



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322000-25

<b>Development</b>	Construction of 23 housing units, comprising 18 apartments and 5 houses and all associated site works.
<b>Location</b>	East of Greenane, Dunshaughlin, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	2460325
<b>Applicant(s)</b>	Rocktop Asset Management Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Greenane Residents Association (incl. submission from Paul McEvoy) 2. Katie Boland
<b>Observer(s)</b>	Howard Hunt
<b>Date of Site Inspection</b>	16 <sup>th</sup> May 2025

**Inspector**

Emma Gosnell

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## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of c. 0.55ha, is located to the west of Main Street in Dunshauglin, Co. Meath. The environs of the site are comprised of a mix of residential and commercial land uses.
- 1.2. The site, which is landlocked, is adjoined by the 'Greenane' housing estate to the west (L-50290 which is accessed to the north via its junction with the Drumree Road (L-2208)), by 'J. Lawless Hardware Limited' hardware/ builder's providers to the east and, by 'The Orchard' housing development to the north. The service yard of 'Healy's Super Valu' is located to the immediate south of the site with the grocery store's customer car park and an area of public open space serving 'The Dales' housing estate being located just beyond.
- 1.3. The rectangular site is relatively flat and overgrown with scrub/ brush, brambles and other vegetation. It features a field drain running along the north boundary and a mature hedgerow and treeline delineates the site from the Greenane estate. There are blockwork boundary walls located along the north and south boundaries with security fencing along its eastern boundary.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of 23 no. housing units (18 no. 2-bed apartments, 4 no. 4-bed semi-detached dwellings and 1 no. 4-bed detached dwelling), construction of a new access road and the provision of public open space and landscaping, EV charging capabilities, bicycle rack storage and bins storage.
- 2.2. Significant further information was submitted on this application and related primarily to landscaping, boundaries, ecology, lighting, parking arrangements, access design, permeability and surface water management infrastructure. No changes were made to the quantum or layout of the housing as proposed.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted on 07/02/2025 subject to 28 no. conditions, including:

*Condition no. 6* – prior to commencement of development revised site layout plan required by PA showing pedestrian footpath along site’s full western boundary with Greenane Estate (L-50290), a new pedestrian/ bicycle connection to the side of dwelling no’s 22/23, bike storage that fully accords with the 2023 Apartment Guidelines and, connection between bike and bin store omitted.

*Condition no. 7* – prior to commencement of any development/ works on site, the applicant is required to submit for the written agreement of the PA a revised surface water management system design which complies with the GDSDS Regional Drainage Policies Volume 2, for New Developments and with the GDRCoP Greater Dublin Regional Code of Practice for Drainage Works Volume 6.

*Condition No. 8* – requires full implementation of recommendations and mitigation measures outlined in bat survey report incl. installation of bat boxes, pre-felling bay survey of western hedgerow/ treeline and construction stage inspection by ecologist.

*Condition No. 9* – clarification on nature and extent of boundary treatments/ removal.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

2 no. planning reports formed the basis of the planning authority’s (PA) assessment:

##### Planner’s Report (01/07/2024) – Initial Application Stage

The report sets out the relevant planning history, policy context, issues raised in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Key points of note raised in the report are as follows:

- *Principle of Development* – PA satisfied that proposal for 100% residential development on the site is acceptable on account of site’s ‘B1 – Commercial/ Town Centre or Village Centre’ and location of site removed from Main Street and behind an existing commercial yard.
- *Compliance with Core Strategy* – having regard to the number of residential units proposed and the current pace of housing delivery (i.e. rather than just no. of units permitted) in Meath, proposal is compliant with Core Strategy’s household allocation (1,406 no. units over lifetime to MCDP) for Dunshaughlin.

- *Urban Quality* – proposal satisfactorily addresses the principle urban design criteria of the 2009 Residential Development Guidelines and is compliant with the Design Manual and the 2024 Compact Settlement Guidelines.
- *Residential Quality* – PA satisfied that all units meet minimum quantitative standards and that an appropriate unit mix (types & sizes) is provided for.
- *Open Space/ Landscaping* – Private open space provided meets requirements. Public open space provision is in excess of requirements and this compensates for non-provision of communal open space for apartments. Proposed landscaping arrangements & boundary treatments also considered acceptable.
- *Design/ Layout* – site coverage (<80%), plot ratio (c. 1:0.5) and density (45uph) all considered acceptable and in compliance with S.28 & MCDP policy.
- *Overlooking/ Overbearance* – required separation distances are achieved throughout scheme and north-facing windows located at 2<sup>nd</sup> floor level of duplexes within Blocks B and A2 all serve bathrooms and will be fitted with opaque glass. No overlooking of neighbouring properties to the north will arise.
- *Access* – applicant's proposed entrance off Greenane housing estate relies on land on the boundary of that estate (greenspace and road verge) that is in the ownership of MCC and therefore, a letter of consent is required to be submitted with the application and in order to carry out development on the lands. **This matter formed part of the FI request.**
- *Parking* – proposed resident and visitor car and bike parking provision meets quantitative requirements. However, open-roof design of bike stores is not acceptable nor is the interconnection between the bike and bin stores next to unit No. 13. **This matter formed part of the FI request.**
- *Public Realm* – no tactile paving provided at pedestrian crossing points within and at boundary of scheme. Proposed pedestrian link on south-east boundary (next to unit no. 17) which leads to a neighbouring delivery yard should be omitted and, a new pedestrian link provided to lands to south (adjacent to unit no. 23). **This matter formed part of the FI request.**

- *Services* – bin storage arrangements for houses and apartment deemed generally acceptable, and PA satisfied that telecommunications infrastructure requirements can be conditioned in the event of a grant of permission.
- *Public Lighting* – proposed design does not meet requirements of MCC's Public Lighting Technical Specification & Requirements. **This matter formed part of the FI request.**
- *Archaeology* – site located in a Zone of Archaeological Potential and PA notes recommendation from DoHLGH that pre-development testing be conditioned.
- *Ecology/ Natural Heritage* – mature, dense c.80m long hedgerow on west site boundary may be a remnant of the old village boundary of Dunshaughlin and may also be used by bats for roosting/ foraging/ commuting. Applicant has not undertaken a bat impact survey. The PA seek that (i) a bat survey is undertaken, (ii) that this hedgerow is largely retained (with the exception of providing for the new site entrance) with the following measures implemented to ensure same: (iii) a topographic survey of the boundary carried out to inform the level of hedgerow removal to facilitate the development; (iv) car parking spaces no's 22 & 23 relocated; and, (v) mitigation proposals are put forward to compensate for loss of hedging on site. **This matter formed part of the FI request.**
- *Wastewater & Water Supply* – applicants' proposals to connect to public water and sewer and to direct surface water run-off to public sewer/ drain are acceptable. UE submission (re: PCE requirement) noted that applicant did submit PCE as part of their application in which UE stated that water connection to site was feasible without an upgrade and that wastewater connection to site is feasible subject to an upgrade.
- *Surface Water* – Surface water management proposal (re: design, calculations, application of SuDS management train) not policy compliant and requires redesign & consult with EFSWMS. **This matter formed part of the FI request.**
- *Flood Risk* – site located in Flood Zone C and at low risk of fluvial flooding.

- *Boundary treatments* – five different types proposed & all considered acceptable with exception of Boundary Type B whose location is not indicated on drawings. **This matter formed part of the FI request.**
- *Part V* – proposal to satisfy requirements by providing units onsite acceptable. Applicant's proposal to provide 2 no. where 4 no. are required can be addressed by condition.
- *Third Party Submissions* – summarised in Section 3.4 of this report. **This matter formed part of the FI request.**
- *Appropriate Assessment (AA) Screening* – no potential for significant effects on EU sites and Stage 2 AA not required.

A request for Further Information (FI) issued on 01/07/2024 in relation to 7 no. items:

The applicant's response to the FI request was received on the 10/12/2024 and consisted of revised plans and technical reports.

The FI response was deemed significant, and the applicant was instructed to re-advertise the proposal as per advisory item No. 7 of the FI request.

#### Planner's Report (07/02/2025) – Further Information Stage

This report provided an assessment of the FI received as follows:

- *Item 1* – findings of bat survey report revealing low to moderate bat activity on site (Common Pipistrelle and Leisler's Bat) and recommending mitigations to minimise impact on bats noted and will be conditioned in the event of a grant of permission. Revised landscaping plan showing revised extent of western hedgerow retention and replacement hedgerows elsewhere on site also noted. Response is acceptable.
- *Item 2* – clarification that boundary Type B was included in error noted. Revised boundary treatment plan generally acceptable with exception of typo in stated height of brick wall with railing topper (stated to be 11.1m, should be 1.1m). Matter can be corrected by condition. Revised, increased extent of western boundary retention, provision of additional planting and hedgerows to offset habitat loss and, retention of 3 no. existing trees on south-west site boundary all noted and acceptable to PA.



