

An  
Bord  
Pleanála

## Planning Appeal Form

LOG- 272940-24  
ABP-  
28 JUN 2024  
Fee: € 270 Type: Cash  
Time: 16:00 By: hand

### Your details

**1. Appellant's details (person making the appeal)**

Your full details:

(a) Name

Bennettstown Residents c/o Mr Keith Sutton

(b) Address

Hawthorn Cottage, Bennettstown, Dunboyne Co  
Meath, A86 NY04

### Agent's details

**2. Agent's details (if applicable)**

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's address

Not applicable

## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the  
address in Part 1

☒

The agent at the address in  
Part 2

☐

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

**(a) Planning authority**

(for example: Ballytown City Council)

Meath County Council

**(b) Planning authority register reference number**

(for example: 18/0123)

2360290

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Principally located in Bennetstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath

A horizontal rectangular box with a black border, used for redaction of information.

## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see attached



## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal.  
You can find out the correct fee to include in our Fees and Charges Guide on our website.

## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

**Yes, I wish to request an oral hearing**

☒

**No, I do not wish to request an oral hearing**

☐

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



**Bennettstown Residents,  
Bennettstown,  
Dunboyne  
Co Meath  
A86 NY04**

Care of [REDACTED]

**28<sup>th</sup> June 2024**

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902

**Re: Appeal against decision of Meath Co. Co. to Grant Permission for Application Ref 2360290**

*Permission for Large-Scale Residential Development comprising 267 no. residential units and all associated ancillary / infrastructure works on lands principally located in Bennetstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath*

Dear Sirs,

We are a group of concerned residents from the townland of Bennettstown, Dunboyne, Co. Meath. We wish to appeal against the decision of Meath County Council to Grant Permission for the above referenced development and would like to request an oral hearing of our legitimate reservations. We outline below the key facts for your consideration.

**TIMELINE**

A valid planning application (ref. 2360290) was lodged with Meath County Council by Messrs Marina Quarter Ltd on 21<sup>st</sup> September 2023. Fifteen concerned parties, not least sitting Fine Gael Councillor Maria Murphy, made submissions in relation to the proposed development at that time. In our submission (see Appendix 1) we outlined our key concerns in relation to aspects such as increased risk of flooding, contravention of Dunboyne North Masterplan MP22, road safety, lack of connectivity to Dunboyne village to name but a few.

On foot of the submissions received, coupled with their own observations, Meath County Council requested Further Information (FI) which was returned by Marina Quarter on 28<sup>th</sup> March this year. Again, our group made observations on the FI requested (see Appendix 2) as we feel the information sought from Marina Quarter failed to address the majority of the points raised in our original submission of October '23. Meath County Council also failed to address issues raised by us which may have been beyond the remit of Marina Quarter.

The decision to Grant Permission (with conditions) was made by the planning authority on 4<sup>th</sup> June last (see Appendix 3). We firmly believe the conditions attached to the grant of permission fail to acknowledge or address our legitimate concerns regarding this development. Consequently, we feel we have no option but to seek the intervention of An Bord Pleanála in the matter.

**GROUND'S FOR APPEAL**

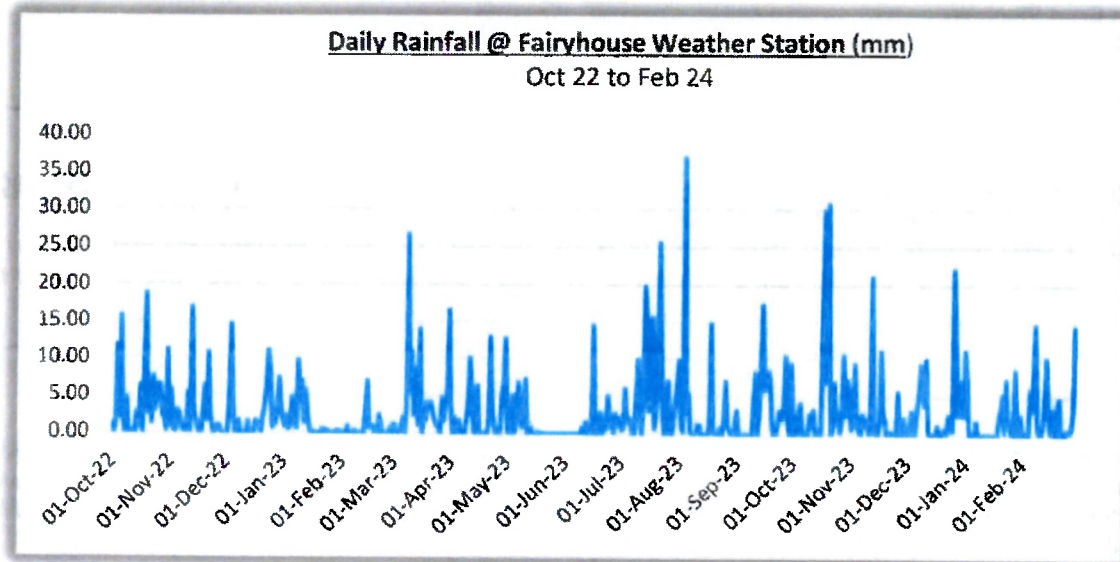
**1. Flood risk to existing dwellings.**

