEP (100-year) flood event. Therefore, having regard to the proposed attenuation system on the site which will control outflow of surface water from the development site, the applicant submits that the increase in capacity by removing the current constraints within existing culverts and providing for culvert upgrade, will not lead to an increase in flood flows downstream. This therefore counters the PA's argument that removing the existing constraints within the culvert system and increasing flows into the downstream watercourse, would result in increase of flood risk to downstream receptors during a critical flood event.
- 9.2.15. Although I would accept that the submitted hydraulic modelling has demonstrated that the proposed culvert has sufficient capacity to accommodate flow from the development, having regard to the proposed attenuation system, I would have concerns with the identified catchment area used for the hydraulic modelling, having regard to the PA's concerns for historic flooding locally, and adjacent to the development site entrance. I will consider this further below in paragraphs 9.3.19 - 9.3.21 inclusive.
- 9.2.16. Further to the proposed attenuation measures the alternative site plan submitted with the appeal submission provides an alternative agricultural access route to the agricultural lands to the west. The alternative site plan provides for increased quantum of open space in the centre of the development. This increased open space provision allows for the insertion of additional storm water storage allowing further reduced outfall from the site.
- 9.2.17. The minimum FFL for the proposed residential development provides for a freeboard of approximately 0.6m above corresponding road levels. In addition, a minimum threshold of 150mm is provided from the residential hardstanding area to protect the site from pluvial flooding.
- 9.2.18. Flood Risk Impacts

I would note that the PA's Environment Section Report (dated 18/11/2024) considers that the existing surface water system on Pilltown Road, although defective, acts as a constraint and by removing the existing constraint and increasing flows into the downstream watercourse, could increase flood risk to downstream receptors during a critical flood event. The PA considers that the applicant has not adequately assessed the potential increase in flood risk further downstream nor addressed or assessed fluvial flood risk from the Pilltown watercourse which contributes to historic flooding at the entrance to the site.

- 9.2.19. I would have concerns with the submitted hydraulic modelling based on the catchment area as indicated in Figure B-1⁷. The catchment area which is approximately 11 ha relates to land north of the railway line. The PA's Environmental Flooding – Surface Water Section (dated 18th November 2024) notes that the catchment area does not include the catchment of the Pilltown Stream.
- 9.2.20. The submitted Flood Risk Assessment, submitted with the F.I. response indicates (Section 2.2) that the open drain running along the southern boundary of the appeal site drains local farmlands with no connection to lands west of the railway line and this therefore is consistent with the catchment area indicated in Figure B-1 of the hydraulic modelling.
- 9.2.21. However, the submitted Natura Impact Statement, that accompanied the planning application, indicates (illustrated in Figure 3) that the minor stream that flows along part of the southern boundary of the appeal site rises in agricultural lands to the west of the proposed development site before flowing under the railway line, via a possible culvert. This appears to be supported by historic 25' mapping of the area. This therefore would indicate a wider catchment area than that identified in Fig. B-1 above and as such has the potential to impact on flows within the open drains running along the southern boundary of the appeal site. The uncertainty as to the origins of the stream and its catchment would, in my view, potentially underestimate downstream flows into the Pilltown Stream and the validity of the submitted hydraulic modelling. Based on the information on the file the causes of the recurring flooding adjacent to the site entrance are unknown and the contribution of the subject lands to flooding on the road is uncertain.

⁷ Appendix B – Flood Risk Assessment (Sept. 2024).

- 9.2.22. Further I would consider that the uncertainty in the flood risk assessment would support the PA's case that the flood assessment has not adequately assessed the fluvial flood risk from the Pilltown watercourse (on Pilltown Road) and the recurring flood event that floods the public road adjacent to the subject site as the on-site stream flows into the Pilltown Stream and the extent of flows would depend on its catchment.
- 9.2.23. In addition to the above concerns I would consider that the applicants have not submitted details of how the upgraded culvert system along the Pilltown Road is to be managed and monitored once constructed. It is unclear who would be responsible for the culvert once constructed given that the proposed pipe upgrade is located on lands outside of the applicants' ownership. This would be a significant issue given the recurring flooding on Pilltown Road, and should a blockage occur and go unnoticed for a period, it is unclear in relation to who is responsible for addressing the issue, as such the culvert could become compromised resulting in flood risk concerns.
- 9.2.24. Although I accept that the applicant's flood mitigation measures would address surface run-off from the development site with the proposed attenuation system, I do not consider that the flood risk assessment addresses the PA's concerns in relation to the potential flood risk arising from the Pilltown Stream, the recurring flood event at the development site entrance, and the potential for further downstream flood risk.

9.2.25. Conclusion

Given the uncertainties around the flood risk assessment arising from the origins of the stream running along the appeal site's southern boundary, and the proposed culvert upgrade, the requirements of the justification test have not in my view been met, specifically subsection 2 (i) and (ii), which require that the development proposal will not increase flood risk elsewhere and, if practicable, will reduce flood risk, and includes measures to minimise flood risk to people, property, the economy and the environment. Having regard to the foregoing, the concerns expressed by the Planning Authority in relation to uncertainties around the effectiveness of the culvert are justified in my opinion. I am not satisfied that measures to reduce flood risk elsewhere and measures to minimise flood risk are adequately addressed in the applicants' flood risk assessment, and in accordance with paragraph 5.16 of the

Flood Risk Guidelines a precautionary approach should be adopted in my view and permission refused on the basis of flood risk. I would therefore support the PA's second reason for refusal.

9.3. Traffic

- 9.3.1. The observers raised concerns in relation to traffic intensification on a road with limited capacity and details of the public footpath submitted with the FI are unsatisfactory. I note the submitted Traffic and Transport Assessment, which accompanied the planning application, concluded that the proposed development would not generate excessive vehicular traffic flows, and that the Pilltown Road and the rest of the local road network would have sufficient capacity to cater for this additional intensification of traffic. I would consider having regard to the zoned nature of the subject lands, which are zoned for residential development, and noting that the Transportation Department of PA, in both of their reports on the file, raised no concerns, relation to traffic intensification on the Pilltown road, that on the basis of information available, that the capacity of the road would not be a significant issue.
- 9.3.2. I further note that the observers raise concerns in relation to the lack of details in respect of footpath design along the Pilltown Road. I would consider that issues in relation to footpath and design, which relates to the public footpath within the applicant's site boundary, can be dealt with by condition, should the Board be minded to grant permission.

9.4. Integrated Urban Design and Agricultural Access

- 9.4.1. The PA's first reason for refusal relates to both the agricultural access through the development site having regard to traffic safety and the integrated and balanced approach to movement, place making and streetscape design. I have considered both of these issues separately below.

9.4.2. Integrated Urban Design

The National Planning Framework⁸ (NPF) and Regional Spatial and Economic Strategy for the EMRA area (RSES) sets out overarching objectives to achieve the provision of a permeable pedestrian and cycling network that allows for multiple direct connections between residential areas and key destinations, as well as an attractive and safe pedestrian and cycling environment where high quality facilities are provided. Moreover, the Sustainable Residential Development and Compact Settlements, 2024, advocate that new developments should, as appropriate, include a street network, that includes links through open spaces, that creates permeable and legible urban environments, by optimising sustainable modes and active travel.

- 9.4.3. The Development Plan Policy SH POL 10 requires applications for residential development to take an integrated approach to movement, place making, and streetscape design consistent with the requirements of DMURS. Development Plan Policy SH POL 3 requires the implementation of best practice urban design that promotes permeability.
- 9.4.4. I would acknowledge that the proposed development includes footpath connectivity from the site to an existing footpath along Narrowways Road, as it is proposed that a new public footpath will extend from Draycott Lodge footpath, along the front of the proposed site down Pilltown Road and turning right up the Narrowways Road to meet existing footpath, providing access to Bettystown. This therefore addresses concerns in relation to footpath access from the development site to Bettystown. Separately I would note that the proposed development does not include an access to the adjoining residential development, Whitefield Manor, which would address concerns of the observers.
- 9.4.5. In addition to the positive external pedestrian connections described above, I would note from the applicant's proposed Urban Design Statement (prepared by Conroy Crowe Kelly) which accompanied the application, a principle feature of the proposed development are the public open spaces forming a central and orientating element of the proposed scheme, creating a series of connections within the development. The public open spaces include play areas located within the open spaces and are overlooked by proposed houses.

