



An  
Coimisiún  
Pleanála

# Inspector's Addendum Report

## ACP-324077-26

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<b>Development</b>	Construction of 3 no. apartment blocks and associated works.
<b>Location</b>	Southern-Most Point of Millbourne Avenue, South of Millbourne Drive, Millbourne, Ashbourne, Co. Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	AA190862
<b>Applicant(s)</b>	Rybo Partnership
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Rybo Partnership
<b>Date of Site Inspection</b>	25 <sup>th</sup> May 2026
<b>Inspector</b>	Colin McBride

## Contents

1.0 Introduction.....	3
2.0 Response of Relevant Parties/Observers to the Commission’s Decision to Request Further Information .....	4
3.0 Response by Meath County Council .....	9
4.0 Policy Context .....	9
5.0 Assessment.....	11
6.0 EIA Screening .....	18
7.0 Appropriate Assessment .....	20
8.0 Recommendation .....	21
9.0 Reasons and Considerations .....	21

## 1.0 Introduction

- 1.1. This Inspector's Report is an Addendum Report to the Inspectors' Report previously prepared in respect of ABP-307457-20 dated the 09<sup>th</sup> September 2020. Permission was sought for the construction of 3 no. apartment blocks. Each block will be three-storey high plus a penthouse (four-storeys) and will contain 9 no. two-bed and 1 no. three bed apartments. The total number of apartments is 30. The proposal also entails the provision of 30 no. car parking spaces, external bicycle shelter, in storage area along with all associated site works.
- 1.2. Meath County Council had recommended refusal of permission, and this decision was subject to a first party appeal. The refusal was based on the deficiency of the open space within the existing housing development where the site is located. The Order of An Bord Pleanála dated the 11<sup>th</sup> of September 2020 granted permission for the proposed development.
- 1.3. A Judicial Review of the decision to grant permission was taken by Millbourne Residents Association. An Bord Pleanála decision was quashed by Order of the High Court perfected on the 15<sup>th</sup> October 2024. The reasons for the High Court decision relates to failures in terms of environmental assessment and appropriate assessment in reaching the decision to grant permission. The order states that the matter is to be remitted back to An Coimisiun Pleanála to be reconsidered in accordance with law. Millbourne Residents Association referred the decision to the Supreme Court who determined on the 27<sup>th</sup> of November 2025 that the case could be remitted back to the Commission for assessment and that the in determining a de novo appeal, pursuant to s. 37 of the 2000 Act, must refer to the development plan then in force irrespective of whether the Commission is determining an appeal on remittal after a decision of the Commission has been quashed.
- 1.4. By letter dated 4<sup>th</sup> March 2026 the Commission notified the applicant that the decision made on the case was quashed by Order of the High Court and that the matter is remitted back to An Coimisiun Pleanála to be reconsidered in accordance with the law. Further having regard to Article 73(1)(a) of the Planning and Development regulations 2001, as amended, the applicant was afforded the opportunity in the interest of justice, to make any further submission on the remitted planning application.

- 1.5. The applicant responded to the Article 73(1)(a) notice on the 27th March 2026. On the 13th April 2026 the Commission advised all parties and observers to the appeal of the quashed case and its remittal and under section 131 of the Planning and Development Act 2000, as amended, these participants were invited to make submissions/observations on the remitted case and on the applicants' response to the Article 73(1)(a) notice.
- 1.6. A summary of the applicant's response to the Article 73(1)(a) notice is set out in section 2 of this report.
- 1.7. Summaries of responses received to the section 131 notices from appellants and observers are set out in section 2 of this report. A response has also been submitted by Meath County Council, and such is summarised under Section 3.
- 1.8. Over the passage of time since the appeal was lodged, a new Meath County Development Plan 2021-2027 has been adopted. The zoning of the site has been changed from 'A2-New Residential' under the County Development Plan in place at the time (2013-2019) to 'F1-Open Space' under the current County Development Plan (2021-2027). Over the same passage of time new Ministerial Guidelines have also been introduced (Updated Apartment guidelines and the Compact Settlement guidelines).

## **2.0 Response of Relevant Parties/Observers to the Commission's Decision to Request Further Information**

- 2.1. A submission was received from the applicant/first party appellants and such can be summarised as follows:-
  - The submission sets out a justification for a grant of permission notwithstanding the change in land use zoning on the basis of planning history, established residential context and availability of open space in the area. The submission includes an updated Planning Statement, an EIA screening report and an Appropriate Assessment Screening report.
  - The submission outlines the site-land use history and policy evolution including highlighting that the fact that the site has been rezoned from 'A2-New Residential' to 'F1-Open Space'. It is acknowledged that the proposal would constitute a material

contravention of zoning policy however it is considered that the enhanced provision and availability of public open space within the wider area, the reinstatement of these lands to residential use is appropriate and justified and falls under the remit of the Commission in determining the planning appeal by way of material contravention.

- The submission highlights the level of open space within 1km of the site and the planning history of the site.
- The design, scale and the layout of the proposal is unchanged with the main change being the planning context of the site with the site having been rezoned from 'A2-New Residential' to 'F1-Open Space' under the Meath County Development Plan 2021-2027.
- The submission highlights that the proposed development is consistent with National and Local Planning policy.
- The proposal is consistent with the National Policy Objectives of the National Planning Framework in terms of housing provision. The proposal is consistent with the Sustainable Residential Development and Compact Settlement: Guidelines for Planning Authorities 2024 in terms of density (table 3.5), separation distances, car parking and cycle parking and storage (SPPR 1, 3 and 4). The proposed development is consistent with Sustainable Urban Housing: Design Standards for New Apartments 2025 in relation to unit mix (SPPR 1), minimum floor areas (SPPR2), percentage of dual aspect units (SPPR3), floor to ceiling heights (SPPR4). The proposal is consistent with the Urban Development and Building Heights Guidelines (December 2018), the Design Manual for Urban Roads and Streets (DMURS)(2019) and the Climate Action Plan.
- The proposed development is consistent with the policies of Meath County Council Development Plan 2021-2027 (including Variations 1, 2 and 3). The proposal is consistent with the Core Strategy, and Development Plan objectives concerning density, plot ratio, site coverage, riparian corridor, separation distances, housing mix, building height, private, public open space and communal open space, car parking standards, cycle parking, waste management, boundary treatments, trees and hedgerows, dual aspect units , Daylight and Sunlight, and flooding.
- In regards to the current 'F1-Open Space' zoning such represents a significant departure from the previous zoning and extant permission granted on the lands. This will constrain the future development potential of the site, notwithstanding the fact that the