- *Item 3* – letter of consent from MCC provided in respect to proposed access from/ works to lands in Greenane estate is acceptable and addresses land ownership issues. Remaining issues with bike storage and tactile paving and provision of a new pedestrian link to west of unit no's 22/23 can be addressed by condition.
- *Item 4* – contents of outdoor lighting report which shows that there will be a 5m buffer zone between existing western hedgerow and lighting columns noted but no lighting layout drawing provided. Matter can be addressed by condition.
- *Item 5* – new surface water design submitted does not address EFSWMS concerns with regard to incorrect modelling analysis, type of attenuation system proposed and incorrect system sizing. **Permission should be refused on this basis.**
- *Item 6* – PA is satisfied that the applicant has addressed the 3<sup>rd</sup> party submissions via their revised design and documentation.
- *Item 7* – FI proposal deemed significant and re-advertised to the PA's satisfaction.
- *Environmental Impact* – PA satisfied that FI received would not give rise to a significant impact on the environment.

The planning report concluded by recommending permission be **refused** for a single reason relating to the design of the proposed surface water management system not being in compliance with the GDSDS and with the GDRCoP and, as such, giving rise to a material contravention of MCDP Policy INF POL 16. This decision was endorsed by the Senior Executive Planner.

The recommendation to refuse was subsequently overruled by the Director of Services. They, having considered the vacant/ idle, zoned and serviced status and town centre location of these lands and their being subject to the Residential Zoned Land Tax for Meath 2025 (which seeks to activate such lands in order to increase housing supply in accordance with national and regional policy objectives), determined that the absence of sufficient information in respect to the scheme's surface water management proposals can be addressed by means of attaching a planning **condition** requiring these details to be agreed with the PA prior to the commencement of any development works on site.

On this basis, permission was granted for the full proposal subject to conditions (as per Section 3.1 of this report). **Permission for the full proposal was granted by PA.**

### 3.2.2. Other Technical Reports

#### Initial Application Stage

*Broadband Officer (23/05/2025)* – recommends attachment of pre-commencement condition in respect to telecoms connections and in-building telecoms infrastructure.

*Public Lighting Section (undated)* – FI requested. Applicant to submit a public lighting design which accords with MCC's Public Lighting Technical Specification and Requirements.

*Conservation Officer (14/06/2024)* - no comments were noted.

*Environment, Flooding and Surface Water Management Section (EFSWMS) (25/06/2024)* – FI requested. Surface water scheme not policy compliant and revised, GDSDS and GDRCoP compliant design, SuDS system and calculations required. Applicant to contact EFSWMS prior to submitting the FI.

*Transportation Department (27/06/2024)* – FI requested in respect to following:

- Applicant is proposing to access site from Greenane estate which is taken in charge by MCC but has not submitted a letter of consent from Council for works.
- Unacceptable open design of bike stores & connection between bike and bin store.
- Pedestrian link on east side leads to adjacent delivery yard and is inappropriate.
- New pedestrian link shall be provided to lands to south adjacent to unit No. 23.
- No tactile paving proposed at pedestrian crossing points in or along site.

*Housing Section (30/05/2024)* – satisfied with Part V proposals (units on site).

#### Further Information Stage

*EFSWMS (06/02/2025)* – FI response re: design of surface water treatment and disposal system proposed does not comply with GDSDS Regional Drainage Policy or with MCC Drainage policy and would contravene INF POL 16 of the MCDP on account of discrepancies in proposed road levels which would undermine tie-in with existing road level at the proposed entrance; issues with the modelling analysis, type of attenuation system proposed and incorrect sizing of the attenuation system; and, insufficient cover being provided to the surface water system which would lead to defective system and structural failure of the proposed pipeline. **Recommend refusal.**

*Public Lighting Section (undated)* – note FI lighting design received but require lighting layout drawing. Recommend condition attached to require preparation of same.

*Transportation Department (30/01/2024)* – bike storage and tactile paving proposals still not acceptable. Matters can be addressed by prior to commencement conditions.

### 3.3. Prescribed Bodies

#### Initial Application Stage

*Department of Housing, Local Government and Heritage (DoHLGH) (10/06/2024)* – note site is located within a Zone of Archaeological Potential (ZoAP) for medieval settlement of Dunshaughlin/ Recorded Monument ME044-033. Recommend the application of an archaeological testing condition.

*Uisce Eireann (UE) (17/06/2024)* – seeks that applicant submit a Pre-Connection Enquiry (PCE) to UE so that the feasibility of their connection to public water and wastewater infrastructure can be determined. Submit outcome of PCE as FI. In the event of a grant of permission recommend standard UE condition is attached.

#### Further Information Stage

No submissions received.

### 3.4. Third Party Observations

#### Initial Application Stage

23 no. valid submissions were received at this stage with the following issues being raised:

- Design
- Impact on existing residential amenities
- Impact on operation of adjoining businesses
- Overdevelopment
- Traffic impacts and hazard
- Access issues
- Parking issues
- Environmental/ biodiversity issues
- Boundary issues

- Construction and operational disturbance
- Procedural and legal issues
- Deficiencies in application documentation

2 no. of these submissions were made by the third party appellants (Greenane Residents Association and Katie Boland) and 1 no. of these submissions was received from the appeal observer (Howard Hunt). The issues they have raised are detailed in Sections 9.1 and 9.4 of this report respectively.

1 no. of the submissions was made by the applicant in response to the concerns raised in the other third party observations. This stated that the proposal provided for policy compliant separation distances and set out the basis for the submitted drawings.

#### Further Information Stage

17 no. valid submissions were received at this stage with the following issues being raised:

- Access issues
- Parking issues
- Traffic impacts and hazard
- Environmental/ biodiversity issues
- Concerns re: scheme design and layout
- Impact on existing residential amenity re: overshadowing, loss of light, privacy
- Construction and operational disturbance
- Impact on property values
- Legal and procedural issues
- Deficiencies in application documentation

2 no. of these submissions were made by the third party appellants (Katie Boland and Greenane Residents Association) and the issues they have raised are detailed in Sections 9.1 and 9.4 of this report respectively.

## **4.0 Planning History**

### **4.1. Site**

*P.A. Ref. 23/751* - Permission sought for 23 housing units, comprising of 18no. 2-bed apartments, 4no. 4-bed semi-detached dwellings and 1no 4-bed detached dwelling,

includes associated landscaping, parking & access arrangements. Significant further information/ revised plans submitted on this application. Application withdrawn by applicant.

*P.A. Ref. 97/266* – Permission sought for 7 no. houses and garages. Applicant failed to respond to FI request of 02/05/1997 within the specified time period and proposal was subsequently deemed withdrawn.

#### **4.2. Adjoining Site to North**

*P.A. Ref. RA18/0862* – Permission granted on 30/04/2019 for the a) the construction of 20 no. dwellings to include 1 no. 4 bed 2 storey detached house; 10 no. 4 bed 2 storey semidetached houses; and 9 no. 3 bed 2 storey terraced houses. b) New vehicular road access from Greenane Road. c) All associated drainage services, boundary wall treatment, site works and landscaped open spaces, subject to 33 no. conditions.

*P.A. Ref. 23/872* – Permission granted on 14/12/2023 for modifications (to RA18/0862) consisting of: a) The handing of houses no. 10, 13, 16, 17, and 18. b) Window modifications to the side elevations and minor change to first floor plan only to end-of-terrace houses (Type C and C1). c) Modifications to the boundary treatment to the west of the site. Significant further information/revised plans submitted on this application, subject to 8 no. conditions.

### **5.0 Policy Context**

#### **5.1. National Policy**

Project Ireland 2040 – National Planning Framework (2025) - NPOs 3A, 4, 11, 13, 35  
The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) – PO 5.1, SPPR1 (Separation Distances of 16m required) [replaced Sustainable Residential Development Guidelines (2009)]

Sustainable Urban Housing: Design Standards for New Apartments ('Apartment Guidelines' DoHLGH, 2023) – SPPR1, POS Standards, COS Standards, Section 4.9

Climate Action Plan (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Design Manual for Quality Housing ('DMQH' DoHLGH, 2022)

Development Plan Guidelines for Local Authorities (DoHLGH, 2022)

Urban Development and Building Height, Guidelines for Planning Authorities ('Height Guidelines' DoHLGH, 2018) – SPPR1

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice ('BRE Guidelines' BRE, 2022)

The Regulation of Commercial Institutional Investment in Housing Guidelines (DoHLGH, 2021)

Housing For All (DoHLGH, 2021)

Design Manual for Urban Roads and Streets ('DMURS' DoHLGH, 2019)

Road Safety Audit GE-STY-01024 ('RSA Standards' TII, 2017)

Biodiversity Guidelines for Planning Authorities (2013)

Delivering Homes, Sustaining Communities (2008)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)

Framework & Principles for the Protection of the Archaeological Heritage (NMS, 1999)

## **5.2. Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – Appendix A (Asset-Based Criteria), Section 9.3 (Housing and Regeneration) and RPO 3.2.

## **5.3. Development Plan**

The Meath County Development Plan 2022-2027 (MCDP) applies.

### Dunshaughlin

Dunshaughlin is designated as a 'Self-Sustaining Growth Town' and is at Level 3 (Town and/or District Centre) in Meath's Retail Hierarchy

DNS POL 1 (Support residential growth of Dunshaughlin)

DNS OBJ 1 (Encourage residential development of underutilised/ vacant lands)

### Zoning

Section 11.14.6 - The appeal site is zoned 'B1 – Commercial/ Town Centre or Village Centre' with the objective to “*To protect, provide for and/or improve town and village centre facilities and uses*”.