⁸ April 2025

- 9.4.6. I would consider that the proposed development layout creates an open and legible network of streets and spaces within the site which emphasis pedestrian usage. Further the proposed development has been designed to reduce traffic speeds, as long straight sections of road are avoided. The Urban Design Statement focuses on creating a sense of place, and I note the following is a key objective for the development.

‘The creation of vibrant and active places requires pedestrian activity. This requires walkable street networks that can be easily navigated and are well connected. The proposed development has been designed to ensure that pedestrian connectivity is encouraged throughout the scheme, through footpaths, homzones and additional pedestrian and cycle links through open spaces’.

- 9.4.7. It is evident from the submitted plans and particulars, that a key feature of the proposed development is creating a sense of place with the creation of permeable streets to facilitate pedestrian movement, and this is consistent with a key National Planning Policy (NPO 12) which aims to create attractive, liveable, well designed, high quality urban places to enjoy a high quality of life and well-being. The creation of a sense of place with an emphasis on pedestrian movement for the proposed development is also consistent with Section 3.8.9 ‘Design Criteria for Residential Development’ and Section 11.5.2 Urban Design of the MCDP, 2021 – 2027, (as varied), and would be consistent with Policies SH POL 3 (Permeability) and SH POL 10 (Place Making). DMURS places a focus on the role of streets in sustainable place-making and encourages layouts that are suited to all users and the inclusion of highly connected streets.

- 9.4.8. Therefore, I would be satisfied that the proposed development, having regard to its layout and the interconnection of spaces, would provide a high quality housing development consistent with national, regional and local planning objectives which prioritise pedestrian movements and aim to ensure that places are well connected to and accessible by sustainable modes, and also that the quality of the journey is equally important and that places are perceived as safe and are not dominated by cars.

9.4.9. **Agriculture Access**

9.4.10. **Introduction**

The western boundary of the appeal site is adjoined by existing agricultural land zoned RA 'Rural Areas' in the MCDP, 2021 – 2027, (as varied). The submitted Site Layout Plan (drawing no. 2318 P 1001) illustrates access to the agricultural lands to the immediate west of the development site via the main spine road serving the proposed residential development.

9.4.11. I would note that the observations raise concerns in relation to the main access road in the proposed development which is intended to provide agricultural access to the adjoining lands to the immediate west of the appeal site. This proposed agricultural access to the adjoining lands forms the first reason for refusal by the PA.

9.4.12. I would note that the PA's Transportation Department in their report (25/06/24) raise concerns that

'it has not been stated how the agricultural lands are to be accessed. Access cannot be permitted through the residential development'.

9.4.13. Notwithstanding the conclusions of the Transportation Department, I note the applicant's Traffic and Transport Statement⁹, that accompanied the application, concluded as follows;

'The assessment indicates that the proposed development can be supported by the existing road infrastructure, that the parking provision for the proposed development conforms to Local Authority standards, and that the proposed access design and layout are fit for purpose and comply with the DMURS'.

9.4.14. **Traffic Safety**

I have reviewed the submitted Stage 1/2 Road Safety Audit¹⁰ that accompanied the planning application, and has identified, in summary, safety issues in respect of warning signs on the Pilltown Road, and within the proposed development site identifies safety issues in relation to turning heads for larger vehicles, pedestrian crossings, drainage and a low radius bend. The RSA has proposed recommendations to address all these safety concerns. The Stage 1/2 Road Safety

⁹ Prepared by CS Consulting Group

¹⁰ Dated April 2024

Audit confirmed that the proposed road layout and network was deemed safe, appropriate and compliant with DMURS.

9.4.15. However, the Stage 1/2 Road Safety Audit does not specifically address safety concerns in relation to the proposed agricultural vehicle traversing through the residential development nor does the RSA have regard to the submitted Agricultural Access Management Plan.

9.4.16. The submitted Agricultural Access Management Plan, which formed part of the applicant's further information response, in summary, states the following.

- At no times will the agricultural vehicle enter the shared pedestrian surface.
- The road network has been designed to accommodate agricultural vehicles, and a swept-path analysis is included demonstrating that the development can accommodate agricultural vehicles.
- The appointment of a management company responsible for cleanliness and regular maintenance of open spaces and informing residents of the arrival and departure times of agricultural vehicles.
- Inclusion of a wheel wash facility to clean the agricultural vehicles.

9.4.17. In addition to the above documentation the applicant, as part of the appeal submission, includes a Peer Review of the Agricultural Access, prepared by Pinnacle, Consulting Engineers. In summary I would note the Peer Review includes several precedents of agricultural vehicles accessing agricultural lands via established residential developments, which I have reviewed below, and the Peer Review also includes a Road Safety Audit¹¹, received with the appeal submission, that focuses primarily on a proposed combine harvester access / egress route only.

9.4.18. Based on the RSA, received with the appeal submission, I would note that recommendations are proposed to ensure traffic safety. This includes a temporary stop on all residential traffic exiting the development when the agricultural machinery is brought into and out of the housing estate, that no vehicles are parked where they could obstruct the swept-path of the agricultural vehicle and the marshalling of vehicles through the development to ensure children are clearly visible to the vehicle.

¹¹ Dated December 2024

9.4.19. Furthermore, and in support of the applicant's case it is submitted that at no times will the agricultural vehicle enter the shared surface (homezone area) proposed within the development lands and will therefore be restricted to using the main spine road within the proposed development. Moreover, a swept-path analysis submitted by the applicant's traffic consultants for a combine harvester agricultural vehicle, demonstrates that the internal road network of the development can accommodate agricultural vehicles.

9.4.20. Traffic Impacts

The crux of the issue relates to the proposed agricultural access to the west of the development site. As proposed, this would involve an agricultural vehicle travelling through the centre of the development site from Pilltown Road to the western boundary. The applicant's state that the agricultural access would only be required on a limited basis throughout the year, in the region of 6 or 7 days per annum, and the applicant argues, in support of the proposed dual access within the development site, that dual access is not precluded by any policies / objectives in MCDP, 2021 – 2027, (as varied). I would note from documentation on the file, that the combine harvester and trailer measures approximately 18.7 metres in length and c. 3.5 metres in width, and the width of the main spine road is predominantly 5.5 metres wide.

9.4.21. As noted above the appeal submission includes reference to a number of precedents where agricultural access to adjacent lands is provided through existing residential developments. This includes access to agricultural lands through residential developments at Kilternan Chapel Hill (Kilternan, Co Dublin) Seaview Park (Portrane, Co. Dublin) Castlemartin Close and Seoid Na Tra (Bettystown, Co. Meath), and Stamullen II Development (Co. Meath).

9.4.22. I have reviewed these developments, and I would note that there is a variance in design layout in all these residential developments, and the context of these sites differ to that of the appeal site. Furthermore, details in relation to any rights of way are not available on the file and may differ from site to site.

9.4.23. I also noted, from my review, that the agriculture access in relation to Kilternan Chapel Hill is along the perimeter of the established residential development. In relation to Stamullen II Development (appeal ref. 317754) I would note that the

permitted agricultural access is segregated from the residential development as illustrated in the Proposed Site Layout. The observers submit that there is no agricultural access through Seoid Na Tra residential estate, as the agricultural entrance is fully sealed off, and the observers consider this would not represent a precedent.

- 9.4.24. I note, as referenced above, the Board recently granted permission for an agricultural entrance within a residential development (appeal ref. 317754) within Meath County Council area. Notwithstanding I would note that the permitted agricultural access is segregated from the residential development as illustrated in the Proposed Site Layout. Further the scale of the farm associated with appeal ref. 317754 related to agricultural lands of c. 0.7ha, whereas in the current case before the Board the agricultural lands is c. 25 ha, and therefore a significantly larger landholding. As such I would not consider the granting of permission in appeal ref. 317754 as a precedent for the proposed development.
- 9.4.25. Therefore, I would consider that the submitted precedents would not support a case for an agricultural access through the proposed development site, and that the proposed development site is considered on its own merits.
- 9.4.26. I would have a number of concerns with the proposed agricultural access which would necessitate a combine harvester travelling through the centre of the proposed development. Firstly, I would note from my review of submitted precedents that the proposed agricultural vehicle will travel through the centre of the proposed residential development, for a distance of approximately 200m, which is significantly different than the submitted precedents. The submitted precedents relate to segregated agricultural access, either to the side of the residential development or to the front, whereas in the current proposal the agricultural entrance is situated to the rear of the development necessitating a movement of c. 200m through the residential development.
- 9.4.27. I would acknowledge that the RSA submitted with the appeal submission included interventions such as restricting traffic and pedestrian movement within the development, when the agricultural machinery is moving through the residential development. Notwithstanding I would consider that the agricultural vehicles, having regard to their scale, the interventions to the residential development included in the

RSA and the location of the agricultural access, travelling through the centre of the development and intersecting two primary public open spaces would have the potential to undermine the integrated and balanced approach to movement, place making and streetscape design in accordance with DMURS which aims to achieve highly connected street which allows people to walk and cycle to key destinations in a direct and easy to find manner and also achieve a safe and comfortable street environment for pedestrians and cyclists of all ages. On this basis I would consider that the agricultural vehicles would conflict with pedestrians and other users.