land remains in private ownership and there are currently no proposal or mechanisms in place for their acquisition or use as public open space. The open space zoning limits the potential for future consolidation and expansion of residential development in an established urban area at a time national and regional planning policy seeks to facilitate efficient use of suitably located lands to address ongoing housing needs.

- An Environmental Impact Assessment Screening report has been submitted with it noted that a mandatory EIAR is not required and the conclusion of screening is that the proposed development is not likely to give rise to significant effects on the environment.
- An updated Appropriate Assessment Screening report has been prepared with a conclusion that no significant effects are likely on any designated Natura 2000 sites.
- Material Contravention: The proposed development would represent a material contravention if the Consolidated Meath County Development Plan 2021-2027 (including Variations 1, 2 and 3). The appeal is made under Section 37 with it highlighted that the applicant/appellant wishes the Commission to invoke the provisions of Section 37(2)(a) of the Planning and Development Act 2000 (as amended).
- The applicant/appellant highlight the justification for material contravention.
- In terms of strategic importance the proposal responds to national population growth and housing demand and aligns with the overarching strategic planning policy objectives set out under the Revised National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) in terms of delivery of housing supply targets, promotion of compact and sequential growth and achievement of sustainable settlement patterns within an established urban area.
- The proposal is consistent with section 28 Ministerial Guidelines in the form of the Sustainable Urban Housing: Design Standards for New Apartments (2025); and the National Planning Framework Implementation-Housing Growth Requirements.
- The proposal is consistent with the proper planning and sustainable development as it will facilitate release of lands for residential development, respects and protects the constitutional rights of the private landowner, supports existing and planning public transport infrastructure movement, enhance the social and economic vitality of the area and delivers much-needed housing in a manner consistent with national and regional need.

- It is considered that it is appropriate and justified to materially contravene the zoning provisions of the Meath County Development Plan in this case.
- The applicant/appellant refers to *McEvoy v Meath County Council*, which confirms that planning policies and objectives are not to be applied rigidly or mechanistically and that planning authorities may depart from higher-level planning policy where there are bona-fide planning reasons.

## 2.2 Response by Doris Heffernan

- The submission highlights that the site is the only green space in the estate and is needed by children in the estate who would otherwise have to travel out of the estate to access open space.
- It is highlighted that the residents look after maintenance of the green space.
- There is an issue with parking along the green space
- It is against planning policy to have an estate on this site with no green space, and the estate should have a green space 15% of the area of the estate.

## 2.3 Response by Millbourne Drive Residents Association

- The submission indicates that the proposal was unacceptable and that the observers had already set out strong and irrefutable grounds for upholding the numerous decisions by the Meath County Council and An Bord Pleanála to refuse permission for residential development on the site.
- The main change that has occurred is the rezoning of the site from 'A2-New Residential' to 'F1-Open Space' and note that if the application was assessed anew by the Council, it would have resulted in a more substantive and stronger refusal.
- There is no basis to argue the expired CDP and former zoning are relevant. Even when zoned for development several applications were refused on site and now that the previous zoning has expired it is not applicable.
- The observers acknowledge that the national and regional policy advocates for residential development on appropriate lands however it is noted that in this instance the

proposal is a material contravention of the County Development Plan with no basis for the Commission to materially contravene such

- The proposal would also be a material contravention of the Core Strategy of the CDP on the basis that residential development occurring on residential and mixed-use lands and the development of residential on open space would be entirely contrary to the premise of the Core Strategy of the CDP.
- Concerns are raised regarding the Environmental Impact Assessment Screening report. It is stated that this screening report is not an objective report as it seeks to justify the material contravention that is being proposed and advocate the granting of permission. The context of section 4 of the report is not consistent with the Requirements of Annex III of the EIA Directive which refers to 'existing and approved land use. The "existing land use" refers to what the land is actually used for which is undeveloped open space. The report mistakenly uses the previous zoning to frame such as the previous use.
- A legal note accompanies the submission on this. It highlights that the applicants Planning Statement refers to land use of the land under the Ashbourne LAP 2009-2015, which has expired is no longer relevant. Also reference to Chapter 4 of the Urban Design manual is no longer relevant.
- The EIA Screening report is not objective with content justifying material contravention, there is no approved use or extant permission on site and proposal would have a significant negative effect having regard to the zoning of the site and its impact on Millbourne Estate.
- In regards to the first party's claim of justification of material contravention, previous zoning under expired plans are not relevant at this stage of the appeal, neither is the decision of PA to refuse permission as it is based on an expired plan. NPF and RSES policies flow from a policy that housing in urban areas will be developed on land zoned for residential use (NPO11 and RPRO 4.1), proposal is inconsistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, failure to identify that the proposal is a material contravention of the Core Strategy of the CDP as such is based on residential on residentially zoned sites. The issue ownership is immaterial with mechanisms in place such as CPO powers.