Despite the desktop surveys and modelling carried out in the Site Specific Flood Risk Assessment (SSFRA) submitted as part of the planning application local knowledge and experience is undeniable. The majority of the subject lands are a flood plain. The best means to demonstrate the extent to which the subject lands regularly flood is by means of video footage. To this end we enclose drone footage taken on 21<sup>st</sup> October 2023 some 3 days prior to our original submission.



Rainfall data available from Met Eireann (<https://www.met.ie/climate/available-data/historical-data>) documents that rainfall at Fairyhouse Weather Station on the day prior to this footage being captured was 30mm. This is by no means an exceptional deluge and in the previous 20 years at this weather station the data demonstrates that rainfall levels exceeded 30mm on no less than 25 occasions which is more than once a year (refer to Appendix 6 for 20 year graph). Bear in mind these are single day measurements and do not account for consecutive wet days and the resultant cumulative effects.

The level of flooding shown in the video is by no means exceptional for this area and this is before any of the granted development occurs. It should also be borne in mind that this is Phase 1 only of the Masterplan lands. We have also included in Appendix 7 images of flooding of the subject lands on dates since the planning application was lodged clearly demonstrating the frequency with which this flooding occurs.



The effects of climate change are such that weather events are acknowledged as becoming more extreme and it is our belief that the 20% surplus allowed within the submitted design calculations is inadequate and the predicted 1 in 100 year flood event scenario will occur with much greater frequency.

Neither the proposal of the developer nor conditions set out by Meath County Council address how footings for the proposed Tolka Bridge will be constructed without undermining the existing flood defence. Plans show that the footings will be constructed mere metres from the existing berm. The methodology of such construction or timing of construction has not been set out within either the proposal or the conditions and allows the development carte blanche for its construction. We should note that during ground investigations in adjacent fields one of the trial pits collapsed under water ingress (Refer to TP04) and was subsequently abandoned. Surely similar is possible adjacent to the existing flood defence.

## 2. Proposed link road to Old Navan Road

The Dunboyne North Masterplan MP22 clearly sets out the proposed route of the link road between the Old Navan Road and the R157 through the subject lands however the subject application ignores this proposal, and the link road culminates in a T-junction onto the Old Navan Road. There are multiple issues created by this road layout all of which would be addressed if the layout proposed in the MP22 document was adhered to.

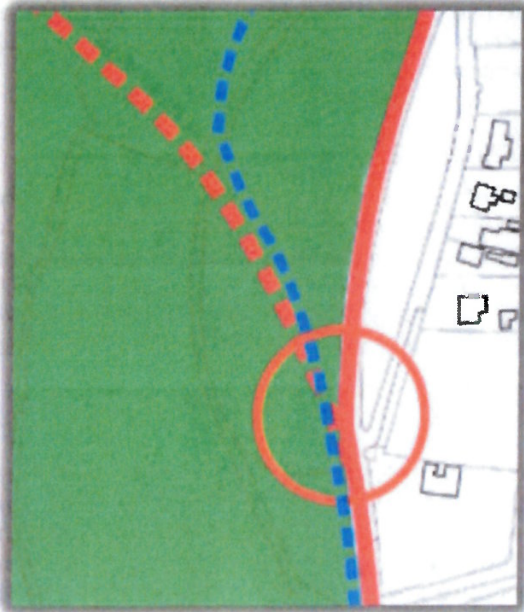
The principal issues are

- Road safety
- Road hierarchy
- Light & noise pollution

We set out below the comparison between what was advised to us by the planning authority per MP22 versus the permission granted. We have also set out below our proposed layout for the link road junction with the Old Navan Road which we believe to be perfectly achievable whilst eliminating or mitigating the issues above.