The primary land use on B1 zoned lands is employment generating/service/retail provision with residential use also being permitted on these lands subject to the objective that residential development shall not generally exceed 50% of the quantum of a development site located in a self-sustaining growth town (such as Dunshaughlin). It is stated that exceptions to this requirement may be facilitated on a case by case basis where a clear evidence base has been demonstrated and where the applicant demonstrates that:

- a) Development proposals have had regard the asset test set out in Section 9.3 (Housing and Regeneration) and Appendix A of the RSES.
- b) There are substantial commercial vacancies in the area and no demand or need for additional commercial uses.

Core Strategy – Table 2.12

Dunshaughlin (Self-Sustaining Growth Town)		
Extant Units Not Yet Built	Household Allocation 2020-2027	Potential Units to be delivered on infill/ brownfield lands
1,156	1,003	82

### Residential Design

Section 11.5.1 (Residential Development), 11.5.2 (Urban Design)

DM OBJ 12 (High standard of residential design), SH OBJ 15 (10% Social housing)

DM OBJ 13: Design Statement required for residential schemes on 0.2ha+ sites

DM OBJ 14 (Net densities encouraged) 40-100uph for centre & urban neighbourhoods in Key Towns and Large Towns (5000+ population)

SHPOL2 (urban consolidation)

DM OBJ 15 (Plot Ratio), DM OBJ 16 (Site Coverage), DM POL 5 (Density)

DM OBJ 26 (Public Open Space) – min. 15% rate of site area for residential

DM OBJ 18 (16m separation required between opposing side & rear windows)

DM OBJ 19 - A minimum of 16 metres separation distance between opposing rear or side windows will apply in the case of apartments/duplex units up to three storeys in height.

DM OBJ 20 - Any residential development proposal which exceeds three or more storeys in height shall demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity.

DM POL 4/ Section 11.5.1 – quantitative and qualitative housing standards

Sections 11.5.3 (Boundary Treatments), 11.5.16 (Light and Overshadowing), 11.5.27 (Waste Management), 11.5.17 (Apartments)

Sections 11.5.19 (Infill Sites) and 11.5.20 (Backland Sites)

SH POL 2 – consolidation of existing settlements & creation of compact urban forms through the utilisation of infill and brownfield lands.

Section 11.5.4 (Plot Ratio) Plot ratio will apply to both new buildings and extensions to existing buildings...A maximum 30% of any development on B1 zoned lands can comprise of residential development.

#### Access and Parking

Tables 11.2 (Car Parking Standards) and 11.4 Cycle Parking Standards

#### Climate Action and Servicing

INF POL 14 - To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS.

INF POL 15 - To require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments.

INF POL 16 - To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS.

INF POL 18 & 20 (Flood Risk Management), DM POL 3 (Public Lighting Proposals)

DM OBJ 9 & 10 (Relationship between landscaping and public lighting columns)



Section 11.8.5 (Telecommunications and Broadband), DM POL 29 & DM OBJ 87.

### Archaeology and Natural Heritage

Section 8.6 (Archaeological Heritage), HER POL 1 - 2 (Protection of archaeological heritage as part of DM process). HER OBJ 2 (development in vicinity of RMP/ ZAP)

Sections 8.9.7 (Protected Species) & 11.4.4 (Trees and Hedgerows) and DM OBJ 11: Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible.

HER OBJ 35 (Impact on protected plant, animal or bird species)

HER POL 37 (encourage hedgerow/ boundary retention in rural areas)

HER POL 38 (encourage planting of native hedging in new developments)

HER POL 39 (archaeological importance of townland boundaries)

## **6.0 Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 14km from River Boyne and River Blackwater SPA (Site Code 004232)
- c. 14km from River Boyne and River Blackwater SAC (Site Code 002299)
- c. 15km from Rye Water Valley/Carlton SAC (Site Code 001398)

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 14km from Trim pNHA (Site Code 001357)
- c. 14km from Balrath Woods pNHA (Site Code 001579)
- c. 17km from Rathmoylan Esker pNHA (Site Code 000557)

Tributaries of the River Skane and the Rathoath Stream are located c. 200m to the north-west and 450m to north-east of the site respectively. There is also a small field drain running along the northern boundary of the site.

## 7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 8.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 2 for details).

## 9.0 The Appeal

### 9.1. Grounds of Appeal

Two third party appeal submissions against the PA's decision to grant permission for the proposal were received by the Board from Greenane Residents Association (c/o Claire Byrne of Greenane housing estate to immediate west) and Katie Boland (resident of The Orchard housing estate to immediate north) and are summarised below:

#### Greenane Residents Association (06/03/2025)

- *Pedestrian Safety and Traffic Hazards* – arising from proposed access off Greenane Estate re: poor driver visibility and unachievable sightlines due to legal consent issues. Will affect existing and future residents.

- *Impact on Safety of School Children* – proposal is adjacent to primary & secondary schools with school kids having to cross the non-signalised junction of Greenane Estate and Drumree Road (to be used by scheme).
- *Construction Traffic* – will create dangerous conditions near schools/ within Greenane Estate with risk to pedestrians not being sufficiently addressed by PA re: traffic safety risk management. Insufficient evidence submitted to support proposal for construction traffic route from east.
- *Operational Traffic* – road network cannot accommodate proposal/ will lead to accidents and junction that will serve development is dangerous/ unsignalized and in close proximity to two other junctions.
- *Implementation of Road Safety Measures* – Most RSA hazard mitigation recommendations cannot be implemented due to legal ownership issues. Same issue re: provision of pedestrian permeability to Main Street and pedestrian/ cycle infrastructure. RSA does not address intensification of traffic use of cul-de-sac.
- *Traffic Impact Assessment* – conflicts with RSA and conclusions don't reflective of actual traffic conditions as demonstrated in photographs submitted with the appeal.
- *Alternative Accesses* – proposals to access site via signalised junction adjacent to Lidl (right of way)/ off Main Street not sufficiently explored by applicant or MCC.
- *Impact* – Greenane estate is already subject to uncontrolled non-resident/ public parking and emergency vehicle access issues which will be exacerbated. Proposed parking is inadequate (particularly having regard to poor public transport service in Dunshaughlin), relies in part on 3<sup>rd</sup> party lands and estate residents will also lose on-street parking.
- *Procedural issues around PA's Decision Making Process* – MCDP contravention and failure to give adequate reasoning, compliance with planning law/ the 2024 Planning Act and consideration to submissions at application/ FI stages. Housing pressure/ housing crisis should not be used to justify grant for proposal.
- *Procedural Issues around Public Consultation and Notification* – insufficiency/ location of statutory notices and no consultation between developer and adjoining residents/ property owners.

- *Legal Ownership* – MCC are not the legal owner of the disputed land in Greenane estate as per Solicitors letter submitted with the appeal. MCC acted illegally etc. Extent of legal relationship between applicant and Seamus Lawless (owner of adjoining hardware store and yard to east) unclear with implications re: construction access viability. Greenane Residents Association have started legal process to have estate green areas registered in their name.
- *Impact on Existing Residential Amenity* – re: safety, loss of parking, loss of visual amenity, loss of greenspace and trees, use of existing parking and open spaces in estate, light pollution, disturbance, inconvenience, siting, height and proximity of scheme which is out of character with area, and property devaluation etc.
- *Natural Heritage* – concerns raised re: proximity of blocks to natural features, extent of mature tree/ hedgerow removal and loss of habitat for protected species (bats) which are known to use site. Concerns raised re: validity of bat survey carried out.
- *Application documentation accuracy* – concerns raised re: validity.
- *Compliance with B1 Zoning* – not sufficiently justified.

The grounds of appeal are accompanied by a schedule of documents:

- copies of the observations made by the resident's association at the planning application and FI stages.
- undated photographs of site notices, existing entrance to Greenane Estate from junction with Drumree Road, from within estate road network/ cul-de-sac and, of alternative proposed site entrances at side of The Orchard estate via existing signalised junction onto Main Street adjacent to Lidl and via J. Lawless Hardware Limited' hardware/ builder's providers yard off Main Street.
- an undated aerial photo of site context and undated photos of pedestrians/ school children at junction of Greenane Estate and Drumree Road.
- copies of a folio and map (No. MH28525F) in respect to common areas of Greenane estate which states under Part 2 – Ownership that the lands were registered in the ownership of Weatherly Limited on 07/12/1994 (estate developer who was dissolved on 04/03/2003).

- copy of letter from school principal of Scoil Na Rithe (dated 27/02/2025) which outlines concerns for pupil and parent health and safety arising from the proposal for construction traffic to access the site via the Greenane estate.
- correspondence received by appellant from 'Active Travel – Projects & Asset Management Section' of MCC (dated 20/01/2025) which states that "*the green strip of land that you queried is not in the ownership of MCC*" [no map of land referred to and the query put to the Council is provided].
- a series of 4 no. photos of the road and grass verge outside No's 31-34 Greenane estate.
- copy of correspondence received from Solicitor (dated 04/03/2025) in respect to legal ownership of common areas within the Greenane estate.
- copy of correspondence from Paul McEvoy (another resident of Greenane Estate) dated 06/03/2025 which sets out various objections to the proposed construction site entrance off Greenane estate on the grounds of public safety and traffic hazard etc. and seeks that the proposed site entrance be relocated.