- It is not mandatory for the Commission to consider material contravention, it is discretionary

### **3.0 Response by Meath County Council**

Meath County Council acknowledge the applicant/appellants' submission in response to remittal of this case to the Commission. The Planning Authority is satisfied that the subject proposal was appropriately considered throughout the course of the assessment or the planning application, as detailed in respective Planning Officers' reports dated the 21st August 2019 and the 26th May 2020. The Planning Authority requests that the Commission upholds the decision to refuse permission in this case. The Council's response included no statement regarding the status of the development in the context of the current County Development Plan under which the zoning of the site has changed from A2-New Residential to F1-Open Space.

### **4.0 Policy Context**

This section considers any relevant updates to policies already referenced in the Inspector's Report previously prepared in respect of the proposed development (ABP-307457-20 and 09<sup>th</sup> September 2020) and any relevant new documents.

At time of the previous report the relevant Development Plan in place was the Meath County Council Development Plan 2013-2019 with the site zoned A2 'New Residential' with an objective "to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy".

The 2013-2019 Development has since been superseded by the Meath County Development Plan 2021-2027.

Chapter 11 Development Management Standards and Land Use Zoning Objectives

Section 14-Land Use Zoning Objectives

The subject site is zoned F1 'Open Space' with a stated objective "to provide for and improve open spaces for active and passive recreational amenities".

Section 11.14.2 Permissible and Non-Permissible Uses

“Any use not listed in the permissible or open for consideration categories is deemed not to be acceptable in principle. Such uses will be considered on their individual merits and will only be permitted if they enhance, complement, are ancillary to, or neutral to the zoning objective.

There are instances across the County of established uses that do not conform to the zoning objective for the particular location. Any proposals for the expansion, improvement, or alteration of such uses will be considered on their individual merits”.

The proposed uses, residential is neither a ‘permitted use’ or an ‘open for consideration’ use under Section 11.14.16, Land Use Zoning Categories in the case of the F1-Open space listing.

I have read the current Development Plan and consider as well as lands use zoning the following are the most relevant polices: -

## Chapter 2 Core Strategy

### Section 2.7 Objective of the Core Strategy

As part of the approach of achieving consistency with the NPF and the RSES the objectives of the Core Strategy are as follows:

- To demonstrate how the Meath County Development Plan is consistent with national and regional planning strategies, guidelines and policies including national and regional population projections.
- To provide the policy framework for the settlement strategy and Local Area Plans, particularly in relation to land use zoning and population distribution.
- To ensure the co-ordination of infrastructural investment with settlements identified for future growth.
- To facilitate the population growth of Meath up to a projected population of 228,300 in the plan period and ensure the distribution of this population is targeted towards the growth centres identified in the RSES.

## Chapter 11 Development Management Standards and Land Use Zoning Objectives

## Section 5-Residential Development Standards

The development management standards for residential development including density, plot ratio, site coverage, building line. Separation distances, dwelling design, size and mix, building height, open space, public open space, private open space, boundary treatment, Light and Overshadowing and other standards are set out under this section.

## Section 9-Parking Standards

Table 11.2 Car Parking

Table 11.4 Cycle Parking

I would highlight that the current Meath County Council Development Plan 2021-2027 has not been varied to incorporate the Sustainable Compact Settlement Guidelines or the First Revision to the National Planning Framework.

## National Planning Framework (First Revision April 2025)

National Policy Objective 11 Planned growth at a settlement level shall be determined at development plan making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

## 5.0 Assessment

5.1 This addendum report should be read in conjunction with the previous Inspector's Report on file dated 09<sup>th</sup> September 2025. Judicial Review of the decision to grant permission was taken by Millbourne Residents Association. The An Bord Pleanála decision was quashed by Order of the High Court perfected on the 15<sup>th</sup> October 2024. The order states that the matter is to be remitted back to An Coimisiun Pleanála to be reconsidered in accordance with law. This decision was referred to the Supreme Court who determined on the 27<sup>th</sup> of November 2025 that the case could be remitted back to the Commission for assessment and that the in determining a de novo appeal, pursuant to s. 37 of the 2000 Act, must refer to the development plan then in force irrespective of

whether the Commission is determining an appeal on remittal after a decision of the Commission has been quashed. Under this assessment I am going to address the following issues:-

- Zoning
- Environmental Impact Assessment
- Appropriate Assessment
- Material Contravention
- Compliance with current CDP policies, objectives and updated guidelines.
- Other Issues

5.2 I would highlight that my previous assessment of the development under my Inspectors report dated 09<sup>th</sup> September 2025, refusal of permission was recommended on the basis of one reason:-

“1. The proposed residential development on the subject site would, in absence of conveniently located alternation public open space, result in a lack of any significant area of public open space within the permitted residential development (planning register reference number DA03/0422 and subsequent applications) which would seriously injure the residential amenities of existing and future residents of the area and would contravene the stated objectives of the Meath County Development Plan 2013-2019 which seeks a minimum rate of public open space of 15 per cent of the total site area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and, if permitted, would set an undesirable precedent for other similar-type development in the area”.

This recommendation was consistent with the planning authority’s decision and two previous decisions by An Bord Pleanála for 12 no. houses (PL17.248899) and 14 no. houses (PL17.245994) on the subject site.

5.3 **Zoning:** Since my previous Inspectors Report a number of changes have occurred. Firstly the 2013-2019 CDP has been superseded by the Meath County Development Plan 2021-2027. Specifically in relation to the site, such has been rezoned from ‘A2-New Residential’ to ‘F1 Open Space’ under the current Meath County Council Development

Plan 2021-2027. Residential development is neither a use that is 'permitted' or 'open for consideration' under this zoning objective as set out under Section 11.14.2 of the County Development Plan and in this regard the proposal would now constitute a material contravention of the 'F1-Open Space' zoning objective under the current Meath County Council Development Plan 2021-2027.