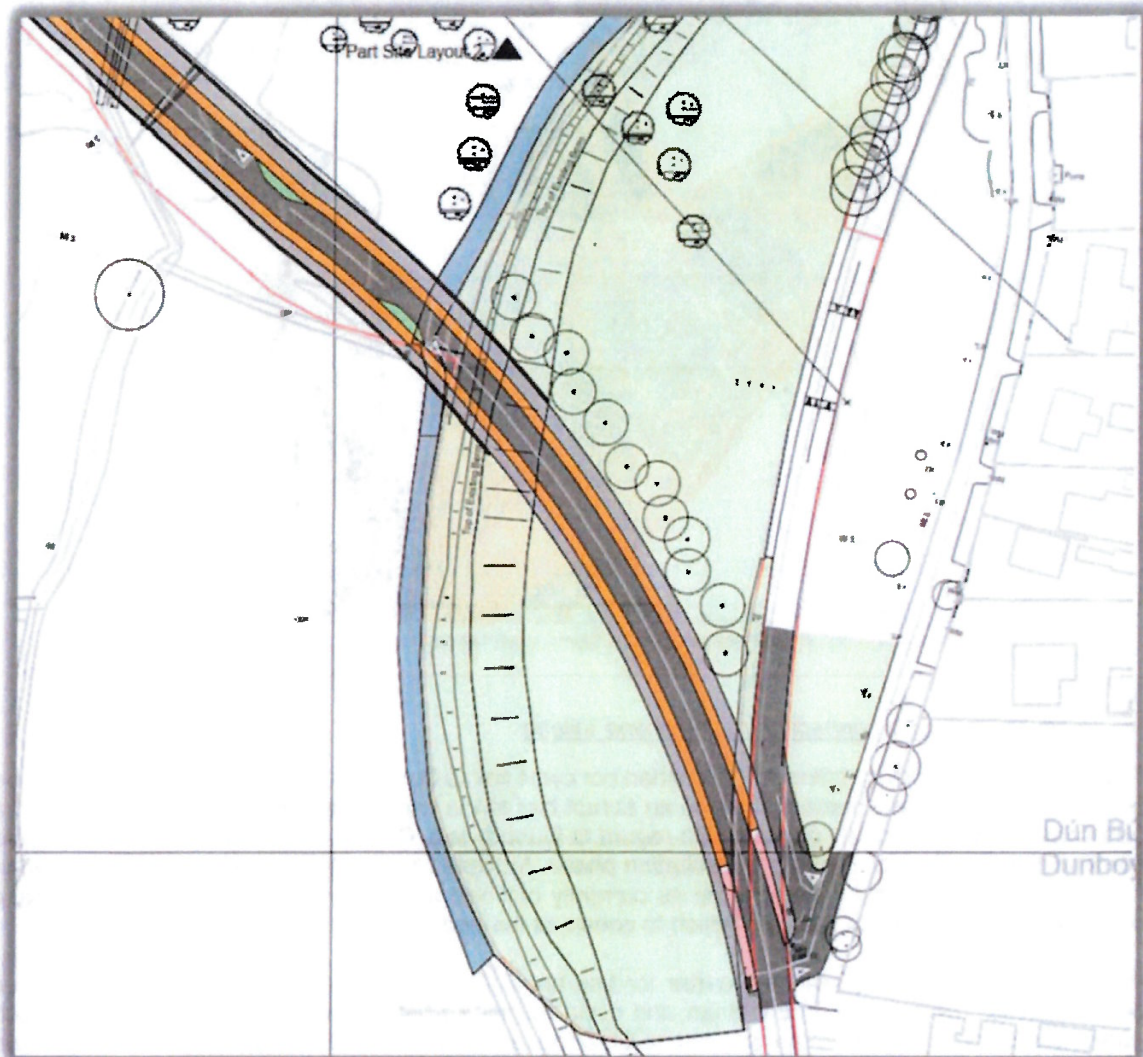
Dunboyne North Masterplan MP22 route



Granted Route



Our suggested route for the link road  
(Refer Appendix 5 for full drawing)