#### Katie Boland (04/03/2025)

##### *Drawing Accuracy*

- Raises concerns about the validity/ accuracy/ currency of submitted drawings which do not show an up-to-date layout for The Orchard scheme.

##### *Siting and Impact on Existing Residential Amenity*

- Insufficient detail provided on application documentation re: separation distances and proposal does not meet requirements of MCDP policies DM OBJ 18-20.
- Concerns raised about the siting of 2 no. blocks of proposed 3-storey duplex apartments to houses to north of site.
- Proximity and height of blocks will give rise to overshadowing/ overbearance of neighbouring properties and related safety/ quality of life/ loss of light issues.
- Apartments' 2<sup>nd</sup> floor living windows will give rise to overlooking.
- Seeks that scheme layout is revised to relocate apartments to east side of site.

##### *Consultation/ Procedural Issues*

- Issues raised in respect to the limited location of site notices (in Greenane estate cul-de-sac only) and this giving rise to a lack of local awareness of the proposal.

Copies of the observations made by the appellant at the planning application and FI stages are included as part of the grounds of appeal. These raise essentially the same matters detailed above together with additional issues in respect to:

- Unexplained topographical/ landscaping details shown on the application drawings
- Existing mature trees located adjoining The Orchard not being shown on the plans
- Parking & traffic concerns in respect to proposed access route via Greenane road
- Inadequacy of open space proposed and its reliance on Greenane's open space.

Extracts from various drawings submitted by the applicant at application stage, a site layout drawing of 'The Orchard' scheme permitted under P.A. Ref. RA18/80862, and photos of the site notices erected in the Greenane estate are also included in the appeal document.

## 9.2. Applicant Response

A response to the third party grounds of appeal was received from the applicant on 31/03/2025. Its contents are detailed below:

### Background

- *Scheme Layout* – responds appropriately to the site & its context and was informed by a comprehensive design process and extensive consultation with MCC.

### Site's Condition, Zoning and Planning History

- *National and Regional Policy Context for Proposal* – supports NPOs 3A, 4, 11, 13 & 35 and RPO 3.2 re: compact urban growth/ housing objectives & planning-based performance criteria.
- *Compliance with Section 28 Guidance* – proposal meets requirements of Housing and Residential Development Guidelines re: density and quality design.
- *Compliance with MCDP* – proposal meets requirements of policies DM POL5, DM OBJ14, SH POL2, DNS OBJ2 & DNS OBJ9-10\* re: density, urban consolidation and support for the completion of new/ upgraded road infrastructure in the town.

[\*note that no such POs in MCDP]

## Response to Grounds of Appeal

### *Impact on Existing Residential Amenity*

- Appellants provide no detail on how proposal injures existing residential amenities.
- Site is currently inaccessible to residents and subject to anti-social behaviour.
- Proposal would deliver enhanced amenity re: landscaping, planting & biodiversity.
- Proposal maintains adequate 22m separation from houses to north & proposed 3<sup>rd</sup> floor windows facing north are opaque – mitigates overlooking and overshadowing.

### *Removal of Existing Mature Trees and Hedgerow*

- The extent of hedgerow removal along the west boundary has been limited to only that necessary to allow for safe site access to/from site and will be mitigated by proposals for replacement mixed variety vegetation across the wider site.
- The planting of 58 no. semi-mature trees is proposed as per landscape plan.
- Acknowledges that bat survey undertaken showed that site has low-moderate levels of bat commuting/ foraging activity linked to this same mature/ tree hedge line.
- Bat survey recommended various mitigation measures and concluded that the proposal could be carried out without giving rise to significant adverse effects on local bat population where these measures were implemented.

### *Public Consultation*

- In respect to appellant's concerns re: lack of direct consultation with local residents and extent/ placement of site notices, applicant is satisfied that they have followed all public notification requirements specified in planning legislation and by MCC.

### *Land Ownership/ Consent*

- The commercial/ legal circumstances which led to MCC acquiring legal ownership of the road and roadside verge in Greenane estate are clarified.
- MCC clearly set out in their letter of consent of consent provided with the application that the land (subject to dispute) is in their ownership.

- Applicant contends that appellant's assertions that MCC have acted illegally/ deceitfully in helping to secure permission for the development are without basis etc. and highlights that a detailed record of all meetings between the applicant and the Council were included as part of the application.

#### *Decision-Making Procedural Issues*

- Noted that whilst Case Planner and Senior Executive Planner recommended refusal on basis of perceived deficiencies in scheme surface water management proposals, the Senior Planner subsequently advised the Director of Services that this matter could be dealt with by condition.
- Differing of view amongst planners is not uncommon and the decision thought process was transparent and clearly documented at all stages and at all levels.

#### *Traffic and Transport*

- The nature and extent of traffic and transport related concerns are noted and have been comprehensively dealt with.
- A Traffic Impact Assessment (TIA) was submitted with application & the concerns re: traffic raised by third party observers were addressed as part of FI response.
- The TIA traffic counts found that the proposed development would not impact on existing Drumree Road/ Greenane Estate junction which operates within capacity.
- The Road Safety Audit submitted with the application sets out a number of recommendations to improve safety of scheme/ minimise potential for accidents.
- Sightlines/ visibility splays at proposed access are compliant with applicable DMURS & TII guidance and there are no barriers to achieving same re: legal ownership of adjoining land and letter of consent from MCC. No safety issues arise.
- No potential for construction traffic to impact on Greenane estate as construction stage access to site/ materials sourcing will be via J. Lawless Hardware Ltd. grounds and R-147 (to east).
- Concerns re: impact on local traffic and internal road network is unwarranted as per proposed construction access off the R-147, conclusion of TIA and commencement of the building of a relief road to the north of Dunshauglin which will reduce future traffic levels in the town.



- Concerns re: generation of visitor parking and impact on resident parking in Greenane Estate are noted but are outside of control of both the applicant and estate residents, being operational matters for MCC to resolve as landowner.
- Proposal will have no impact on emergency vehicle access to Greenane estate given no changes are proposed to access from Drumree Road/ capacity of same.
- Proposed parking provision in scheme is sufficient and compliant with S. 28 Guidance on same.
- Appellant's proposal for alternative site access via a new signalised junction at the existing Lidl supermarket on the R-147 is not practical, particularly as its not in the control of the applicant and access via a public road is available (i.e. via Greenane) and may lead to unintended traffic consequences for Greenane estate (rat-run etc).

Ultimately, the applicant seeks that the Board reject the grounds of appeal and uphold the PA's decision to grant permission.

### **9.3. Planning Authority Response**

Response dated 28/03/2025 provides a summary of the issues raised by the third party appellants and states that the matters informed their assessment of the proposal at planning application stage. The PA also reiterate the rationale for their grant permission and request that the Board uphold their decision.

### **9.4. Observations**

1 no. observation was received from a neighbouring property owner (Howard Hunt). The issues raised therein are detailed below:

- Base map for the proposal is outdated and does not show The Orchard estate
- Likely significant impact on the rear gardens of houses to north in terms of overlooking and overshadowing.
- Detailed, revised site plan drawing showing relationship with adjoining properties is required.
- A comprehensive shadow analysis of impact of scheme on adjoining properties is required.

The observation includes a site maps showing the recently completed housing scheme to the north of the site; an extract from the proposed site section/ street elevation drawing (S2); the proposed first and second floor plans for Block A2; and, an unlabelled shadow analysis which seeks to illustrate the shadows that would cast by blocks (of an unknown height) in a perpendicular arrangement at 9am in January, March, June, September and December.

#### 9.5. Further Responses

None received.

### 10.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Traffic and Access
- Land Ownership
- Impact on Existing Residential Amenity
- Drainage Design
- Residential Quality
- Natural Heritage
- Other

#### 10.1. Principle of Development

##### Zoning

- 10.1.1. The appeal site is zoned 'B1 – Commercial/ Town Centre or Village Centre' with the objective "*To protect, provide for and/or improve town and village centre facilities and uses*". The MCDP notes that the primary land use on B1 zoned lands is employment generating/ service/ retail provision with residential use also being permitted on these lands subject to the objective that such development shall not generally exceed 50%

of the quantum of a development site where it is located in a self-sustaining growth town (such as Dunshaughlin).

- 10.1.2. The PA, in considering the proposal's compliance with the site's 'B1 – Commercial/ Town Centre or Village Centre' zoning, determined that, on account of the site's location, at a remove from Main Street and to the rear of an existing commercial yard, the proposal for 100% residential development was acceptable and compliant with MCDP.
- 10.1.3. I note that the policy guidance in respect to the B1 zoning category under Section 11.14.6 of the MCDP states that exceptions to the max. 50% quantum of residential development on B1 zoned lands may be justified on a case by case basis where a clear evidence base has been demonstrated and where the applicant demonstrates that their development proposals have had regard to the asset test set out in Section 9.3 (Housing and Regeneration) and Appendix A of the RSES and that there are substantial commercial vacancies in the area and no demand or need for additional commercial uses.
- 10.1.4. The PA did not explicitly refer to these exceptional circumstances in determining the proposal's compliance with the site's B1 zoning and the first named appellant considers that the proposal's compliance with the site's B1 zoning has not been sufficiently justified.