- 5.4 **Environmental Impact Assessment:** In response to the notice under Article 73(1)(a) the applicant submitted an EIA Screening Report prepared by KMPG. The observation by Millbourne Drive Residents Association identifies concerns regarding environmental assessment of the proposal. It is noted that the EIAR screening report submitted by the applicants/appellants is a non-objective report that seeks to justify the material contravention that is being proposed and advocate the granting of permission. The context of section 4 of the report is not consistent with the Requirements of Annex III of the EIA Directive which refers to 'existing and approved land use'. The 'existing land use' refers to what the land is used for which is undeveloped open space. The report mistakenly uses the previous zoning to frame such as the previous use. I would refer to the previous Inspector's report in which the history of the site is clearly set out. Having regard to such, and an examination of all documentation and submissions received and to the fact that I have inspected the site twice (11th of August 2020 and the 25th May 2026), I consider that sufficient information is available to carry out an objective EIAR screening and I refer to Section 6, and Appendix 1 and 2 of this report in which I undertake a screening determination of the proposed development.
- 5.5 **Appropriate Assessment:** In response to the notice under Article 73(1)(a) the applicant submitted an AA Screening Report prepared by Altamar Marine & Environmental Consultancy. I consider that sufficient information is available to carry out an AA screening and I refer to Section 7 and Appendix 3 of this report in which I undertake a screening determination of the proposed development.
- 5.6 **Compliance with current CDP policies, objectives and updated guidelines:** In terms of overall design and scale, the current Development Plan has updated Development Management objectives and policies. In addition, there have been revisions to the National Planning Framework (First Revision April 2025), the Sustainable Urban Housing: Design Standards for New Apartments 2025, and a new policy and the Sustainable Residential Development and Compact Settlement: Guidelines for Planning Authorities 2024 has superseded the Sustainable Residential Development in Urban

Areas: Guidelines for Planning Authorities (2009). The applicants/appellants' most recent submission includes a Planning Statement setting out how the proposal complies with the both the Development Management Objectives of the current CDP and the relevant SPPR's under the Apartment Guidelines and the Compact Settlement Guidelines (current CDP has not been varied to adopt the Compact Settlement Guidelines into the plan). Under my previous Inspectors report, I was satisfied that the overall design, scale, density and configuration of development was consistent with the relevant development management objectives in place at the time of assessment. I would also consider that this is still the case even in the context of the current CDP (excluding zoning) and the relevant policy objectives of the national guidelines currently in force. Notwithstanding such the proposal is a material contravention of the zoning objective of the site as highlighted earlier.

5.7 **Material Contravention of Zoning:** The applicant/appellants position in their latest submission is that there is justification for the Commission to materially contravene the current zoning objective of the site based on the previous status of the site and under the terms of Section 37(2)(a) of the Planning and Development Act 2000 (as amended) with reference to strategic importance of the proposal which would respond to the national population growth and housing demand and aligns with the overarching strategic planning policy objectives set out under the Revised National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) in terms of delivery of housing supply targets, promotion of compact and sequential growth and achievement of sustainable settlement patterns within an established urban area. The applicant/appellants also highlight that the proposal is consistent with section 28 Ministerial Guidelines in the form of the Sustainable Urban Housing: Design Standards for New Apartments (2025); and the National Planning Framework Implementation- Housing Growth Requirements.

5.8 Firstly I would note that provisions of Section 37(2)(a) and (b) of the Planning and Development Act, 2000. In this case the Planning Authority did not refuse permission on the basis of material contravention, however I would note that the policy context has changed due to a new County Development Plan (2021-2027) being adopted and changes in land use zoning impacting the site. I highlight that the Planning Authority response to the Section 131 notice alerting them to the fact that the case had been remitted to the Commission refers only to their previous decision (carried out under the

now expired 2013-2019 CDP) requesting that it be upheld and no response to the changed circumstances of the site in terms of land use zoning under the current County Development Plan (2021-2027).

- 5.9 I would acknowledge that there are local, regional and national policy and objectives promote the provision of additional housing to facilitate a current housing need in settlements such as this. Ashbourne is Self-sustaining growth town under the settlement strategy and that the core strategy identifies anticipated population growth to 2027, house completions (2013-2019) and extant units not yet built for all settlements including Ashbourne (Table 2.12). The quantum of zoned land for each settlement and household allocation for the period of 2020-2027 for all settlement tiers including self-sustaining growth towns is included in Table 2.13, 2,829 units with 94.58 hectares of land zoned for residential use.
- 5.10 The core strategy has regard to both national and regional planning policy in the form of the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES). I would refer to the objectives of the core strategy under section 2.7 of the County Development Plan (see Policy Context section above). It is an objective of the core strategy to provide the policy framework for the settlement strategy and Local Area Plans, particularly in relation to land use zoning and population distribution. In this case the land use zoning of the site and for the settlement of Ashbourne is clearly set out in the County Development Plan. In this case the lands in question are zoned F1-Open Space and as outlined earlier the proposed use is neither a 'permissible' or 'open for consideration use'. There are other lands zoned within the settlement boundary that facilitate residential development (A1-New Residential, C1-Mixed Use and B1-Commercial Town or Village Centre).
- 5.11 I would refer to my previous assessment under the Inspectors Report associated with ABP-307457-20 dated the 09<sup>th</sup> September 2020. The issue of deficiency of public open space with the existing development was highlighted and clearly set out under this report. I would consider permitting the development would be contrary to the proper planning and sustainable development of the area having regard to the lack of available publicly accessible open space within the established housing development or the immediate vicinity. I do not consider that the objectives of the NPF or RSES in terms of compact growth and housing demand justify a material contravention of land use zoning in this case with the core strategy and land use zonings under the current County Development

Plan are informed by both National and Regional policy and represent a planned approach to land use management. The County Development Plan identifies a clear planning framework for land use and there is no justification for deviation from such in this case. There are other lands identified within the settlement boundary on which new residential can be facilitated. In this regard I do not consider that there is any justification for materially contravening the land use zoning objective of the site. I would question the applicants/appellants' view that the development is of strategic importance given it is development of relatively modest scale and in the context that there are other lands appropriately zoned that would facilitate new residential development within Ashbourne. In relation to compliance with Section 28 Ministerial Guidelines, I note that such does not negate the simple fact that the proposed development is for a use that is not supported by the land use zoning of the site based on a plan-led approach to land use management. I do not consider that any of the criteria under Section 37(2)(a) or (b) of the Planning Act apply in this case and that permission should be refused on the basis of material contravention of land use zoning or the current Meath County Development Plan.