### 3. Access to Dunboyne Business Park

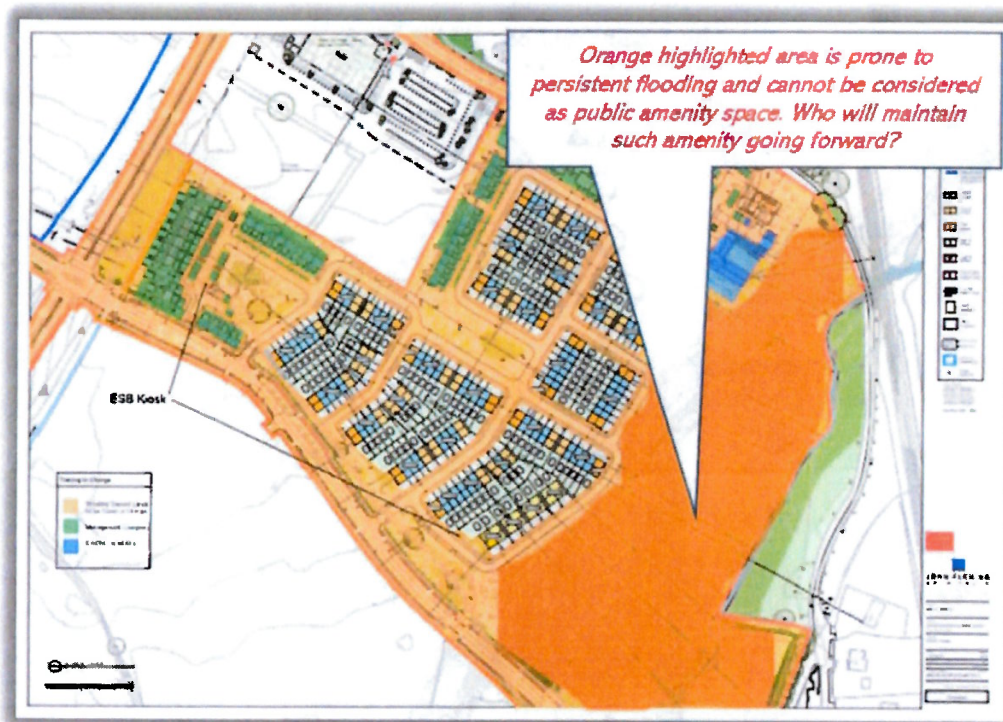
The proposed link road opens up access for heavy goods traffic from the M3 motorway to Dunboyne Business Park. This is a residential cul-de-sac, designated so by Meath County Council. It incorporates a community green space, maintained by the local residents, in which children play regularly. It is not suitable for exposure to the primary road traffic that is proposed.

### 4. Combined environmental impact of this and future development.

As noted above this grant of permission relates to the first phase of development only however the infrastructure facilitating further phases formed part of this grant. We contend that the environmental impact of the future phases should have formed part of this application. No doubt future phases (another of which was recently granted) will necessitate their own Environmental Impact Assessments and Site Specific Flood Risk Assessments but how can any of these take full account of the impact of the granted permission if they are themselves commissioned before the full impact of this development materialises.

### 5. Future maintenance / taking in charge.

A large parcel of land is denoted as being public open space thus satisfying the planning authorities requirements. What the grant of permission fails to acknowledge is that this land is under water and completely unsafe let alone useable multiple times a year. We also asked, as part of our observations on the planning application, who was going to take in charge and maintain these public amenity areas into the future considering Meath County Council do not have any Parks / Public Space Maintenance department that we are aware of? This remains unanswered.



### 6. Pedestrian / cycle connection to Dunboyne Village

The granted development offers no pedestrian nor cycle link to Dunboyne village. The cycle lanes to be built as part of this development come to an abrupt halt at the end of the link road. We are aware of a public consultation currently ongoing with regard to Dunboyne & Clonee cycleways however we would contend that this is only in public consultation phase. Multiple objections have already been raised in opposition to the scheme. The scheme as currently outlined will involve many compulsory purchase orders to provide sufficient room on which to construct the pedestrian and cycle routes.