*Compliance with RSES Asset Test*

- 10.1.5. The applicant is of the view that their proposal for 100% housing accords with Section 9.3 of the RSES, however, I am not satisfied that they provided the requisite level of information to substantiate their view in this regard.
- 10.1.6. I have had regard to the RSES Appendix A which states that the Asset Based Settlement Criteria functions to inform overall growth strategy and settlement hierarchy and, as such, would appear to me to be more relevant to plan-making rather than for development management at the individual site level in circumstances where zoning has already been determined. Notwithstanding, having considered the asset test criteria set out under Section 9.3 (Housing and Regeneration) together with the merits of the proposal (as per my detailed assessment below), I am satisfied that the proposal meets each of the eight parameters listed on the basis of it being compact sustainable development with good accessibility and connectivity to local employment, services

and amenities and which is generally capable of being serviced by existing infrastructure. I also consider that it will provide for a high quality residential environment in line with urban design principles.

*Demand or Need for Additional Commercial Uses*

10.1.7. The applicant states that the town has a number of employment opportunities, and they contend that local service provision is healthy as evidenced by retail provision in the town core.

10.1.8. I have reviewed the MCDP Retail Strategy which states that Dunshaughlin has “*significant levels of vacant units*”. The strategy also outlines a number of retail opportunity sites or “*potential future sites for new retail floorspace*” of which, the appeal site is not one. On this basis of this information, I am satisfied that there is no requirement for additional commercial uses at this location.

*Material Contravention of Zoning*

10.1.9. The provision of 100% residential use on B1 zoned lands (which allow for a max. 50% of such use) would ordinarily give rise to a clear material contravention of the MCDP. However, given that I have determined that an exception to the max. 50% quantum of residential development on B1 zoned lands is justified in this case in light of the proposal’s compliance with the asset test set out in Section 9.3 (Housing and Regeneration) and Appendix A of the RSES and with regard to the nature and extent of commercial vacancies in Dunshaughlin, I consider that no material contravention arises. Notwithstanding, if the Board were to take a contrary view on the matter, I note that it is open to them to grant permission for a proposed development in circumstances where they consider it materially contravenes the development plan as per Section 37(2)(a) of the Planning and Development Act 2000, as amended. In this scenario, I consider that such a decision would be justified on the basis of the site’s location, context and permissions granted in the local area since the making of the Development Plan. In this regard, for example, I note that the appeal site shares the same (B1) zoning as that of The Orchard scheme (to the north) which was recently developed for 100% housing as detailed under Section 4.2 of this report. Furthermore, the appeal site can be described as infill in nature and transitional in character (i.e. being located between wholesale/ convenience retail uses (to the south and east) and

residential estates (to the north and west)), and it is not located within the town's core retail area or identified as a retail opportunity site under the MCDP Retail Strategy.

## **10.2. Traffic and Access**

- 10.2.1. The appeal site is currently effectively landlocked, and the applicant is proposing to access it at construction stage via a temporary access route through J. Lawless Hardware Ltd. hardware/ builder's providers on the east side of the site with the operational site access being located off Greenane estate only.

### Construction Stage

- 10.2.2. The first named appellant is concerned that facilitating construction access via Greenane will create dangerous conditions near schools and within the estate itself with the risk to pedestrians and traffic not being sufficiently addressed by PA. The appellant has also raised questions about the viability of the applicant's proposed construction access having regard to the ambiguous commercial/ legal relationship between the applicant and the owner of the adjoining builders' providers. I note that the letter from the school principal of nearby Scoil Na Rithe (dated 27/02/2025) submitted as part of the appellant's grounds of appeal also outlines concerns for pupil and parent health and safety arising from the proposal for construction traffic to access the site via the Greenane estate.
- 10.2.3. The applicant states that the appellant's concerns re: impact on local traffic and on the internal Greenane estate road network is unwarranted on the basis of the proposed construction access being off the R-147 (Dunshaughlin Main Street), the conclusion of the TIA and, the commencement of the building of a relief road to the north of Dunshaughlin which will reduce future traffic levels in the town.
- 10.2.4. Having reviewed the information on file, including the site operations plan drawing submitted at application stage, I note that the applicant is proposing that the construction site operation entrance is located to the east only via the builder's yard off Main Street and that 1.8m high construction fencing will be installed on the east side of the hedging on the western boundary. I consider that this construction access arrangement deals with the construction stage safety concerns raised by the appellants (i.e. such as potential impact on pedestrians crossing the Drumree Road/ Greenane Estate junction to the north-west of the site) and I am also satisfied as to

the ability of the yard and its access onto Main Street to accommodate the site's construction traffic, having regard to the nature and extent of its current operations.

#### Operational Stage

- 10.2.5. The matter of operational access was dealt with by the PA in their assessment of the proposal who determined that the scheme's operational access arrangements were acceptable once the matter of the legal ownership of the immediately adjoining lands to the west had been resolved to their satisfaction.
- 10.2.6. The first named appellants set out a series of concerns (poor driver visibility and unachievable sightlines etc.) in respect to what they consider to be likely pedestrian safety and traffic hazards affecting both existing and future residents that would arise from the proposed access off Greenane estate. The appellants are particularly concerned about the impact of the proposal's construction and operational-related traffic on the safety of school children crossing the non-signalised junction of Greenane Estate and Drumree Road given the proximity to primary and secondary schools/ to other busy junctions and about the poor capacity of the local road network (whose traffic conditions has not been adequately reflected by the TIA), which they state cannot accommodate the proposal without leading to traffic congestion and greater risk of accidents. The appellant is also concerned that the proposed pedestrian/ cycle permeability improvements and the road safety hazard mitigations outlined in the applicant's RSA are not capable of being implemented on account of the legal ownership issues outlined previously in an earlier section of this report.
- 10.2.7. The second named appellant is also concerned about the proposal to access the site via the Greenane estate as is a Mr. Paul Mc Evoy (a letter from whom was received as part of the grounds of appeal submitted by Greenane Residents Association).
- 10.2.8. The applicant notes the nature and extent of traffic and transport related concerns raised by the appellants and states that these have been comprehensively dealt with at planning stage through the submission of a TIA, which found that the proposed development would not negatively impact on the existing Drumree Road/ Greenane Estate junction which operates within capacity and, via the preparation of a RSA which sets out a number of recommendations to improve safety of scheme/ minimise potential for accidents. The applicant also contends that the sightlines and visibility splays at the proposed access off Greenane estate are compliant with applicable

DMURS and TII guidance and they confirm that there are no barriers to achieving same re: legal ownership of adjoining land and letter of consent from MCC. On this basis, it is their view that no public/ traffic safety issues arise from their proposal.

10.2.9. The legal issues raised surrounding the proposed access to the estate are dealt with under Section 10.3 of this report.

10.2.10. Having visited the site and its surrounds and having considered the scope of the issues raised together with the information on file, I am satisfied that the measures outlined in the RSA (i.e. such as upgraded road markings, speed reduction mechanisms and new pedestrian infrastructure both within the scheme and in Greenane estate) are capable of being implemented and that safe access and egress can be provided from the site via Greenane estate and I also consider the proposal, once operational, will not give rise to a greater risk to public safety or traffic hazard having regard to the implementation of these measures which will mitigate and address conflicts between existing and future road users and pedestrians and ensure the provision of a safe residential environment.

10.2.11. In respect to the potential of the proposal to give rise to an unacceptable impact on traffic in the vicinity, having considered the content and conclusion of the TIA submitted with the application, which states respectively that the adjoining road network and junctions will continue to operate within capacity with no queues and minimal delays on account of the development, I am satisfied that there is no issue in this regard.

#### Alternative Access

10.2.12. Paul Mc Evoy (a letter from whom was received as part of the grounds of appeal submitted by Greenane Residents Association) seeks that the proposed access of the estate be relocated elsewhere.

10.2.13. The first named appellant implores the applicant and PA to seriously explore the option of providing a permanent access to the site off Dunshaughlin's Main Street (R-147) either via the signalised junction adjacent to Lidl (and to the immediate east of The Orchard) to the north-east or via the builder's suppliers to the immediate east.

10.2.14. The applicant contends that the first named appellant's proposal for alternative site access(es) from the R-147 via a new signalised junction adjoining the existing Lidl

supermarket is not practical, particularly as its not in the control of the applicant, may lead to unintended traffic consequences for Greenane estate (rat-run etc) and given that access via a public road is available (i.e. via Greenane estate which is taken in charge by MCC).

10.2.15. Having visited the lands in question and having considered the alterative access proposals suggested by the appellants together with the applicant's rebuttal of same, I would note that the suggested access to the immediate east of The Orchard estate would cross third party lands that do not appear to be in the ownership of MCC and the applicant and would necessitate coming through the north section of the builder's providers lands. The second proposed access is directly off Main Street and via the builder's providers land through a similar arrangement. Having considered both options, I am of the view that they are unviable on the basis of their inappropriate reliance on third party lands for permanent access to the residential estate. In respect to the proposed access via the builder's suppliers to the immediate east, I consider that this would bring residents (and their visitors) into conflict on a daily basis with the operation and wholesale type commercial activities ongoing in the builder's yard.