9.4.28. As such I would consider that the proposed agriculture access would undermine the high-quality nature of the proposed development and its objectives to achieve an attractive sense of place consistent with Policies SH POL 3 (Permeability) and SH POL 10 (Place Making) of the MCDP, 2021 – 2027 (as varied). Moreover, the proposed development would set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.

9.4.29. The appeal submission includes amended drawings which propose the agricultural entrance accessing the agricultural fields to the west from south of the proposed apartment block. The amended drawings result in amendments to the apartment block with the loss of 4 no. apartments and 190 sq. metres of communal open space. Although I note the shorter agricultural access route for the proposed development from the site entrance to the immediate south of the apartment block, the length of access road used for agricultural vehicles would be approximately 105 metres and would, in my view, have a significant impact on the integrated urban design features of the proposed development, as described below.

9.4.30. Conclusion

On the basis of the above considerations I would consider that the proposed agricultural access would undermine the quality of the proposed residential development and would be contrary to policies SH POL 3 (Permeability) and SH POL 10 (Place Making) of the MCDP, 2021 – 2027 (as varied) which aim to create a sense of place with a focus on pedestrian movement, as such the agricultural access proposed through the centre of the development site would conflict with pedestrians and other users. The proposed development would set an inappropriate precedent

for other similar development and would therefore be contrary to the proper planning and sustainable development of the area. I would therefore support the PA's first refusal reason.

9.5. Residential Amenities

9.5.1. Residential Amenity for Future Occupants

The MCDP, 2021 – 2027¹² (as varied) includes development standards to be applied in the assessment of housing developments to ensure that development provides a good standard of amenity for future occupants and would not adversely impact on any established amenities.

9.5.2. Public Open Space

Objective DM OBJ 26 of the MCDP, 2021 – 2027, (as varied) requires a minimum public open space provision of 15% for residential development. The proposed development provides three pockets of public open space throughout the development, and overall, the public open space provision measures 15.4% of the site area.

9.5.3. I note the public open spaces are well located throughout the scheme (accessible, overlooked, visual interest), vary in size (meeting different user needs), range in function and landscaping. I would consider that the proposed open spaces are of high quality, well-considered, and satisfactory.

9.5.4. Private Open Space

Table 11.1 'Minimum Private Open Space Standards for Houses' of the MCDP, 2021 – 2027, (as varied) recommends minimum private open space standards, consistent with the Sustainable Residential and Compact Settlement Guidelines, 2024. I confirm to the Board that I have reviewed the range of plans and relevant particulars, including the submitted General Data & Housing Quality Assessment, and I would note that the private open space provision for all proposed houses would exceed the minimum private open space standards as required in the MCDP, 2021 – 2027 (as varied).

¹² Chapter 11, Section 5

- 9.5.5. The *Sustainable Urban Housing: Design Standards for New Apartments, 2023*, recommend a minimum private amenity space of 5 m² for a one-bedroom apartment. The proposed ground floor apartment units are dual aspect with the main living area and connecting outdoor terrace space having a western orientation. The amenity space serving the proposed one-bedroom apartments would exceed the minimum private amenity space requirement.
- 9.5.6. The proposed three-bedroom duplex units include first floor west-facing balconies, and on average the balconies measure approximately 9 sq. metres for each of the proposed units therefore meeting the minimum requirements *Sustainable Urban Housing: Design Standards for New Apartments, 2023*.
- 9.5.7. In addition to the above the proposed development includes 520 m² of communal open space serving the proposed apartments, which would exceed the minimum required communal open space of 112 sq. metres in accordance with the *Sustainable Urban Housing: Design Standards for New Apartments, 2022*.

Minimum Floor Areas

- 9.5.8. Proposed houses are required to comply with the principles and standards outlined in Section 5.3: 'Internal Layout and Space Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- 9.5.9. Table 5.1 of these guidelines includes sizes for typical dwellings and a two-storey 3-bedroom unit requires a minimum floor area of 92 sq. metres and the minimum floor area required for a 4-bedroom unit is 110 sq. metres. The proposed 3-bedroom houses range in floor area from 110 m² to 117 m² and the proposed 4-bedroom units have a floor area of approximately 125 m², therefore exceeding the minimum requirements in respect of floor areas.
- 9.5.10. In respect of the proposed duplex units the section 28 Guidance *Sustainable Urban Housing: Design Standards for New Apartments, 2023*, recommends minimum floor areas in relation to apartment units. SPPR 3 of these Guidelines require minimum apartment floor areas for a 1-bedroom unit of 45 sq. metres and for a 3-bedroom unit of 90 sq. metres. The floor area of the proposed 1-bedroom units range from approximately 53.8 m² to 55.5 m² and the floor area for the proposed 3-bedroom

units range from approximately 120 sq. metres to 126 sq. metres, therefore meeting the requirements of SPPR 3.

9.5.11. Dual aspect orientations and storage provision within the residential units are also acceptable and in accordance with section 28 Guidance *Sustainable Urban Housing: Design Standards for New Apartments, 2023*.

9.5.12. Overall, I consider that the proposed development complies with standards for residential development included in the national planning guidelines and local policy context. I am also satisfied that the applicant has demonstrated that the proposed development will provide future residents with acceptable levels of amenity.

9.5.13. Residential Amenity for Existing Residents

9.5.14. The submitted third party observations raise concerns in respect of the proposed development and the adverse impact on established residential amenities. In particular concerns are raised in relation to the impacts that proposed house no. 14 would have on the established house to the immediate northeast (Redbank Cottage) of the appeal site.

9.5.15. The submitted Proposed Site Layout (drawing no. 2318 P 1001) indicates minimum set back distances of 20.2m from the aforementioned residential property (Redbank Cottage) to the immediate northeast which would be consistent with MCDP, 2021 – 2027 (as varied). Objective DM OBJ 18 requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses. The separation distances are all in excess of the 16m recommended to be achieved by SPPR 1 of the Compact Settlement Guidelines (2024) between sides/ rears of residences to prevent overlooking. Further the separation distance relates to above ground floor set back distances and Redbank Cottage is a single storey dwelling. Therefore, in the context of the policy objective there are no first floor windows from the observer's property.

9.5.16. I therefore consider that the proposed development would not cause an undue loss of privacy, overlooking, loss of heat and would not adversely impact on existing private amenity spaces on the established residential property located to the immediate north-east of the development site.

- 9.5.17. I have reviewed the location of the proposed houses no's 15 to 19, and based on their orientation and separation distances from established residential properties I would not consider that these proposed houses would adversely affect any established residential amenities.
- 9.5.18. In relation to overshadowing concerns, I have reviewed the applicant's Daylight/sunlight analysis of the rear amenity area of Redbank Cottage, which considers impacts associated with both orientation and proximity of the proposed development.
- 9.5.19. The Daylight/sunlight analysis has been prepared with regard had to the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR209 – 2022) (BRE guidelines). The report assesses the impact that the proposed development would have on sunlight access to existing amenity space.
- 9.5.20. The BR 209 guidelines recommend that an amenity space to appear adequately sunlight throughout the year it is required that at least half of the amenity space should receive at least two hours of sunlight on March 21st. The submitted daylight / sunlight analysis indicates that at least half of the amenity area receives sunlight on March 21st for 7 hours and 50 minutes. The overall impact of the proposed development in terms of shadowing and loss of sunlight is not significant.
- 9.5.21. I would accept, on the basis of the information available, that the applicant has adequately demonstrated compliance with BR 209 Guidelines and the proposed development would not adversely impact on residential amenities in terms of loss of sunlight raised by the observer.
- 9.5.22. An observer submits that an alternative agricultural access along the northern boundary would address concerns in relation to overshadowing. However, based on the assessment above I would not consider this amendment to the proposed site layout necessary to address any overshadowing concerns.
- 9.5.23. I would also note that the observers submit concerns in relation to loss of security owing to the location of the proposed open space situated to the southwest of the development site. The proposed open space is located to the front of the development site adjacent to the access serving the proposed development. The open space will also benefit from passive surveillance as house no.s 1 – 3 inclusive

will overlook the proposed park, and therefore reducing potential for anti-social behaviour.