In granting permission to Marina Quarter for this housing development there is a presumption that permission for the proposed pedestrian and cycle routes will be granted however there is no such guarantee. Even if successful the process to CPO the required lands will take years to complete. Then

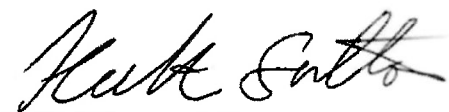


the tendering and actual construction works will take further years. All the while a development of some 267 units (which is only the first phase) will have no connectivity to Dunboyne village? How can this be allowed?

In conclusion this group raised twenty-one individual observations in respect of this planning application. We contend that only eight of these observations were even acknowledged as part of the planning process. The balance of our legitimate concerns have never been addressed. We acknowledge that the relocation of a flood protection berm was prohibited by Meath County Council which addressed four of our concerns however the balance remain unresolved.

We trust you will give the matters outlined above due consideration and grant an oral hearing to allow us to present our concerns first hand.

Yours faithfully



Keith Sutton



On behalf of the below Bennettstown residents

Print name

Signature

Eircode

Bronagh Moran  
Print name

*B Moran*  
Signature

A86D654  
Eircode

Ann Flood  
Print name

*Ann Flood*  
Signature

A86<sup>(623)</sup>823  
Eircode

Justie Hickey  
Print name

*Justie Hickey*  
Signature

A86Y497  
Eircode

David Hickey  
Print name

*David Hickey*  
Signature

A86Y497  
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Ciara Drennan  
Print name

*Ciara Drennan*  
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A86W560  
Eircode

Gemma Drennan  
Print name

*G. Drennan*  
Signature

A86EP23  
Eircode

Eileen Nestor  
Print name

*Eileen Nestor*  
Signature

Eircode

David Nestor  
Print name

*D. N.*  
Signature

Eircode

Mary Watters  
Print name

*Mary Watters*  
Signature

A86YD79  
Eircode

Paul Watters  
Print name

*PAUL WATTERS*  
Signature

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Derek Watters  
Print name

*Derek Watters*  
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Print name

Signature

Eircode

Anthony Malone  
Print name

AMC  
Signature

A86KE73  
Eircode

OLIVIA MALONE  
Print name

Olivia Malone  
Signature

A86XE73  
Eircode

JOHN EGAN  
Print name

John Egan  
Signature

A86D796  
Eircode

ANITA REID  
Print name

Anita Reid  
Signature

A86NY04  
Eircode

KEITH SUTTON  
Print name

Keith Sutton  
Signature

A86NY04  
Eircode

Bernie Moran  
Print name

Bernie Moran  
Signature

A86D654  
Eircode

Mary MORAN

Mary Moran

A86D654

Andrea King

Andrea King

A86YN28

**APPENDIX 1**  
**Submission of 24<sup>th</sup> October '23**  
**Observations on Planning Application**  
**Ref 2360290**

Bennettstown Residents,  
Bennettstown,  
Dunboyne  
Co Meath

Care of [REDACTED]

24<sup>th</sup> October 2023  
Planning Department  
Meath County Council  
Buvinda House  
Dublin Road  
Navan  
County Meath  
C15 Y291  
[planning@meathcoco.ie](mailto:planning@meathcoco.ie)

**Re: Planning Application Ref 2360290 - Permission for Large-Scale Residential Development comprising 267 no. residential units and all associated ancillary / infrastructure works on lands principally located in Bennettstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath**

Dear Sirs,

We write to make known our objections in response to the above referenced planning application submitted to Meath County Council (MCC) for a "Development consisting of: i) 267 no. residential units comprising 145 no. dwelling houses and 122 no. apartments/duplexes providing a mix of 1, 2, 3 and 4-bed units. The dwelling houses range in height from 2-3 storeys. The apartments/duplexes are in 8 no. blocks (i.e. Blocks A-H, with Blocks B and C joined) ranging in height from 3 to 5 storeys; ii) a single storey creche; iii) modifications to the R157 regional road including changes to the existing carriageway/traffic lanes and the replacement of an existing roundabout with a new signalised junction; iv) a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road; v) the provision of footpaths, cycle lanes and 2 no. pedestrian crossings on the existing M3 Parkway access road, vi) a foul pumping station and connection to the existing public sewerage system via the Old Navan Road; vii) a watermain connection to the north of the site at Pace (townland); viii) 3 no. ESB substation/kiosks and the undergrounding/re-routing of existing electricity lines; ix) reprofiling of land and relocation of existing berm adjoining the River Tolka as part of flood mitigation measures; and x) all associated ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site measuring 14.17 hectares principally located in Bennettstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath. Access will be via 2 no. new vehicular access points along the new link road between the R157 and the Old Navan Road. Pedestrian access will also be provided on to the existing M3 Parkway access road".