### **10.3. Land Ownership**

10.3.1. The first named appellant has raised various issues in respect to the applicant's reliance on lands in third party ownership (greenspace and road verges) and specifically with regard to the following being reliant on this land: part of the proposed public open space serving the new development; some of the parking bays serving the new housing units; the proposed access from Greenane estate (which would require removal of trees and vegetation along same to achieve required sightlines); and, the provision of a new pedestrian footpath along the western boundary of the site. For the same reason, they also raise issues about the practicality of implementing a number of measures recommended in RSA.

10.3.2. The PA were satisfied as to the acceptability of the applicant's response to FI Item 3 (i.e. letter of consent from MCC provided in respect to proposed access from/ works to lands in Greenane estate) and considered that it addressed the land ownership issues raised.

10.3.3. The appeal made by Greenane Residents Association states that the estate's common areas (road verges and greenspace adjoining the carriageway) were previously owned



by the original estate developer - Weatherly Limited – whose assets were liquidated in 2003. Their dissolution is confirmed by the applicant in their response to the appeal.

- 10.3.4. The appellant has submitted a letter from a Solicitor which states that the lands in question are owned by the estate's residents/ the owner's management company who have taken responsibility for their management and maintenance (via tree planting, grass mowing etc.). This letter goes on to advise that these rights may need to be further shored up and, in response, the appellants state that they have sought to register their formal legal interest in the lands with the Property Registration Authority (PRA).
- 10.3.5. It is the applicant's contention that MCC are the legal owner of the lands having 'taken them in charge' following the liquidation of Weatherly Limited. The applicant provides a letter from their Solicitor with folio information confirming same together with a letter of consent (dated 09/12/2024) for works within Greenane estate from MCC's Transportation Department as part of their FI response. The maps appended to MCC's letter show the area of carriageway, verge and incidental greenspace outside the applicant's blue line (but within the red line) as highlighted in yellow and the letter states that MCC has authority over these highlighted areas.
- 10.3.6. Having considered the information on file, with particular regard to the letter of consent from MCC, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a civil matter and is outside the scope of this planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provision of Section 34(13) of the Planning and Development Act (2000) as amended.

#### **10.4. Impact on Existing Residential Amenity**

##### Overview

- 10.4.1. The PA considered the general scheme design and layout to be acceptable on account of its compliance with national and MCDP policy on urban design quality, site coverage, plot ratio, density (45uph) and separation distances.
- 10.4.2. The PA's view is reiterated by the applicant who notes that the proposal adequately responds to its context, was subject to a comprehensive design process and, that it

meets the requirements of the Housing and Residential Development Guidelines in respect to density, quality design and separation distances.

- 10.4.3. The first named appellant highlights the proposal's negative impact on existing residential amenity in terms of its siting, height & proximity to neighbouring properties which they argue is out of character with area and will give rise to property devaluation.
- 10.4.4. The second named appellant raises concerns about the siting of 2 no. blocks of proposed 3-storey duplex apartments (Blocks A1 & A2) relative to the existing houses to the north (re: compliance with DM OBJ 18-20) and seeks that the layout of the scheme is revised to relocate the apartments blocks to the east side of the site. It is their view that the proximity and height of the apartment blocks as proposed will give rise to overshadowing of and overbearance on neighbouring properties and to related safety, privacy, quality of life and loss of light issues. Their concerns are stated to be exacerbated by the inclusion of inaccurate data in respect to the as-built layout of The Orchard scheme on the applicant's plans - a matter that is also raised by the observer.
- 10.4.5. The applicant contends that the appellants have provided no detail on how the proposal injures existing residential amenities and states that the proposal would, in fact, deliver enhanced residential amenity by delivering security, accessibility, landscaping and biodiversity improvements for the local area.

#### Siting/ Overbearance

- 10.4.6. Having visited the site and its surrounds and having considered the proposals, I am satisfied that adequate separation distances of 22m+ will be provided between the first floor building line of the proposed duplex apartment blocks (A1 & A2) and the general building line of the existing houses to the north together with the front building line of the houses in Greenane to the west. Furthermore, whilst No's 6-7 The Orchard are not shown on the proposed site dimensions plan submitted at FI stage, I note that the rear building line of these two properties is generally consistent with those of the adjoining Orchard properties on the south side of the same estate. On this basis, I am satisfied that the built relationship between the scheme and adjoining properties is compliant with applicable MCDP Policy DM OBJ 19 (which requires a min. 16m separation distance between opposing rear or side windows in the case of apartments/duplex units up to three storeys in height) and with SPPR1 of the 2024 Compact Settlement Guidelines which requires a minimum separation distance exceeding 16 meters

between opposing windows serving habitable rooms in apartment units above ground floor level.

- 10.4.7. Given that the scheme meets and exceeds these separation requirements and having regard to its relative height, massing and rear fenestration arrangements, I am also of the view that it would not give rise to unacceptable overbearance on the appellant's property in The Orchard particularly having regard to the as-built arrangements (tall boundaries and existing garden room) to the rear of their property which can be seen in the PowerPoint document accompanying this appeal.

#### Overlooking

- 10.4.8. The second named appellant maintains that the placement of the duplex apartments' second floor rear windows will give rise to unacceptable overlooking of their property. Their concerns in this regard are reiterated by the observer.
- 10.4.9. The applicant notes that the proposed second floor windows (north facing) are fitted with opaque glass which they state addresses the appellant's concerns in respect to impacts on their privacy.
- 10.4.10. As outlined in paragraph 10.4.6 of this report, I am satisfied that policy compliant separation distances have been provided between the opposing rear windows of the 3-storey duplex apartment blocks (A1 & A2) and the rear building line of the existing houses to the north. I am also satisfied that no overlooking would arise from the duplex's private amenity spaces which are located on the south elevation overlooking the scheme's central greenspace or at ground floor level to the rear of the blocks. I note that the 2<sup>nd</sup> floor level windows subject to the appellant's concerns serve bathrooms and that they are each proposed to be treated with opaque glazing in order to safeguard the privacy of future residents. The developer would be required to provide this opaque glazing in compliance with standard condition no. 1 in the event of a grant of permission. On this basis, it is my view that the appellant's concerns in regard to overlooking are unfounded.

#### Overshadowing/ Loss of Light

- 10.4.11. The second named appellant has raised concerns that the proximity and height of the proposed 3-storey duplex apartment blocks (A1 & A2) to their property will give

rise to overshadowing and related loss of light issues. The observer shares these concerns.

- 10.4.12. Whilst I note that the duplex apartment blocks are located due south of The Orchard properties to the north, having considered the adequate separation distance between the properties, the massing arrangement of the proposed blocks together with the height of the shared boundary and intermediate placement of the appellant's shed/ rear garden room against same, I do not consider that the proposal has the potential to unacceptably impact on sunlighting to the appellant's rear garden or daylighting to their internal amenity spaces. For this reason, I would disagree with the observer's view that a comprehensive shadow analysis of the impact of scheme on adjoining properties is required.

#### Visual Amenity

- 10.4.13. The first named appellant raises the issue of the proposal giving rise to a diminution in their visual amenity – particularly on account of the removal of mature trees and hedgerows which act as a buffer which currently visually screens site from their view.
- 10.4.14. Whilst I acknowledge the appellants concerns, I note this is a zoned infill site the development of which is encouraged under national, regional and local policies relating to compact growth and urban consolidation.
- 10.4.15. The nature and extent of proposed works to the western boundary are dealt with under Section 10.7 of this report.

#### Traffic and Parking

- 10.4.16. The appellants raise significant concerns about traffic and access and the risks to their residential amenity in terms of road/ pedestrian safety, the facilitation of emergency access and general inconvenience and disturbance arising from the conversion of their existing cul-de-sac into a through-road. They also seek to draw the Board's attention to the scheme's substandard provision of resident and visitor car parking and to the negative impact that the proposal will have on use and availability of on-street parking for residents, particularly in the adjoining Greenane estate which is already subject to uncontrolled public parking which constrains emergency vehicle access.
- 10.4.17. The applicant, in their response to the grounds of appeal, states that the appellant's parking concerns are outside of control of both the applicant and estate residents,

being operational matters for MCC to resolve as landowner; that the scheme's parking provision is sufficient and compliant with national guidance on same; and, that the proposal will have no impact on emergency vehicle access to Greenane estate given that no changes are proposed to the layout or capacity of the access from Drumree Road. In respect to the appellant's reservations about traffic and access, the applicant contends that their concerns are unwarranted given that the proposed construction access will be off the R-147 (Main Street), given the conclusions of the TIA and RSA and, given the commencement of a relief road to the north of Dunshauglin which will address traffic levels in the town.

- 10.4.18. The PA in their report at initial application stage determined that the scheme's proposed resident and visitor car and bike parking provision satisfied quantitative requirements on the basis of its provision of 46 no. bike parking spaces and 35 no. car parking spaces comprised of 10 no. resident car parking spaces for its 5 no. houses, 18 no. resident car parking spaces for its 18 no. 2-bed duplex apartments and 7 no. visitor car parking spaces (3 no. being disabled parking bays).