5.12 The response by observers, the Millbourne Residents association, highlight that the proposal is also a material contravention of the Core Strategy of the current CDP (2021-2027) as such is based on residentially zoned sites. In this regard I would note that the core strategy identifies housing targets based on population projections, existing housing completions, extant permissions, capacity and quantum of residential zoned land. The core strategy does not identify a specific household allocation for Ashbourne but a total allocation for all 'self-sustaining growth towns' of, which Ashbourne is one five (Dunboyne, Trim, Kell and Dunshaughlin). Section 2.7 of the CDP includes the objective of the Core Strategy, which includes the following: -

“To provide the policy framework for the settlement strategy and Local Area Plans, particularly in relation to land use zoning and population distribution”

The proposal would be contrary the core strategy of the CDP, which is policy framework for settlement strategy, however I would stop short from declaring it a material contravention. Notwithstanding such I would consider that the proposal is a clear material contravention of the land use zoning objective of the site and such cannot be negated in this case and as indicated above is a sufficiently strong reason for refusal in this case.

5.13 **Other Issues:** The applicants/appellants' submission argues that the previous status of the site in terms of zoning and its relationship with the existing housing development are relevant in this case. I would refer to my previous Inspector's report regarding the history of the site and point out that site was previously earmarked as temporary open space for the existing housing development until other open space was provided in the area with the site to then to be used for a school. The school was built elsewhere (further south) and the site was rezoned from a community use to residential and has subsequently been zoned open space.

5.14 The response by observers, the Millbourne Residents association, highlight that the proposal is inconsistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015 due to the material contravention of land use zoning and having regard to the Coolglass judgement It is argued that having regard to the provision of S. 15(1) the Commission is precluded from granting permission. The provision of Section 15(1) of said Act states the following: -

"Duties of certain bodies

15.(1) A relevant body shall, in the performance of its functions, have regard to-

(a) the most recent approved national mitigation plan,

(b) the most recent approved national adaption framework and approve sectoral adaptation plans

(c) the furtherance of national transition objective, and

(d) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change on the State".

In this regard I would refer to my assessment of the proposal in the context of the adopted County Development Plan (2021-2027) and in particular the assessment of the development based on the land use zoning objective of the site and my conclusion that the proposal would constitute a material contravention of the land use zoning objective in addition to the proposal being contrary to the proper planning and sustainable development of the area on the basis of the lack of publicly accessible open space within the existing housing development at this location.

5.15 The applicants/appellants' submission also highlights the site is in private ownership and there is no intention to provide such for open space or a mechanism to do so. I would

highlight the fact that while the site is zoned for open space, the land is in private ownership and there are no rights for the general public to access it.

5.16 **Conclusion:** The proposed development is for the construction of 12 no. apartment units in 3 no. four storey blocks and associated site works on lands zoned F1-Open Space under the current Meath County Council Development Plan 2021-2027. The proposed use is not identified as either a 'permitted' or an 'open for consideration' use under Section 11.14.6, Land Use Zoning Categories of the Meath County Development Plan 2021-2027. The proposed development would constitute a material contravention of the zoning objective under the Meath County Development Plan 2021-2027. I would also consider that the proposed development would be contrary to the proper planning and sustainable development of the area having regard to the deficiency of public open space serving the existing housing development at this location.

## 6.0 EIA Screening

6.1. This application was submitted to An Bord Pleanála (now An Coimisiún Pleanála) after the 1<sup>st</sup> of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

6.2 An EIA Screening Report was prepared KPMG and provided on foot of the Article 73(1)(a) notice The EIA Screening Report includes Schedule 7 information, and I have had regard to same.

6.3 Section 3.0 of the EIA Screening Report describes the nature of the proposed development. The development is on a site of 0.5 hectares in size and entails the construction of 3 no. apartment blocks with each block 3 storeys high plus a penthouse and will contain 9 no. w bed and 1 no. 3 bed apartments with a total of 30 units. The proposal also entails provision of 30 parking spaces, external bicycle shelter, bin storage and all associated site works.

6.4 The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 0.5 hectares and is not likely to have a significant effect on the environment. The EIA Screening Report considers that the

proposal, inclusive of above and below ground works is unlikely to give rise to significant environment effects, and as such a formal EIAR is not required.

- 6.5 The following classes of development as set out in the Planning and Development Regulations 2001 as amended are relevant to the proposal:
- Class 10(b)(i) construction of more than 500 dwelling units,
  - Class 10b(ii) construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of a development,
  - Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 6.6 The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i), (ii) and (iv) of the Planning and Development Regulations 2001 as amended. The criteria as set out in Schedule 7 are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the proposal, the location of the site, and any other factors leading to an environmental impact.
- 6.7 I have completed an EIA screening assessment and determination as set out in Appendix 1 and 2 of this report. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the components of the environment and that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.
- 6.8 The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the Regulations. In undertaking the EIA screening assessment and determination, I have had regard to the submitted EIA screening report and the various reports submitted with the application which address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and it is demonstrated that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on

the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.

6.9 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required. This conclusion is consistent with the EIA Screening Report submitted by the applicant as part of the response to the Article 73(1)(a) notice.

## 7.0 **Appropriate Assessment**

7.1 I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report was prepared by Altemar Marine & Environmental Consultants, dated March 2026.