Our objections principally concern the following matters which will be discussed in further detail in ensuing sections.

- A. Flood risk to existing dwellings
- B. Proposed link road to Old Navan Road
- C. Pedestrian connection to Dunboyne Village
- D. Combined environmental impact of this and future development
- E. Future maintenance / taking in charge

**A. Flood risk to existing dwellings**

The application seeks permission to make alterations to the existing proven flood defence barrier without regard for the impact this will have on residents on the Old Navan Road in Bennettstown. Following severe flooding in Dunboyne village and surrounding areas in late 2002 a berm was constructed by the OPW along the Eastern bank of the river Tolka as part of their River Tolka (Clonee and Dunboyne) Scheme. The berm which is directly in front of the houses on the Old Navan Road is our only line of defence against floodwaters from the Tolka affecting our houses.





*Aerial photograph facing South shows existing berm line (orange) holding back floodwaters 21/10/23*

Thankfully the measures put in place by the OPW (completed in 2008) have proven successful to date and the flooding experienced in 2002 has yet to be repeated

1. The proposed relocation of the berm line is such that it anticipates and allows for flooding to occur East



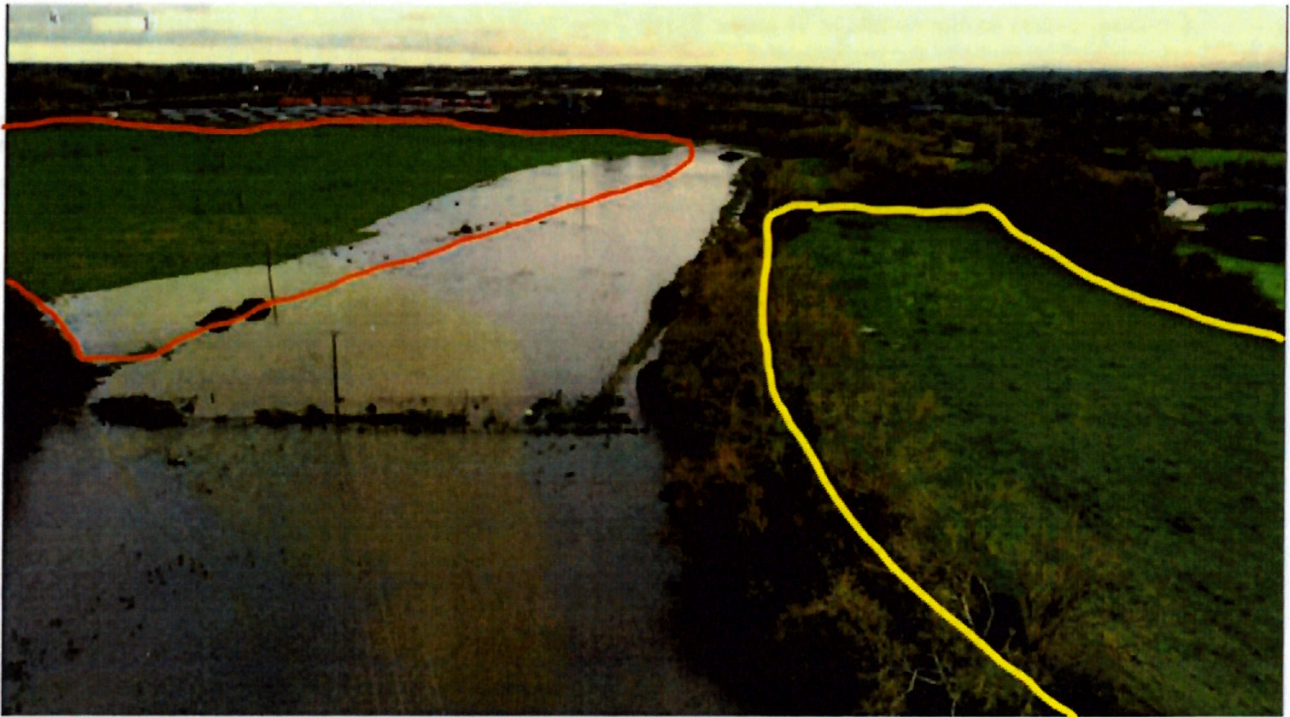
of the river Tolka. It seems the overriding purpose of this proposal is to allow a new previously unaffected area (highlighted yellow in adjacent image) to flood, thus preventing floodwaters following their natural course and extending into the subject site in a Westerly direction. If the floodwaters extend further into the subject lands this reduces the area upon which the developer could build safely and so the proposal to allow flooding East of the river is solely for commercial gain with no regard for the existing residents along the Old Navan Road.