*Parking/ Emergency Access*

- 10.4.19. Whilst I note the concerns of the residents with regard to overspill parking, I am satisfied that the proposal provides for parking levels which comply with policy requirements set out in Tables 11.2 (Car Parking Standards) and 11.4 (Cycle Parking Standards) of the MCDP. Having visited the site and its surrounds, I note that each of the adjoining properties in the Greenane estate has in-curtilage parking with additional on-street parking for multiple vehicles provided for along their road frontage. Furthermore, having regard to this provision of sufficient, policy compliant resident and visitor parking within the scheme and to the fact that current on-street parking in the vicinity takes place on carriageways that are in the ownership and control of MCC, I am also satisfied that the proposal itself would not have the potential to block emergency access within the estate or to neighbouring properties in the vicinity.

*Change in Nature of Estate Road*

- 10.4.20. I acknowledge the concerns raised by the appellants in respect to the change of their existing cul-de-sac in Greenane to a road which will provide access to the proposed development. These concerns relate to increased traffic levels, road/ pedestrian safety, inconvenience and general disturbance. I consider that these matters, which

relate principally to traffic, operational/ construction access and road safety have been comprehensively dealt with under Section 10.2 of this report.

## **10.5. Drainage Design**

- 10.5.1. The first named appellant and observer raise a series of concerns in respect to the PA's decision making procedure and specifically about how the case planner(s) recommendation to refuse permission on the basis of material contravention of MCDP drainage policy was overruled by their Director of Services, with the PA ultimately deciding to grant permission subject to an amending condition.
- 10.5.2. The PA's EFSWMS raised a number of issues in respect to the design of the site's surface water management infrastructure at the initial application and FI stages and recommended a refusal of permission on the basis of the proposal's non-compliance with the Greater Dublin Strategic Drainage Study (GDSDS) and material contravention of INF POL 16. Their concerns related specifically to the inappropriate/ defective design of the surface water treatment and disposal system proposed and to the potential for same to give rise to the structural failure of the proposed surface water pipeline on account of discrepancies in levels; issues with the modelling analysis, type of attenuation system proposed and incorrect sizing of the attenuation system; and, insufficient cover being provided to the surface water system. Having regard to the nature and extent of these concerns, the Case Planner (CP) and Senior Executive Planner (SEP) recommended a refusal of permission on this singular issue.
- 10.5.3. The applicant, in their response to the grounds of appeal, contends that the CP's recommendation of refusal was based on perceived deficiencies in the information provided with respect to the management of surface water on site. They state that the Senior Planner subsequently advised the Director of Services (DOS) that the matter of compliance with GDSDS and with the GDRCoP could be dealt with via a pre-commencement planning condition. On this basis, it is the applicant's view that the matters raised by the PA's EFSWMS can be dealt with retrospectively and prior to the commencement of any development works on site. No revised drainage design was therefore provided as part of the applicant's response to the third party appeals.
- 10.5.4. I note the view of the EFSWMS that the proposal would give rise to a material contravention of Policy INF POL 16 and the view of the CP and SEP that the proposal would contravene this policy (as per their refusal reasoning). However, having regard

to the wording of said policy (i.e. which 'seeks to ensure' and 'have regard to'), I am of the opinion that the proposal would be contrary to, and inconsistent with, the requirements of the policy rather than materially contravening it.

- 10.5.5. Notwithstanding, having considered the nature and extent of concerns in respect to the scheme's drainage system outlined by the PA's EFSWS at both application and FI stage, together with CP's and SEP's recommendation of refusal on this issue in addition to the statement in the PA's pre-commencement drainage condition (No. 7(i)) attached to the PA's grant of permission that "*the surface water management proposals as submitted are not acceptable and shall not be permitted*", it is my view that the proposal subject of this appeal is non-compliant with MCDP Policy INF POL 16 and would give rise to an unacceptable public health risk and a risk of localised pluvial flooding on account of potential systemic failure (as outlined in the EFSWS reports) which would not be in accordance with proper planning and sustainable development. Furthermore, notwithstanding the view of the applicant and DOS to the contrary, I am not satisfied that there is sufficient evidence on file to demonstrate that the aforementioned issues with the surface water management system are capable of being satisfactorily addressed by the mechanism of a pre-commencement condition. I recommend a refusal on this basis. Notwithstanding, where the Board are minded to grant permission, it is open to them to seek additional information from the applicant in respect to the scheme's surface water drainage system as per Section 132 of the Planning and Development Act 2000 (as amended).
- 10.5.6. I acknowledge the concerns raised in respect to the PA's decision making procedure. The proposal subject of this appeal is being impartially assessed by the Board having regard to this report and will be subject to their final determination.

#### **10.6. Residential Quality**

- 10.6.1. The PA were generally satisfied as to the quality of the proposed residential units (i.e. unit/ room sizing, mix, storage, garden/ private amenity space etc.) and the appellants or observers outlined no concerns in respect to same. Therefore, my assessment in respect to residential quality will focus on the specific issues raised with regard to the proposal's public open space, public realm/ permeability and bicycle infrastructure.

#### **Open Space**

- 10.6.2. The appellants seek to highlight that the proposal relies on existing open space in the Greenane estate to satisfy its public open space requirements with the second named appellant stating that the open space proposed is inadequate.
- 10.6.3. The PA were of the view that the scheme's private open space (POS) meets and exceeds the quantitative requirement and that this overprovision compensated for the non-provision of communal open space within the scheme.
- 10.6.4. I note that the proposed open space (c. 1000sq.m) is located on the west side of the scheme, that it is multifunctional (incorporating swales and sustainable mobility infrastructure etc.), would be subject to good passive surveillance and, that it extends into the Greenane estate in order to incorporate the mature hedging and treeline which acts as the site's western boundary.
- 10.6.5. The area of the application site is c. 0.55ha (c. 5500sqm) and MCDP Policy DM OBJ 26 requires that POS for residential developments be provided at a rate of 15% the total site area whilst PO 5.1 of the Compact Settlement Guidelines (2024) requires public open space to be no less than 10% of the net site area. On this basis, even if the narrow western strip of open space which falls outside the applicant's blue line boundary was excluded from the calculation, I am still satisfied that the proposal would meet required quantitative (and qualitative) open space standards by providing an area which exceeds 10% of the net site area.
- 10.6.6. In respect to the non-provision of communal open space within the mixed housing scheme, I note that in addition to the overprovision of POS noted by the PA, both terraces and large outdoor garden spaces are proposed to be provided for the duplex apartment units with their sizing being in excess of POS requirements and that such an arrangement in respect to communal amenity space will provide a good standard of residential amenity and is allowed for under the Apartment Guidelines (2023).

Public Realm/ Pedestrian Permeability/ Design of Bike and Bin Stores

- 10.6.7. The PA, in their report at FI stage, outlined a number of minor remaining concerns that they had in respect to the extent of tactile paving proposed at pedestrian crossing points at the boundary of scheme; proposed pedestrian connections to lands to the south; and, with regard to the unacceptable interconnection between the bicycle and bin storage areas and concluded that these could be addressed by condition.



10.6.8. I consider that the majority of these minor design matters could be addressed by condition (i.e. where the Board are minded to grant permission), with the exception of the proposed pedestrian connections to lands to the south. In respect to this matter of pedestrian permeability, I note from the plans submitted that the applicant has proposed 'future pedestrian links' to the south-west and south of the scheme and directly adjacent to duplex unit no. 22 and house no. 17 respectively where the footpath extends to meet the site boundary. Whilst I note the nature of the land use which currently adjoins the site to the south (service yard and open space), given that these are explicitly 'future' links to town centre lands which form part of the same 'Commercial/Town centre or Village Centre' zoned landbank and would future proof greater pedestrian permeability in the town centre and connectivity to same where the lands to be redeveloped, I do not agree with the PA's direction that the pedestrian link next to unit no. 17 should be omitted for the reasoning I have set out. It is my view that both links should be maintained but that the proposed link next to Unit No. 23 be repositioned (from its current position outside the red line and off the carriageway/ turning head at the base of the Greenane estate) to bring it within the applicant's red line and flush with the side gable of the duplex.

## 10.7. **Natural Heritage**

### Hedgerows/ Trees

- 10.7.1. The natural heritage importance of the site's existing western hedgerow/ treeline was raised by the PA in their assessment of the proposal and led to the applicant carrying out bat and topographic surveys on this boundary and proposing revised landscaping arrangements at FI stage which limited the extent of proposed hedgerow removal and included additional mitigatory planting and hedgerows elsewhere on site to offset habitat loss. Permission was ultimately granted for a limited (c. 15.68m) extent of hedgerow removal and the removal of 3 no. trees on lands in MCC's ownership (as per the information contained in their letter of consent provided to the applicant) in order to facilitate the proposed site access from Greenane estate.
- 10.7.2. The first named appellant raises concerns about the proximity of the duplex apartment blocks to natural features, the extent of mature tree/ hedgerow removal and related habitat loss for protected species and, about related impacts on their visual amenity.

The second named appellant draws the Board's attention to existing mature trees located adjoining The Orchard which they state are not shown on the applicant's plans.