- 9.5.24. In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not injure the residential amenity of adjacent properties. I consider that future residents will be provided with residential accommodation of an acceptable standard and level of residential amenity.

9.6. **Other Matters**

- 9.6.1. I would note that the observers raise concerns in relation to design of the boundary treatment. The applicant in the further information response to observer's concerns confirms that the proposed boundary treatment is within the site boundary and that the existing site boundaries will remain in-situ. I would consider that issues in relation to boundary treatment can be dealt with by condition, should the Board be minded to grant permission.
- 9.6.2. An observer raises an issue that the developer held no pre application consultation with residents regarding the proposed development. The statutory public consultation period is exercised during the initial 5-week period of the planning application allowing third parties to make submissions to the PA, and this provides for consultation. I would note that the applicant has complied with the statutory provisions for consultation.

10.0 **Material Contravention**

10.1. **Policy SH POL 10**

Planning Authority's first refusal reason is based on the proposal being a material contravention of Policy SH POL 10 of the MCDP, 2021 – 2027 (as varied). Policy SH POL 10 states as follows.

"To require that applications for residential development take an integrated and balanced approach to movement, place making, and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTS and DECLG (2013 and updated in 2019)".

I would consider, as set out in paragraph 9.4.32 above that the proposed development would be contrary to Policy SH POL 10. Policy SH POL 10 of the development plan refers to an integrated and balanced approach to movement, place making, and streetscape design in accordance with DMURS and is not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

However, should the Board consider that the proposed development materially contravenes the MCDP, 2021 – 2027 (as varied), and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

10.2. **Policy INF POL 18**

Planning Authority’s second refusal reason is based on the proposal being a material contravention of Policy INF POL 18 of the MCDP, 2021 – 2027 (as varied). Policy INF POL 18 states as follows.

“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”.

I would not consider that the proposed development would contravene Policy Objective INF POL 18. Therefore, in this instance, I would not consider that the proposed development would materially contravene the MCDP, 2021 – 2027 (as varied).

Policy INF POL 18 of the development plan refers to the implementation of the Flood Risk Management Guidelines (2009) for Development Management and Development Plans and is not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

However, and as noted above should the Board consider that the proposed development materially contravenes the MCDP, 2021 – 2027 (as varied), and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

10.3. **Policy INF POL 20**

Planning Authority's first refusal reason is based on the proposal being a material contravention of Policy INF POL 20 of the MCDP, 2021 – 2027 (as varied). Policy INF POL 20 states as follows.

“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”.

I would not consider that the proposed development would contravene Policy Objective INF POL 20. Therefore, in this instance, I would not consider that the proposed development would materially contravene the MCDP, 2021 – 2027 (as varied).

Policy INF POL 20 of the development plan refers to a flood risk assessment for the development proposal shall be appropriate to the scale and risk, and shall consider the impact of climate change, and is not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. Furthermore, the submitted SSFRA is specific to the proposed development and adequate in scope and take account of climate change. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

However, and again as noted above should the Board consider that the proposed development materially contravenes the MCDP, 2021 – 2027 (as varied), and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

11.0 **Appropriate Assessment**

11.1. **Appropriate Assessment Screening – Stage 1**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on European Sites River Boyne and River Blackwater SAC (site code 002299), River Boyne and River Blackwater SPA (site code 004232), Boyne Coast Estuary SAC (site code 001957) and Boyne Estuary SPA (site code 004080) in view of the sites conservation objectives. Appropriate Assessment is required (refer to Appendix 1).

This determination is based on:

- An ecological pathway from the development site to the nearest European Sites.
- Location-distance from the nearest European Sites.

11.2. **Appropriate Assessment - Stage 2**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC (site code 002299), River Boyne and River Blackwater SPA (site code 004232), Boyne Coast Estuary SAC (site code 001957) and Boyne Estuary SPA (site code 004080) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted (refer to Appendix 2) I consider that adverse effects on site integrity of the River Boyne and River Blackwater SAC (site code 002299), River Boyne and River Blackwater SPA (site code 004232), Boyne Coast Estuary SAC (site code 001957) and Boyne Estuary SPA (site code 004080) cannot be excluded in view of the conservation objectives of these sites and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction impacts, including in particular the culvert works off-site which are not assessed in the submitted Natura Impact Statement.
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.

12.0 New Issue

12.1. The Board will note that the Appropriate Assessment issue raised in this report in relation to the location of the proposed culvert upgrade beyond the NIS site boundary is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

13.0 Recommendation

I recommend that planning permission be refused for the reasons set out below.

14.0 Reasons and Considerations

1. The proposed development site adjoins an area which is at risk of flooding and having regard to the uncertainty with regard to design of the proposed drainage and flood mitigation measures the Board cannot be satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on the adjacent public road. The proposed development would, therefore, be

prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the proposed residential development and its relationship with surrounding agriculture fields, it is considered that the additional traffic associated with the proposed agricultural access passing through the residential area would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists and undermine the objectives of the development to achieve an attractive sense of place. The proposed development would therefore be contrary to policy objectives SH POL 3 and SH POL 10 of the Meath County Development Plan, 2021 – 2027, (as varied) which aim to create an integrated and balanced approach to movement, placemaking and streetscape design, and is considered reasonable. The proposed development would set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information submitted with the planning application/appeal documentation and the Natura Impact Statement, in particular the culvert works off-site which are not assessed in the submitted Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, would not adversely affect the Boyne Coast and Estuary SAC (Site Code 001957), River Boyne and River Blackwater SAC (Site Code 002299, Boyne Estuary SPA (Site Code 004080), River Boyne and River Blackwater SPA (Site Code 004232) in view of the sites' conservation objectives.

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.

Kenneth Moloney
Senior Planning Inspector

26th May 2025

Appendix 1 – Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file ABP-321491-24	
Brief description of project	<p>Normal Planning Appeal</p> <p>49 residential dwellings comprising 33 houses and 16 apartments/duplexes and all ancillary works</p> <p>See section 2 of Inspectors Report</p>
Brief description of development site characteristics and potential impact mechanisms	<p>I have provided a description of the proposed development in Section 2 and detailed specifications of the proposal are contained within Section 3.3 of the Natura Impact Statement and other planning documents provided by the applicant. In summary, the proposed development comprises of construction of 49 no. residential units consisting of 33 no. houses and 16 no. apartments in 1 no. 3-storey building, vehicular / pedestrian access from Pilltown Road, 94 no. surface car parking spaces and landscaped public open spaces.</p> <p>The planning application documentation includes an Outline Construction and Environmental Management Plan (OCEMP). The OCEMP includes (section 4.1) details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction. The OCEMP also outlines the appropriate methodology for storing hazardous construction materials on site in connection with the construction works only, such as fuels / oils and other known hazardous substances. The OCEMP (Section 5.3) includes proposals to minimise construction vehicle movements to ensure that the site and surrounding roads are kept clean.</p> <p>An Ecological Impact Assessment Report was submitted with the application. The report provides a description of the baseline ecological environment based on surveys of the site, assesses the impact of the proposed development on biodiversity and sets out measures to avoid/minimise such effects. The report notes that, the site does not offer suitable valuable habitat for protected birds species or SCI of SPA's in the</p>