7.2 The objective information presented in that report informs this screening determination.

### **Overall Conclusion – Screening Determination**

7.3 In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 as amended is not required. This conclusion is based on:

Objective information presented in the revised AA Screening Report.

Location-distance from nearest European site and lack of any direct connections.

Absence of any meaningful pathways to any European Site.

Standard pollution controls that would be implemented regardless of proximity to a European Site and effectiveness of these.

Taking into account the conclusion of the Appropriate Assessment Screening undertaken by the planning authority.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Full details of my assessment are provided in Appendix 3 attached to this report.

## 8.0 Recommendation

I would recommend permission be refused based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. The proposal is for the construction of 12 no. apartment units in 3 no. four storey blocks and associated site works on lands zoned F1-Open Space under the current Meath County Council Development Plan 2021-2027. The proposed use is not identified as either a 'permitted' or an 'open for consideration' use under Section 11.14.6, Land Use Zoning Categories of the Meath County Development Plan 2021-2027. The proposed development would constitute a material contravention of the land use zoning objective for the site under the Meath County Development Plan 2021-2027. Material contravention of the zoning objective would not be justified as the proposal would be contrary to the proper planning and sustainable development of the area, having regard to the deficiency of public open space serving the existing housing development at this location.

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.

---

Colin McBride  
Planning Inspector

05<sup>th</sup> June 2026

Appendix 1

Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ACP-324077-26</b>
<b>Proposed Development Summary</b>	<b>Permission was sought for the construction of 3 no. apartment blocks. Each block will be three-storey high plus a penthouse (four-storeys) and will contain 9 no. two-bed and 1 no. three bed apartments. The total number of apartments is 30. The proposal also entails the provision of 30 no. car parking spaces, external bicycle shelter, in storage area along with all associated site works.</b>
<b>Development Address</b>	<b>Southern-Most Point of Millbourne Avenue, South of Milbourne Drive, Millbourne, Ashbourne, Co. Meath</b>
	<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>  <b>(For the purposes of the Directive, "Project" means:</b>  <b>- The execution of construction works or of other installations or schemes,</b>  <b>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</b>	<input checked="" type="checkbox"/> <b>Yes, it is a 'Project.' Proceed to Q2.</b>  <input type="checkbox"/> <b>No, No further action required.</b>
<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"/> <b>Yes, it is a Class specified in Part 1.</b>	<b>State the Class here</b>

<p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><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></p>	
<p><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.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>Class 10(b)(i): Threshold of 500 dwellings.</p> <p>Class 10b(ii) construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of a development.</p> <p>Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

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

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2: Form 3 - EIA Screening Determination Form

<b>A. CASE DETAILS</b>		
<b>An Coimisiun Pleanála Cass Reference</b>	<b>ACP-324077-26</b>	
<b>Development Summary</b>	Permission was sought for the construction of 3 no. apartment blocks. Each block will be three-storey high plus a penthouse (four-storeys) and will contain 9 no. two-bed and 1 no. three bed apartments. The total number of apartments is 30. The proposal also entails the provision of 30 no. car parking spaces, external bicycle shelter, in storage area along with all associated site works.	

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>	<b>ACP-324077-26</b>	
<b>Development Summary</b>	<b>Permission was sought for the construction of 3 no. apartment blocks. Each block will be three-storey high plus a penthouse (four-storeys) and will contain 9 no. two-bed and 1 no. three bed apartments. The total number of apartments is 30. The proposal also entails the provision of 30 no. car parking spaces, external bicycle shelter, in storage area along with all associated site works.</b>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>

1. Was a Screening Determination carried out by the PA?	Yes	The planning authority noted that having regard to the nature and scale of the proposed development it was concluded that an EIA is not required in this case.	
2. Has Schedule 7A information been submitted?	Yes	In response to the Article 73(1)(a) notice, the applicant provided an EIA Screening Report dated March 2026. The EIA Screening Report provides for a screening against Schedule 7A criteria.	
3. Has an AA screening report or NIS been submitted?	Yes	In response to the Article 73(1)(a) notice, an AA Screening report dated March 2026 has submitted. The report screened out the need for AA. It concludes that the proposed development, either alone or in-combination with other plans and / or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required.	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	AA Screening which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC),	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b>	<b>Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain</b>

		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The development entails the construction of 3 no. apartment blocks. Each block will be three-storey high plus a penthouse (four-storeys) and will contain 9 no. two-bed and 1 no. three bed apartments. The total number of apartments is 30. The proposal also entails the provision of 30 no. car parking spaces, external bicycle shelter, in storage area along with all associated site works.</p> <p>Given the predominantly residential character of the area, and the proposed residential use on the subject lands, the project is not significantly different in character to the existing surrounding environment.</p> <p>The predominant housing typology in the area comprises one and three-storey dwellings, many located on generous plots. The proposal is larger in scale compared to the pattern of residential development in the immediate area, with moderate increases in building height and density noted. It is not considered that the</p>	No

		proposed development of 3 no. apartment blocks, four-storeys in height would be significantly different in character or scale to the existing surrounding environment.	
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	The proposed development will result in the construction of a residential scheme on lands which are zoned F1-Open Space.  No demolition required.  While construction works will lead to physical changes across the site, these would not be detrimental to the surrounding area.	<b>No</b>
<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b>	<b>Yes</b>	The proposed development will utilise materials which are standard for this type of urban development and are not considered to be in short supply. The loss of natural resources or local biodiversity as a result of the redevelopment of the site are not regarded as significant in nature.  At operational stage, the development would not use natural resources in short supply. The proposed development will connect into public water services which have adequate capacity to meet demands.	<b>No</b>
<b>1.4 Will the project involve the use, storage, transport, handling or production of</b>	<b>Yes</b>	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils, and other such substances. Such use will be typical of construction sites.	<b>No</b>