- 10.7.3. In respect to the proposals for removal of mature trees and hedgerows, the applicant contends that the extent of removal along the west boundary has been limited to only that necessary to allow for safe site access to/ from site and will be mitigated by proposals for replacement vegetation in and around the site – including a large number of new semi-mature trees.
- 10.7.4. Having reviewed the application and FI landscape plans against the stated requirements of Sections 8.9.7 (Protected Species) and 11.4.4 (Trees and Hedgerows) and DM OBJ 11 of the MCDP, I am satisfied that no compliance issue arises and that the applicant's FI proposals strike an appropriate balance between protecting existing natural heritage features as identified on the topographical survey, protecting an existing important foraging and commuting habitat for bats, safeguarding existing visual amenity and opening up/ bringing an underutilised, infill urban site into productive use. This being on the basis of a much larger portion of the existing mature western hedgerow being proposed for retention and the existing mature trees on the south-west boundary of the site also being retained, with no tree removal proposed to the north-west – all as per the FI proposal.

#### Bats

- 10.7.5. I have reviewed the bat survey carried out at FI stage, which involved the carrying out of a general bat activity survey on 06/08/2024, which determined that the mature treeline/ hedgerow on the west side of the site was an asset for bat commuting and foraging (and particularly for the common pipistrelle bat) and that it had limited connectivity to other bat habitats on account of its location/ urban setting). I am satisfied as to the comprehensiveness of the survey carried out and I note that, in addition to the retention of the western hedgerow discussed above, it put forward a number of recommended mitigation measures (inter alia the establishment of a root protection zone and the preparation of a detailed Construction Environmental Management Plan and a bat-sensitive scheme lighting plan etc.) in order to minimise impact on the local bat population. I consider it reasonable that the implementation of these bat mitigation measures be required by condition where the Board are minded to grant permission. I also note the contents of the outdoor lighting report submitted at

FI stage which states that there will be a 5m buffer zone maintained between existing western hedgerow and the proposed lighting columns which is also considered to be acceptable.

#### **10.8. Other**

##### Boundary Treatments

- 10.8.1. The appellants raise various issues in respect to the validity and accuracy of the application documentation with specific concerns being raised in respect to boundary details.
- 10.8.2. Whilst generally satisfied with the scheme's hard boundary proposals, the PA sought to address various errors identified in the applicant's boundary proposals by, for example, seeking confirmation from the appellant that boundary Type B was included in error and correcting the height of boundary Type D 'brick wall with railing topper' (stated to be 11.1m instead of 1.1m) by condition. In the interests of clarity and given the concerns of third parties in respect to the boundaries, I am of the view that the attachment of a similar condition would be warranted where the Board are minded to grant permission.
- 10.8.3. I have previously dealt with the treatment of the site's existing natural boundaries in Section 10.7 of this report.

##### Part V

- 10.8.4. I note that the PA were not satisfied with quantum of on-site units proposed by the applicant to comply with their social housing obligations but considered that this matter could be addressed by condition. The means of compliance with Part V legislation is not a relevant matter for the Board's consideration.

##### Telecommunications infrastructure

- 10.8.5. The PA were satisfied that telecommunications infrastructure requirements (re: telecoms connections and in-building telecoms infrastructure) raised by their Broadband Officer could be addressed via the attachment of a suitable condition. I consider that the attachment of the standard Board condition on service cables and broadband infrastructure would satisfactorily address the issues raised.

##### Public Lighting

- 10.8.6. I note that the original proposal was found not to meet MCC's Public Lighting Technical Specification and Requirements as required by DM POL 3 and that a revised proposal was submitted at FI stage with the PA ultimately attaching a condition to require the submission of a lighting layout drawing. I consider that this matter can also be addressed by standard condition in the event of grant of permission.
- 10.8.7. The impact of the scheme's lighting proposals on bats is addressed in Section 10.7 of this report.

#### Archaeology

- 10.8.8. Having regard to the site's location in a ZoAP for the medieval settlement of Dunshaughlin/ Recorded Monument ME044-033 and the recommendation from DoHLGH for pre-development testing to be carried out on site, I consider it appropriate that this matter be addressed by condition where the Board are minded to grant permission for the proposal.

#### Foul Drainage and Water Supply

- 10.8.9. UE have stated that the proposal's connection to public water supply can be facilitated without upgrade and that its connection to the public sewer can be achieved subject to upgrades. Where the Board are minded to grant permission, I consider these matters can be addressed by the attachment of a standard condition requiring the developer to enter into a connection agreement with UE in respect to same.

#### Quality of Application Documentation

- 10.8.10. Both appellants and the observer raise concerns about the validity/ accuracy/ currency of the documentation provided in respect of the planning application. Whilst I acknowledge these concerns, I am satisfied that I have sufficient information on file to allow me to continue to assess the proposal.

#### Consultation/ Procedural issues

- 10.8.11. The appellants raise various issues with regard to the quantum and the locating of site notices in the Greenane estate cul-de-sac only, the ensuing lack of local awareness of the proposal and, in respect to the lack of consultation between the development and adjoining residents/ property owners.
- 10.8.12. In their response to the appeal, the applicant states that they are satisfied they have followed all public notification requirements specified in planning legislation/ by MCC.

- 10.8.13. The PA deemed the application to be valid and were satisfied with the nature and location of the site notices at application and FI stage.
- 10.8.14. Whilst generally encouraged, I note that there is no statutory requirement for an applicant to directly consult with the local community/ stakeholders prior to lodging their application (or at FI stage) and that the public had 5 weeks after the application was lodged to make their representations as advised on the statutory notices.
- 10.8.15. In terms of the other procedural matters raised and the alleged irregularities in terms of the nature and location of the erection of the site notices, I note that both matters were considered acceptable by the planning authority.

#### Devaluation of Property

- 10.8.16. I note the concerns raised by the appellants in respect to the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

## **11.0 AA Screening**

- 11.1. 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, specifically the River Boyne and River Blackwater SPA (Site Code 004232), River Boyne and River Blackwater SAC (Site Code 002299) or Rye Water Valley/Cartron SAC (Site Code 001398) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.
- 11.2. This determination is based on:
- The relatively minor nature of the development.
  - The location-distance from the nearest European Site and lack of connections.
  - Taking into account the appropriate assessment screening undertaken by the PA.

- 11.3. I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects.
- 11.4. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **12.0 Recommendation**

I recommend that outline permission be REFUSED for the reasons and considerations set out below.

## **13.0 Reasons and Considerations**

1. It is considered that the proposed development, by reason of its proposed surface water management system, is not compliant with Policy POL 16 of the Meath County Development Plan 2021-2028 which seeks to ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS. The Board is not satisfied, on the basis of the information on file, that the aforementioned issues with the surface water management system are capable of being satisfactorily addressed by the mechanism of a pre-commencement condition. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

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Emma Gosnell

Planning Inspector

11<sup>th</sup> June 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-322000-25</b>
<b>Proposed Development Summary</b>	Construction of 23 housing units, comprising 18 apartments and 5 houses and all associated site works.
<b>Development Address</b>	East of Greenane, Dunshaughlin, Co. Meath
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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 under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>  Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 23 no. dwelling units.  Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is 0.55ha.

<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-322000-25</b>
<b>Proposed Development Summary</b>	Construction of 23 housing units, comprising 18 apartments and 5 houses and all associated site works.
<b>Development Address</b>	East of Greenane, Dunshaughlin, Co. Meath
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works,	The development is for 23 no. housing units (mix of houses and duplexes/ apartments), comes forward as a standalone project, and it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is



<p>use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated on a greenfield, infill site and surrounded by a mix of residential and commercial (retail/ wholesale etc) land uses (relatively abundant as per the MCDP Core Strategy) to the west of the Main Street in Dunshaughlin, Co. Meath.</p> <p>The development site is landlocked but is proposed to be accessed from Greenane Estate (L-50290 which is, in turn, accessed via the from Drumree Road (L-2208) to the north.</p> <p>Tributaries of the River Skane and the Rathoath Stream are located c. 200m to the north-west and 450m to north-east of the site respectively. These watercourses provide very indirect hydrological links to the River Boyne and River Blackwater SPA and SAC. However, it is considered that there is no pathway from the appeal site to these rivers as per Section 11 of the Inspector's Report (AA Screening).</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites and landscapes of identified significance in the County Development Plan. The site's location within a Zone of Archaeological Potential for medieval settlement of Dunshaughlin/ Recorded Monument ME044-033 is dealt with as part of the Planning Assessment in the main body of the Inspector's Report.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Screening the need for Water Framework Directive Assessment Determination

The appeal site is located to the east of the Greenane housing estate and to the rear of the Orchard housing estate in Dunshaughlin, Co. Meath.

Tributaries of the River Skane and the Rathoath Stream are located c. 200m to the north-west and 450m to north-east of the site respectively and there is a small field drain running along the northern boundary of the site.

The proposal for 23 no. housing units comprises of 18 no. 2-bed apartments, 4 no. 4-bed semi-detached dwellings and 1 no. 4-bed detached dwelling, construction of a new access road and the provision of public open space and landscaping, EV charging capabilities, bicycle rack storage and bins storage – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission (described above) on this greenfield site at Dunshaughlin, Co. Meath and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections.

#### Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.