	<p>vicinity; that no evidence of otter was recorded on/in the vicinity of the site or along the Mornington Stream or its tributaries; and that the stream and drainage ditch within the development site offers limited habitat; and that the Mornington Stream is unlikely to offer any significant spawning grounds for salmon.</p> <p>In respect of the capacity of the wastewater treatment plan, I can confirm, based on the documentation on the file, that no issues arose in relation to capacity during the operational phase of the proposed development. Foul waters will be connected to the foul water network along Pilltown Road.</p> <p>Amended proposals were submitted as part of the FI response to address flood risk concerns. This includes upgrading the culvert outside of the application site boundary, along the Pilltown Road. The applicant proposes to install three 450mm culverts to an existing ditch and upgrading of pipeline by replacing outdated 450mm diameter pipes with three 450mm diameter pipes along Pilltown Road. Figure 4-1 'Proposed Upgrade Works to Existing Storm Drains Along Pilltown Road' of the applicant's FI response¹³ illustrates the proposed culvert upgrade measures to address the PA's flooding concerns.</p> <p>Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:</p> <ul style="list-style-type: none"> • Construction related - uncontrolled surface water/silt/ construction related pollution.
Screening report	<p>Yes</p> <p>Meath County Council screened in the need for AA.</p>
Natura Impact Statement	Yes
Relevant submissions	A third-party submission to the PA submits that an Appropriate Assessment is required as the development is located within a Zone of Influence of SAC.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>The development site is not located in or immediately adjacent to a European site. The closest European sites are Boyne Coast and Estuary SAC (Site Code 001957), and North West Irish Sea SPA (Site 004236) which are both situated 1.5km north-east of the proposed development.</p>	

¹³ Additional Information – Flood Risk Consulting. JBA Consulting

A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail. I note that the applicants included an additional European site (Clogher Head SAC (Site Code 001459)) in their initial screening consideration. There is no ecological justification for consideration of this European Site, and I have only included those sites with any possible ecological connection or pathway in this screening determination. I am satisfied that this European Site (Clogher Head SAC) can be excluded on the basis that significant impacts on this European Site can be ruled out as a result of the separation distance from the appeal site and given the absence of any direct hydrological or other pathway to the appeal site.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening
River Boyne and River Blackwater SAC (Site Code 002299)	Alkaline fens Alluvial forests River lamprey Salmon Otter <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/sac/002299	3.1 km	Yes	Yes
River Boyne and River Blackwater SPA (Site Code 004232)	Kingfisher <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/spa/004232	8.5km	Yes	Yes
Boyne Coast and Estuary SAC (Site Code 001957)	Estuaries Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes)	1.5km	Yes	Yes

	<u>Conservation Objectives</u> https://www.npws.ie/protected-sites/sac/001957			
Boyne Estuary SPA (Site Code 004080)	Oystercatcher Golden Plover Grey Plover Lapwing Knot Sanderling Black-tailed Godwit Redshank Turnstone Little Tern Wetland and Waterbirds <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/spa/004080	2.5km	Yes	Yes
North West Irish Sea SPA (Site 004236)	Red-throated Diver Great Northern Diver Fulmar Manx Shearwater Cormorant Shag Common Scoter Little Gull Black-headed Gull Common Gull Lesser Black-backed Gull Herring Gull Great Black-backed Gull Kittiwake Roseate Tern Common Tern Arctic Tern Little Tern Guillemot Razorbill Puffin <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/spa/004236	1.5km	No	No
River and Nanny Shore	Oystercatcher Ringed Plover	2.1km	No	No

SPA (Site Code 004158)	Golden Plover Knot Sanderling Herring Gull Wetland and Waterbirds <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/spa/004158			
------------------------	--	--	--	--

The North-West Irish Sea SPA has no ecological connection to the development site, and the SPA is situated beyond the outflow of the Boyne Estuary and given the significant dilution factor there is no hydrological connectivity to the SPA. Further the SPA is designated for breeding seabirds, and the proposed development site, located over 2km from the coast would not offer suitable breeding habitat for these species and as such there is no potential for ex-situ impacts. There is no source-pathway-receptor connectivity between the proposed development and the SPA

In respect of River Nanny and Shore SPA there is no hydrological connectivity between the European site and the development site, as the SPA is situated within a different surface water catchment area to the proposed development. The proposed development site does not offer valuable or unique habitat for overwintering waterbirds. Therefore, it can be concluded that there are no hydrological or ecological connectivity pathways between the respective sites.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Boyne and River Blackwater SAC (Site Code 002299) Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lampetra fluviatilis (River Lamprey) [1099]	<u>Direct:</u> None <u>Indirect:</u> Localized, temporary, low magnitude impacts from construction related emissions to surface water during construction.	Given that the proposed development site is hydrologically linked to the River Boyne and River Blackwater SAC the potential arises for contaminated surface waters released during the construction phase and also during culvert upgrade works to enter the SAC and a reduction in water quality has the potential to negatively impact on the aquatic environment for qualifying features of Atlantic salmon, river lamprey and otter.

Salmo salar (Salmon) [1106]		
Lutra lutra (Otter) [1355]		
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Site 2: River Boyne and River Blackwater SPA (Site Code 004232). Kingfisher (Alcedo atthis) [A229]	As above	The Kingfisher is the qualifying specie for which the River Boyne and River Blackwater SPA has been designated, and the SPA is upstream of the Mornington Stream, however the River Boyne is tidal within some of the SPA. A reduction in water quality could affect the foraging requirements of this specie, should they be of sufficient magnitude. The loss of such habitats consequent on the proposed development could therefore potentially have an adverse impact on this bird specie.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Site 3: Boyne Coast and Estuary SAC (Site Code 001957) Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]	As above	The proposed development site is hydrologically linked to the Boyne Coast and Estuary SAC and potential arises for contaminated surface waters released during the construction phase and also during culvert upgrade works to enter the SAC and a reduction in water quality has the potential to negatively impact on 'Atlantic Salt Meadows' and 'Mudflats and sandflats not covered by seawater at low tide'.

<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130].</p>		
	Likelihood of significant effects from proposed development (alone): YES	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
<p>Site 4:</p> <p>Boyne Estuary SPA (Site Code 004080)</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p>	As above	In light of the potential ecological connectivity between the application site and the Boyne Estuary SPA and due to the possibility of negative impacts on the qualifying interests 'Atlantic Salt Meadows' and 'Mudflats and sandflats not covered by seawater at low tide', of the SAC, which in turn could have negative effects on overwintering waterbird species and for a breeding little tern associated with these habitats.

Sanderling (Calidris alba) [A144] Black-tailed Godwit (Limosa limosa) [A156] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Little Tern (Sterna albifrons) [A195] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): 14.2. YES	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? 14.3. N/A	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>The construction phase of the proposed development will involve earthworks and the disturbance of soil etc. which gives rise to the possibility of indirect negative impacts on downstream water quality through the accidental release of suspended solids / sediment etc. or the discharge of hydrocarbons and / or other pollutants by way of contaminated surface water runoff. In this regard, drains or watercourses can act as a hydrological conduit for contaminated surface waters between development sites and any downstream Natura 2000 sites with any associated deterioration in water quality having a potentially negative impact on downstream aquatic habitats and / or species identified as qualifying interests / special conservation interests.</p> <p>In addition the amended proposals, submitted with the FI, to address flood risk concerns by upgrading culverts would result in construction activities which involve disturbance to existing stream / drain which gives rise to the possibility of indirect negative impacts on downstream water quality through the accidental release of suspended solids / sediment etc. or the discharge of hydrocarbons and / or other pollutants by way of contaminated surface water runoff.</p> <p>Such contaminated water could potentially discharge to the minor stream that flows along the southern boundary through the south of the proposed development site and ultimately to the Boyne Estuary via the Mornington Stream.</p>		

There is potential for water quality pertinent to the European Sites to be negatively affected by contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons.

In this regard, having considered the planning history of the surrounding area, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would adversely affect the integrity of any Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

In conclusion therefore it is not possible to exclude the possibility that the proposed development alone would result in significant effects on European Site No.s 002299, 004232, 001957 & 004080 from effects associated with the construction phase of the development. An appropriate assessment is required on the basis of the possible effects of the project 'alone'.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on European Sites River Boyne and River Blackwater SAC (site code 002299), River Boyne and River Blackwater SPA (site code 004232), Boyne Coast Estuary SAC (site code 001957) and Boyne Estuary SPA (site code 004080) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- An ecological pathway from the development site to the nearest European Sites.
- Location-distance from the nearest European Sites.

Appendix 2 - Appropriate Assessment

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed residential development in view of the relevant conservation objectives of the River Boyne and River Blackwater SAC and SPA, Boyne Coast Estuary SAC, and Boyne Estuary SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by gannon & associates (May 2024).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Public observations

- An Appropriate Assessment is required as the development is located within a Zone of Influence.