<p>substance which would be harmful to human health or the environment?</p>		<p>Any impacts would be local and temporary in nature and the implementation of a Construction Management Plan (CMP) will appropriately mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils, and other such substances, and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and the implementation of a CMP will appropriately mitigate potential impacts. No significant operational impacts are expected.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified subject to the implementation of appropriate mitigation measures. The operation of a CMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water will be attenuated within the site and wastewater and surface water (as necessary) will be discharged to the combined public drainage system, which meets Uisce Eireann and planning authority requirements. No significant emissions during operation are anticipated.</p>	<p>No</p>

		<p>There is an existing drainage channel on site. Implementation of a CMP during the construction phase will be sufficient to prevent pollution of surface water drainage during construction.</p> <p>The site is at a significant remove from coastal waters (c 14.1 km).</p>	
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a CMP. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Light impacts at operational stage will be addressed by the public lighting plan which is designed to industry standards and planning authority requirements. Noise at operational stage is largely associated with increased activity and residential use.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a CMP would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>

<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p><b>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</b></p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p><b>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential development. Employment will be generated during the construction phase.</b></p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p><b>The project is not part of a wider large-scale change in the area. The site constitutes a brownfield infill site within the built-up urban area.</b></p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> </ul>	<p><b>No</b></p>	<p><b>No European sites located on or adjacent to the site. No designated or proposed Natural Heritage Area in the vicinity of the site.</b></p> <p><b>The submitted AA Screening Reports both conclude that the proposed development, either alone or in-combination with other plans and / or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives.</b></p>	<p><b>No</b></p>

<p>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>The Appropriate Assessment Screening Reports refers to site surveys undertaken which found that no protected habitats, rare or protected plants are present on the site. Habitats within the site are dominated by amenity grassland. Overall the on-site habitats are considered to be of low ecological value. It is concluded that the proposed development would not be likely to result in significant effects on the environment in terms of biodiversity loss.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No archaeological features recorded on or adjacent to the subject site.</p> <p>No protected structures on the site or adjacent to it.</p> <p>The site is not located within an Architectural Conservation Area (ACA).</p> <p>The proposed development would not likely result in significant negative effects on the environment in terms of cultural heritage and landscape importance.</p>	<p>No</p>

<b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b>	<b>No</b>	<b>No such resources on site or in the area.</b>	<b>No</b>
<b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b>	<b>No</b>	<b>There is an existing drainage channel along the south of the site that discharge to the Broadmeadow River. The lands are not located in an area of flood risk.</b>	<b>No</b>
<b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>	<b>No</b>	<b>No such impacts are foreseen.</b>	<b>No</b>
<b>2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b>	<b>No</b>	<b>The site is accessed from an existing residential service road, Millbourne Drive, which in turn access from Millbourne Avenue. The site is readily access from the town centre to the north of the site.  Having regard to the foregoing the transport infrastructure / network serving the area is capable of accommodating the proposed development.</b>	
<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	<b>No</b>	<b>There are no existing sensitive land uses or such as hospitals and schools in the immediate area. There is an existing school to the south and residential development to</b>	<b>No</b>

		north. The site adjoins residential development.	
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	No	No development in the area have been identified which would give rise to significant cumulative environmental effects.	No
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	No	No trans-boundary effects arise as a result of the proposed development.	No
<b>3.3 Are there any other relevant considerations?</b>	No	No	
<b>C. CONCLUSION</b>			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<p>Having regard to: -</p> <p>(a) The nature and scale of the proposed development which is below the thresholds in respect of Class 10(b)(i) of the Planning and Development Regulations 2001 as amended,</p>			

**(b) The location of the site on lands zoned 'F1-Open Space' and the provisions of the Meath County Council Development Plan 2021-2027,**

**(c) The brownfield infill nature of the subject site, its location in an urban area and outside of any sensitive land designation, and the pattern of development in the area,**

**(d) The availability of mains water supply and wastewater infrastructure and services,**

**(e) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development," issued by the Department of the Environment, Heritage and Local Government (2003),**

**(f) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and**

**(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including standards construction management.**

**It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.**



## Appendix 3: Screening for Appropriate Assessment

Screening for Appropriate Assessment	
Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
Case file: ACP- 324077-26	
<b>Brief description of project</b>	Construction of 3 no. apartment blocks. Each block will be three-storey high plus a penthouse (four-storeys) and will contain 9 no. two-bed and 1 no. three bed apartments. The total number of apartments is 30. The proposal also entails the provision of 30 no. car parking spaces, external bicycle shelter, in storage area along with all associated site works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site measures 0.5 hectares and is located to the southwest of Ashbourne town centre within the Millbourne residential area. The Millbourne housing development is located in a residential area on the western outskirts of Ashbourne. Millbourne is accessed from the R135 (former N2) to the north along a local distributor road. The road serves a number of other residential estates to the north including St. John's Wood and Brindley Park and terminates in a cul-de-sac in the Millbourne estate. There is a recently constructed local distributor road and an education campus to the south of the site and the lands to the east are undeveloped.</p> <p>The site comprises a grassed area. There is a drainage ditch bounding the site to the south and a low fence and hedgerow separate the grassed area from the drainage ditch. Millbourne Drive runs along the northern boundary of the site and on opposite side of such are two-storey dwellings.</p> <p>The site is currently a managed (regularly mowed at the time of first site inspection) grassed area being used as amenity space within a residential area. A drainage ditch is located along the southern edge of the space. The site does not contain any protected habitats and the habitats on site are of low ecological value.</p>