River Boyne and River Blackwater SAC (Site Code 002299)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction)

See Table 7 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)	
Atlantic Salmon	Restore the favourable conservation condition At least Q4 at all sites sampled by EPA	Water quality degradation during construction phase, e.g. sediment release	Pollution control measures Construction Management Plan	
River Lamprey	Restore the favourable conservation condition	Water quality degradation during construction phase,	Application of Inland Fisheries construction works guidance	

		e.g. high levels of siltation		
Otter	maintain the favourable conservation condition (fish biomass available)	Water quality degradation during construction – indirect impacts by a reduction in prey population		

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

Surface water related pollution during construction phase as a result of earthworks and the disturbance of soil, sediment generated site clearance, hydrocarbons from vehicles / spills and cementitious material from construction works involving concrete / cement etc. which gives rise to the possibility of indirect negative impacts on downstream water quality through the accidental release of suspended solids / sediment etc. or the discharge of hydrocarbons and / or other pollutants by way of contaminated surface water runoff. Such contaminated water could potentially discharge to the minor stream that flows along the southern boundary through the south of the proposed development site and ultimately to the Boyne Estuary via the Mornington Stream.

Amended proposals, submitted with the FI, to address flood risk concerns by upgrading culverts would result in construction activities which involve disturbance to existing stream / drain which gives rise to the possibility of indirect negative impacts on downstream water quality through the accidental release of suspended solids / sediment etc. or the discharge of hydrocarbons and / or other pollutants by way of contaminated surface water runoff.

Mitigation measures and conditions

Mitigation measures for the protection of watercourses are to be implemented during the construction phase, the majority of which are considered to represent best practice. These are set out in the NIS, the accompanying '*Ecological Appraisal*', and the '*Outline Construction Environmental Management Plan*', and will include, in summary, the following:

- Installation of silt fences along the length of the drainage ditch associated with the western boundary of the development site and along the open channel of the minor stream along the southern boundary of the development site.
- Installation of silt fences prior to the commencement of any ground disturbance works and remain in-situ until the disturbed areas within the sites have been reinstated.
- Surface water run-off from areas stripped of topsoil and surface water collected in excavations will be directed to on-site settlement ponds, sediment treated prior to discharge of surface water at a controlled rate.
- Weather conditions to be taken into account when planning construction activities to minimise risk of runoff from the site.
- Extent of sub-soil and topsoil stripping will be minimised to reduce the rate and volume of run-off
- Concrete batching to take place off site or within a contained area of the site
- Wash down of cement contaminated equipment will take place off site. No wash down of plant and machinery onsite, only chute cleaning of concrete delivered to site should occur.

- Any excavations shall be sufficiently dewatered prior to the pouring of concrete
- All fuels, oils and hydrocarbons to be suitably stored.
- Refuelling and maintenance of vehicles and plant to occur in designated areas of hardstanding.
- Provision of appropriate spill-skits.
- All waste fuels and hazardous wastes to be disposed of in accordance with the requirements of the Waste Management Acts, 1996.
- Minor sections of stream along southern boundary shall be culverted to facilitate proposed access road. These works shall follow measures outlined in 'Guidelines on Protection of Fisheries during Construction Works and Adjacent to Waters' (Inland Fisheries Ireland, 2016).
- A dry works area will be established isolated from the watercourse and no in-stream works to take place outside the isolated work area.
- Installation of silt fences around the works area located on the bank of the watercourse. All excavated material will be stored a minimum of 20m from the bank of the watercourse.
- Any water present within the works area will be pumped and discharged a minimum of 10m from the watercourse to a designated vegetated area.

Notwithstanding the mitigation measures during the construction phase of the development to avoid harmful effect on water quality, the NIS mitigation measures do not extend to the proposed culvert upgrade to address flood risk concerns. I note that the proposed mitigation measures in the NIS specifically refer to the installation of silt fences along the length of the drainage ditch associated with the western boundary of the development site and along the open channel of the minor stream along the southern boundary of the development site. I would consider that these mitigation measures will serve to avoid any impacts on down-gradient water quality as well as the disturbance of habitats and / or species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species within Natura 2000 sites.

However, the specific measures, in accordance with the NIS, do not extend beyond the site boundary, and further having regard to the extent of works proposed as part of the culvert upgrade, including works under the public road, there is therefore an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade, and in turn how these measures would avoid any significant adverse effects on the SAC.

In-combination effects

Cumulative / in-combination effects have been considered in the submitted NIS in relation to surrounding developments and concluded that no likely significant cumulative effects on any Natura 2000 sites are expected as a result of the proposed development. A current Railway Order (ABP Ref. 320164) relates to DART+ Coastal North Railway Order 2024 relates to the railway line south of the appeal site

Having considered the planning history of the surrounding area, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would adversely affect the integrity of any Natura 2000 site and would not undermine the Conservation Objectives applicable to same.

Findings and conclusions

The applicant and the Planning Authority determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Amended proposals to address flood risk by upgrading the culvert outside of the application site boundary, along the Pilltown Road were submitted as part of FI response. These proposals form part of the applicant's further information response to address flood risk concerns which are subsequent to the preparation of the NIS. Specifically, these proposals include pipeline upgrade to replace the existing 300 mm pipe under the road (Pilltown Road) and replace at its current location with a system of 3 x 450mm pipes.

I have noted above that the mitigation measures will serve to avoid any impacts on down-gradient water quality as well as the disturbance of habitats and / or species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species within Natura 2000 sites. Notwithstanding the above, these specific measures, having regard to the NIS, do not extend beyond the site boundary and there is therefore an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Boyne and River Blackwater SAC. No direct impacts are predicted. However indirect impacts during the construction phase, as described above, could affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SAC.

Reasonable scientific doubt

I consider that reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development could affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SAC. Adverse affects on site integrity cannot be excluded and reasonable scientific doubt remains as to the absence of such effects.

River Boyne and River Blackwater SPA (Site Code 004232)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction)

See Table 7 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)	

Kingfisher	maintain the favourable conservation condition forage spatial distribution, extent, abundance, and availability water quality	Water quality degradation during construction – indirect impacts by a reduction in prey population	Pollution control measures Construction Management Plan Application of Inland Fisheries construction works guidance		
Assessment of issues that could give rise to adverse effects view of conservation objectives					
(i) Water quality degradation					
As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for the Kingfisher					
Mitigation measures and conditions					
As above for SAC					
14.9. However as described above there is an absence of information in relation to mitigation measures in respect of the pipe upgrade under the road that are required to avoid or reduce harmful effects of the proposed culvert upgrade, which forms part of the applicant's proposal to address flooding, and in turn how these measures would avoid any significant adverse effects on the SPA.					
In-combination effects					
Cumulative / in-combination effects have been considered in the submitted NIS in relation to surrounding developments and concluded that no likely significant cumulative effects on any Natura 2000 sites are expected as a result of the proposed development. A current Railway Order (ABP Ref. 320164) relates to DART+ Coastal North Railway Order 2024 relates to the railway line south of the appeal site					
Having considered the planning history of the surrounding area, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would					

adversely affect the integrity of any Natura 2000 site and would not undermine the Conservation Objectives applicable to same.	
--	--

Findings and conclusions

The applicant and the Planning Authority determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

As described above amended proposals to address flood risk by upgrading the culvert outside of the application site boundary, along the Pilltown Road were submitted as part of FI response. These proposals form part of the applicant's further information response to address flood risk concerns which are subsequent to the preparation of the NIS. Specifically, the proposals include pipeline upgrade to replace the existing 300 mm pipe under the road (Pilltown Road) and replace at its current location with a system of 3 x 450mm pipes.

I have noted above that the mitigation measures will serve to avoid any impacts on down-gradient water quality as well as the disturbance of habitats and / or species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species within Natura 2000 sites. Notwithstanding the above, these specific measures, having regard to the NIS, do not extend beyond the site boundary and there is therefore an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Boyne and River Blackwater SPA. No direct impacts are predicted. However indirect impacts during the construction phase, as described above, could affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SPA.

Reasonable scientific doubt

I consider that reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development could affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SPA. Adverse affects on site integrity cannot be excluded and reasonable scientific doubt remains as to the absence of such effects.

Boyne Coast & Estuary SAC (Site Code 001957)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water quality degradation (construction)

See Table 7 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)	
Estuaries	maintain the favourable conservation condition	Water quality degradation during construction phase, e.g. increased turbidity as a result of sediment release with potential to reduce habitat suitability	Pollution control measures Construction Management Plan Application of Inland Fisheries construction works guidance	
Tidal mudflats and sandflats	maintain the favourable conservation condition	Water quality degradation during construction phase, e.g. Introduction of concrete to aquatic environments can alter existing pH resulting in associated impacts to component fauna.		
Salicornia Mud	restore the favourable conservation condition	Water quality degradation during construction. Introduction of concrete to aquatic environments can alter existing pH which can have impacts on vegetation biomass in saltmarsh habitats. Introduction of hydrocarbons with potential impacts on condition of flora in saltmarsh habitat.		
Atlantic Salt Meadows	maintain the favourable	Water quality degradation during construction.		

	conservation condition	As above potential impacts on existing pH, and release of hydrocarbons potentially impacting on vegetation biomass and in saltmarsh habitats.		
Assessment of issues that could give rise to adverse effects view of conservation objectives				
(i) Water quality degradation				
As Above				
Mitigation measures and conditions				
As Above				
However as described above there is an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade, which forms part of the applicant's proposal to address flooding, and in turn how these measures would avoid any significant adverse effects on the SPA.				
In-combination effects				
Cumulative / in-combination effects have been considered in the submitted NIS in relation to surrounding developments and concluded that no likely significant cumulative effects on any Natura 2000 sites are expected as a result of the proposed development. A current Railway Order (ABP Ref. 320164) relates to DART+ Coastal North Railway Order 2024 relates to the railway line south of the appeal site				
Having considered the planning history of the surrounding area, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would adversely affect the integrity of any Natura 2000 site and would not undermine the Conservation Objectives applicable to same.				
Findings and conclusions				
The applicant and the Planning Authority determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects , will not adversely affect the integrity of this European site.				

As noted above amended proposals to address flood risk by upgrading the culvert outside of the application site boundary, along the Pilltown Road were submitted as part of FI response. These proposals form part of the applicant's further information response to address flood risk concerns which are subsequent to the preparation of the NIS. Specifically, the proposals include pipeline upgrade to replace the existing 300 mm pipe under the road (Pilltown Road) and replace at its current location with a system of 3 x 450mm pipes.

I have noted above that these mitigation measures will serve to avoid any impacts on down-gradient water quality as well as the disturbance of habitats and / or species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species within Natura 2000 sites. Notwithstanding the above, these specific measures, having regard to the NIS, do not extend beyond the site boundary and there is therefore an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Boyne Coast & Estuary SAC. No direct impacts are predicted. However indirect impacts during the construction phase, as described above, will affect the attainment of the Conservation objectives of the Boyne Coast & Estuary SAC.

Reasonable scientific doubt

I consider that reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development could affect the attainment of the Conservation objectives of the Boyne Coast & Estuary SAC. Adverse affects on site integrity cannot be excluded and reasonable scientific doubt remains as to the absence of such effects.

Boyne Estuary SPA (Site Code 004080)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction)

See Table 7 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)	
Shelduck Oystercatcher	maintain the favourable conservation condition	Water quality degradation during construction phase.	Pollution control measures	

Golden Plover		In light of the potential ecological connectivity between the application site and the Boyne Estuary SPA and due to the possibility of negative impacts on the qualifying interests 'Atlantic Salt Meadows' and 'Mudflats and sandflats not covered by seawater at low tide', of the Boyne Coast Estuary SAC, as discussed above, which in turn could have negative effects on overwintering waterbird species and for a breeding little tern associated with these habitats.	Construction Management Plan		
Grey Plover			Application of Inland Fisheries construction works guidance		
Lapwing					
Knot					
Sanderling					
Black-tailed					
Godwit					
Redshank					
Turnstone					
Little Tern					
Wetland and Waterbirds					
Assessment of issues that could give rise to adverse effects view of conservation objectives					
(i) Water quality degradation					
As above					
Mitigation measures and conditions					
As above					
However as described above there is an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade, which forms part of the applicant's proposal to address flooding, and in turn how these measures would avoid any significant adverse affects on the SPA.					
In-combination effects					

Cumulative / in-combination effects have been considered in the submitted NIS in relation to surrounding developments and concluded that no likely significant cumulative effects on any Natura 2000 sites are expected as a result of the proposed development. A current Railway Order (ABP Ref. 320164) relates to DART+ Coastal North Railway Order 2024 relates to the railway line south of the appeal site

Having considered the planning history of the surrounding area, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would adversely affect the integrity of any Natura 2000 site and would not undermine the Conservation Objectives applicable to same.

Findings and conclusions

The applicant and the Planning Authority determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Amended proposals to address flood risk by upgrading the culvert outside of the application site boundary, along the Pilltown Road were submitted as part of FI response. These proposals form part of the applicant's further information response to address flood risk concerns which are subsequent to the preparation of the NIS. Specifically, the proposals include pipeline upgrade to replace the existing 300 mm pipe under the road (Pilltown Road) and replace at its current location with a system of 3 x 450mm pipes.

I have noted above that the mitigation measures will serve to avoid any impacts on down-gradient water quality as well as the disturbance of habitats and / or species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species within Natura 2000 sites. Notwithstanding the above, these specific measures, having regard to the NIS, do not extend beyond the site boundary and there is therefore an absence of information in relation to mitigation measures in respect of the culvert upgrade under the road that are required to avoid or reduce harmful effects of the proposed pipe upgrade.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Boyne Estuary SPA. No direct impacts are predicted. However indirect impacts during the construction phase, as described above, could affect the attainment of the Conservation objectives of the Boyne Estuary SPA.

Reasonable scientific doubt

I consider that reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development could affect the attainment of the Conservation objectives of the Boyne Estuary SPA. Adverse affects on site integrity cannot be excluded and reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development

.C could result in significant effects on the River Boyne and River Blackwater SAC (site code 002299), River Boyne and River Blackwater SPA (site code 004232), Boyne Coast Estuary SAC (site code 001957) and Boyne Estuary SPA (site code 004080) in view of the conservation objectives of those sites and that

Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted I consider that adverse effects on site integrity of the River Boyne and River Blackwater SAC (site code 002299), River Boyne and River Blackwater SPA (site code 004232), Boyne Coast Estuary SAC (site code 001957) and Boyne Estuary SPA (site code 004080) cannot be excluded in view of the conservation objectives of these sites and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction impacts, including in particular the culvert works off-site which are not assessed in the submitted Natura Impact Statement.
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.

Form 1 - EIA Pre-Screening

Case Reference	ABP-321491-24.
Proposed Development Summary	Development will consist of the construction of 49 residential dwellings comprising 33 houses and 16 apartments/duplexes and all ancillary works. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.
Development Address	Townland of Donacarney Great and Betaghstown, as well as along Pilltown Road and the 'Narrowways', Bettystown Co. Meath.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development	

<p>under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10, (b), (i) (threshold is 500 dwelling units)</p> <p>Class 10, (b), (iv) (threshold is 10 Ha.)</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Page Intentionally Left Blank

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP 321491-24	
Development Summary	Development will consist of the construction of 49 residential dwellings comprising 33 houses and 16 apartments/duplexes and all ancillary works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Undertaken and included with Planner's report concluding that an EIAR was not required.
2. Has Schedule 7A information been submitted?	Yes	EIA Screening Report with Schedule 7A information accompanied the application.
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Stage 1 Screening Report and Stage 2 Natura Impact Statement accompanied the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/C).
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried	Yes	Other assessments carried out include: <ul style="list-style-type: none"> An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/C), and Water Framework Directive (2000/60/EC).