	<p>The proposed development is not within or adjoining any European Site, any designated or proposed NHA, or any other area of ecological interest or protection. In terms of watercourses there is drainage ditch running along the southern edge of the site, which outfalls to the Broadmeadow River, and ultimately the marine environment at Malahide Estuary. There is a weak indirect hydrological pathway to the Malahide Estuary SAC (000205) via the onsite drainage ditch.</p> <p>There are no protected habitats or species identified on the site which are QIs associated with any European Site. Therefore, I consider the likelihood of any significant effect of the proposed development on any European Site due to loss of habitat and / or disturbance to species can be reasonably excluded.</p> <p>The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater / drainage. Therefore, there is an indirect pathway to the Irish Sea and associated designated sites via Ringsend Wastewater Treatment Plant. I therefore acknowledge that there is a potential connection to Malahide Estuary SAC via the wider drainage network and the Ringsend Wastewater Treatment Plant. However, the existence of this potential pathway does not necessarily mean that potential significant effects will arise.</p>
<b>Screening reports</b>	Yes, AA Screening Report dated March 2026 prepared by Altemar Marine & Environmental Consultants which has screened out the need for AA.
<b>Natura Impact Statement</b>	No.
<b>Relevant submissions</b>	No.

<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
<b>Malahide Estuary SAC (000205)</b>	<p><b>Mudflats and sandflats not covered by seawater at low tide [1140]</b></p> <p><b>Salicornia and other annuals colonising mud and sand [1310]</b></p> <p><b>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</b></p> <p><b>Mediterranean salt meadows (Juncetalia maritimi) [1410]</b></p> <p><b>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</b></p> <p><b>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</b></p>	<b>c 14.1 km</b>	<p><b>Weak indirect hydrological connection.</b></p> <p><b>Possible indirect connection</b></p>	<b>Y</b>
<b>Rogerstown Estuary SAC (000208)</b>	<p><b>Estuaries [1130]</b></p> <p><b>Mudflats and sandflats not covered by seawater at low tide [1140]</b></p> <p><b>Salicornia and other annuals colonising mud and sand [1310]</b></p>	<b>c 14.1 km</b>	<b>No viable pathway</b>	<b>N</b>

	<p><b>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</b></p> <p><b>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</b></p> <p><b>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</b></p> <p><b>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</b></p>			
<p><b>North-West Irish Sea SPA (004236)</b></p>	<p><b>Red-throated Diver (<i>Gavia stellata</i>) [A001]</b></p> <p><b>Great Northern Diver (<i>Gavia immer</i>) [A003]</b></p> <p><b>Fulmar (<i>Fulmarus glacialis</i>) [A009]</b></p> <p><b>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</b></p> <p><b>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</b></p> <p><b>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</b></p> <p><b>Common Scoter (<i>Melanitta nigra</i>) [A065]</b></p> <p><b>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</b></p> <p><b>Common Gull (<i>Larus canus</i>) [A182]</b></p>	c 19.5 km	No viable pathway	N

	<p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Little Gull (<i>Hydrocoloeus minutus</i>) [A862]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p>			
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<sup>1</sup> Summary description / cross reference to NPWS website is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

**Further commentary / discussion**

Potential pathways to Malahide Estuary SAC comprise (a) Occurrence of surface water pollution during the construction phase and (b) Occurrence of surface water and wastewater pollution during operational phase.

No potential pathway identified between the subject site and the Rogerstown Estuary SAC (000208) or the North-West Irish Sea SPA (004236), located c 14.1 km and c. 19.5km from the subject site respectively.

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

AA Screening matrix

Site names Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the sites	
	Impacts on Malahide Estuary SAC	Effects
<p><b>Malahide Estuary SAC (000205)</b></p> <p><b>Mudflats and sandflats not covered by seawater at low tide [1140]</b></p> <p><b>Salicornia and other annuals colonising mud and sand [1310]</b></p> <p><b>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</b></p> <p><b>Mediterranean salt meadows (Juncetalia maritimi) [1410]</b></p> <p><b>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</b></p> <p><b>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</b></p>	<p><b>Direct: None</b></p> <p><b>Indirect:</b></p> <p><b>Potential indirect hydrological connections between the project and Malahide Estuary SAC (000205). Firstly, through potential surface water discharges to the public system and secondly through wastewater discharges via the public drainage system (effluent will be treated at Ringsend WWTP) to the Irish Sea.</b></p> <p><b>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</b></p>	<p><b>During construction phase, construction works will be managed by and implemented under a standard construction management measures which include pollution prevention and surface water control measures.</b></p> <p><b>At operational stage, several SuDS features are proposed to manage stormwater and surface water run-off from the site in the first instance. This will discharge as necessary at a restricted rate to the combined public sewer.</b></p>

		<p><b>There is sufficient capacity available in the public system to accommodate the surface water and wastewater drainage from the proposed development, which will be treated at Ringsend WWTP before discharging into the Irish Sea. UE Capacity Register confirms available capacity.</b></p> <p><b>The contained nature of the appeal site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the Malahide Estuary SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCIs listed.</b></p> <p><b>Conservation objectives would not be undermined.</b></p> <p><b>Having regard to the distance separating the site to Malahide Estuary SPA there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of the European Sites identified above.</b></p>
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	<b>Likelihood of significant effects from proposed development (alone): No</b>
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>	
<p><b>I conclude that the proposed development (alone) would not result in likely significant effects on any European Sites. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No mitigation measures are required to come to these conclusions.</b></p>	

<p><b>Screening Determination</b></p> <p><b>Finding of no likely significant effects</b></p> <p><b>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 any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.</b></p> <p><b>This determination is based on:</b></p> <ul style="list-style-type: none"> <li><b>• Objective information presented in the original and reconsidered/revised Screening Report.</b></li> <li><b>• Location-distance from nearest European site and lack of any direct connections.</b></li> <li><b>• Absence of any meaningful pathways to any European Site.</b></li> </ul>
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- **Standard pollution controls that would be implemented regardless of proximity to a European Site.**

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

Approved (DP/ADP) \_\_\_\_\_ Date \_\_\_\_\_