out pursuant to other relevant Directives – for example SEA		<ul style="list-style-type: none"> • A site-specific Flood Risk Assessment (FRA) which considers the content of the EU Floods Directive (2007/60/EC). • An Outline Construction and Environmental Management Plan (OCEMP) which considers the content of the Waste Directive (2008/98/ED as amended by 2018/851). • A Building Lifecycle Report which considers the content of the Energy Performance in Buildings Directive (2010/31EU). <p>SEA was undertaken by the planning authority in respect of the Meath County Development Plan 2021-2027, as varied.</p>	
B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The site comprises of two fields located between two established suburban type housing developments. The project does not differ significantly from the surrounding area in terms of character (residential uses exist in the area, suburban estate designs and layouts, with	No

		surface parking, landscaped open spaces, conventional boundary treatments) or in terms of scale (use of conventional houses and duplex and apartment block), moderate increase in building height.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The site is presently greenfield in nature. The proposal will involve physical changes to the existing site, involving the provision of houses, duplexes and apartments in different residential formats, including terraced housing, a single detached residential unit and a series of open spaces.</p> <p>There are no existing on-site structures that require demolition. Construction works will include excavation and removal of material from the site for foundations and site profiling. The Outline Construction and Environmental Management Plan (OCEMP) confirms that it is not envisaged that rock will be encountered during excavation works.</p> <p>The watercourse along the southern boundary of the development site will be retained and the topography of the site will be retained with the site gradient falling towards the south of the site adjacent to Pilltown Road.</p> <p>In the context of the wider locality these physical changes are consistent with the character of the existing area.</p>	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially	No	<p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the OCEMP/ final CEMP (required by condition). These are not considered to be in short supply.</p>	No

resources which are non-renewable or in short supply?		No significant use of natural resources in operational phase.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?		<p>Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for the construction activity on the site.</p> <p>The OCEMP proposes that hazardous construction materials shall be stored appropriately to prevent contamination of watercourses or groundwater. Spill kits will be kept in designated areas for re-fuelling of construction machinery.</p> <p>Noise and dust emissions during construction phase are likely. Operational phase of the project does not involve the use, storage or production of any harmful substance.</p> <p>Any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?		<p>Conventional waste will be produced from construction activity and will be managed through the implementation of the OCEMP/ final CEMP (required by condition) as outlined above.</p> <p>Discharge of foul effluent to existing public infrastructure.</p> <p>Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Any impacts would be local and temporary in nature and the implementation of standard</p>	No

		construction practice measures would satisfactorily mitigate potential impacts.	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>		<p>Construction works will include excavation and removal of material from the site for foundations and site profiling.</p> <p>A risk of contamination is typical at all such sites during construction and operation. No discharge of pollutants to ground or surface waters. OCEMP contains measures to address accidental spillages.</p> <p>The OCEMP includes details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction. The OCEMP also outlines the appropriate methodology for storing hazardous construction materials on site in connection with the construction works only, such as fuels / oils and other known hazardous substances. The OCEMP includes proposals to minimise construction vehicle movements to ensure that site and surrounding roads are kept clean.</p> <p>Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Appendix 1 and Appendix 2 of my report.</p> <p>However, having regard to the mitigation measures contained in the application documentation, including the OCEMP, the framework of mitigation measures in the applicant's NIS, and the implementation of best construction practice including, Guidelines on Protection of Fisheries during Construction Works and Adjacent to Waters (Inland Fisheries Ireland,</p>	No

		<p>2016 I do not anticipate that the project will lead to risks of contamination to ground or surface waters.</p> <p>I therefore do not consider this aspect of the project is likely to have a significant effect on the environment.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>		<p>Noise and vibration impacts are likely during the site development works. The OCEMP includes proposals to minimise construction vehicle movements to ensure that site and surrounding roads are kept clean.</p> <p>These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the OCEMP/ final CEMP (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition).</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	No
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>		<p>The proposed development is anticipated to be constructed over 12–18-month period. The potential for water contamination, noise and dust emissions during the construction phase is likely.</p> <p>The OCEMP includes details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction. The Natura Impact Statement and the Ecological Impact Assessment includes construction phase mitigation measures to address surface water pollutants entering local</p>	No

		<p>water bodies. Amended proposals submitted as part of the FI response to address flood risk concerns. This includes upgrading the culvert outside of the application site boundary, along the Pilltown Road.</p> <p>Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Surface water flows during operational stage will be directed to an attenuation area before connecting to an existing surface water network on Pilltown Road. Foul waters are to connect to existing network on Pilltown Road. Having regard likely construction mitigation measures I do not consider that the project will lead to risks to human health due to water contamination.</p> <p>The applicant's flood risk assessment included flood mitigation measures to address surface run-off from the development site with a proposed attenuation system, however the flood risk assessment does not address the PA's concerns in relation to the potential flood risk arising from the Pilltown Stream, the recurring flood event at the development site entrance, and the potential for further downstream flood risk. The scale of this flood event is localised and would not have a significant effect on the environment.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?		No risk of major accidents given nature of project.	No

<p>1.10 Will the project affect the social environment (population, employment)</p>		<p>Employment will be short term during the construction phase over the anticipated construction period 12-18 months. The proposed development provides 49 residential units and overall consisting of 223 bedspaces therefore a potential increase in population of c. 223 persons.</p> <p>The receiving area is a developing suburban location with amenities including education, amenities and public transport, and has the capacity to accommodate the impacts associated with the additional population associated with the proposed development. The Development Plan's core strategy has capacity to accommodate the additional population associated with the proposed development.</p> <p>I do not consider this the proposed development is likely to result in a significant effect on the social environment of the area.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>		<p>The proposed residential use is consistent with the zoning of the subject lands as set out in the Meath County Development, 2021 – 2027 (as varied). The zonings on the site and within the settlement of Bettystown effectively will serve the settlement to 2027. The proposed residential development is therefore part of a wider large-scale change proposed for the area by the CDP until 2027.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p>		<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p>	<p>No</p>

<ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 		<p>There are European sites within a possible influence of the proposed development.</p> <p>The project is not in a place, site or feature of ecological interest for which there is a development plan objective to protect.</p> <p>It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. This screening for environmental impact assessment has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts and has also had regard to the mitigation measures proposed in respect of protecting the environment. On this basis I am satisfied that there is no potential for significant effects on water quality or any other environmental factors, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Appendix 1 and Appendix 2 of my report.</p> <p>I therefore do not consider this aspect of the project is likely to have a significant effect on the environment.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>		<p>An Ecological Impact Assessment Report notes that, the site does not offer suitable valuable habitat for protected birds species or SCI of SPA's in the vicinity; that no evidence of otter was recorded on/in the vicinity of the site or along the Mornington Stream or its tributaries; and that the stream and drainage ditch within the development</p>	<p>No</p>

		site offers limited habitat; and that the Mornington Stream is unlikely to offer any significant spawning grounds for salmon.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?		<p>The site is greenfield and there are no existing structures on the site. The site contains no recorded archaeological monuments and there is no evidence of archaeological features on site.</p> <p>The land use zoning map (sheet no. 5.3 (a) Land Use Zoning of the MCDP, 2021 – 2027 (as varied) pertaining to the site indicates no landscape sensitivity or protected views relevant to the development site or its immediate context.</p> <p>The site is not identified for any cultural importance.</p> <p>I do not consider the project is likely to result in a significant negative effect on the environment in terms of archaeology and cultural heritage.</p>	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		No such resources on or close to the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?		The applicants' proposed flood risk assessment site is not deemed adequate and flood risk remains an issue within the site and potential arises for downstream flood risk within the Pilltown Stream. No other water resource will be significantly affected by the project.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?		No evidence of these risks.	No

<p>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>		<p>There are no key transport routes such as national primary routes within the vicinity of the site.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline CMP/ final CEMP (required by condition) and measures in the TTA.</p> <p>The Traffic and Transport Assessment, which accompanied the planning application, concluded that the proposed development would not generate excessive vehicular traffic flows, and that the Pilltown Road and the rest of the local road network would have sufficient capacity to cater for this additional intensification of traffic.</p> <p>The key transport routes in the vicinity of the site will not be congested by or otherwise affected by the project.</p>	No
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>		<p>The site is greenfield in nature and located on the edge of a settlement. Site is not located adjacent to sensitive land uses or community facilities, such as schools or hospitals. The nature of the proposed development and its location would not negatively affect sensitive land uses or community facilities.</p>	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects with the project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?		No cumulative significant effects on the area are reasonably anticipated.	No
3.3 Are there any other relevant considerations?		There are no transboundary effects are arising.	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<p>Having regard to: -</p> <p>1. the criteria set out in Schedule 7, in particular</p> <p>(a) the limited nature and scale of the proposed development, which is below the threshold in respect of Class 10 'Infrastructure projects', as set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, specifically, (b) (i) construction of more than 500 dwelling units, and (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(b) the absence of any significant environmental sensitivity in the vicinity.</p>			

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

2. the results of other relevant assessments of the effects on the environment submitted by the applicants

3. the features and measures proposed by applicants envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is **not** required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____