2. The new large body of water will only be some 50m from our dwellings whereas the river is currently over 100m away. The proposal to move any body of water closer to our dwellings will most likely make them uninsurable due to the perceived increased risk. Insurers already consider Dunboyne in general as a high risk area with many new developments uninsured against flooding.

Our experience is that any property less than 100m from a river, stream or body of water is likely to be declined insurance. This is an untenable situation for existing Bennettstown residents and cannot be allowed to occur. Why should residents who have lived in these homes all their lives be placed at increased risk of flooding, a risk which they will be unable to insure against?

3. If the permission as submitted is granted the proven flood defence will be removed in large part. Notwithstanding the intention to replace this with a new berm in an alternate location there is no guarantee the new berm (construction or indeed location) will be successful. Furthermore, if permission is granted it may be well-nigh impossible to prevent the river flooding in an Easterly direction during the course of construction i.e. in any period where the existing proven flood defence measure has been removed but the new unproven berm has yet to be completed.

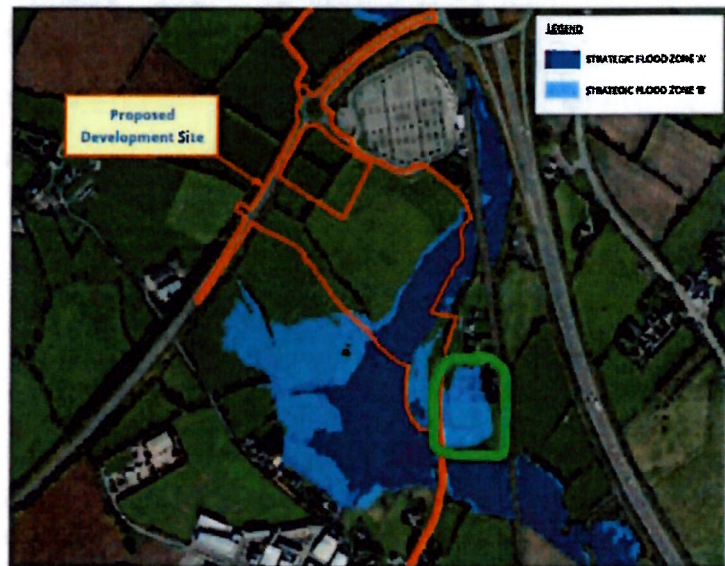




*Location of proposed housing development outlined in red. Proposed berm relocation will allow previously unaffected area outlined in yellow to flood*

4. Meath County Council Online Strategic Flood Risk Assessment mapping portal clearly shows that a number

of our existing houses East of the Tolka are already within Strategic Flood Zone B (those properties outlined in green opposite). This mapping was produced as part of the 2021-2027 Meath Strategic Flood Risk Assessment (SFRA) and does not account for waters from a local drainage channel and Naulswood Stream both of which hugely contribute to flood risk in this area. It is also important to note that this mapping (completed in 2019) cannot have taken account of the additional surface water which will be diverted to the Tolka as a result of the proposed development nor the further commercial development which this application directly facilitates. The purpose of the Site Specific Flood Risk Assessment included as part of the



application is to demonstrate that the applicants have accounted for flood risk as part of their new scheme design and have kept proposed housing units away from areas destined to flood. What it does not consider is what we believe to be an inevitable increased risk of flooding to the existing houses in the locale as a direct result of the introduction of huge additional volumes of surface water which will emanate from the subject site during periods of heavy rain.

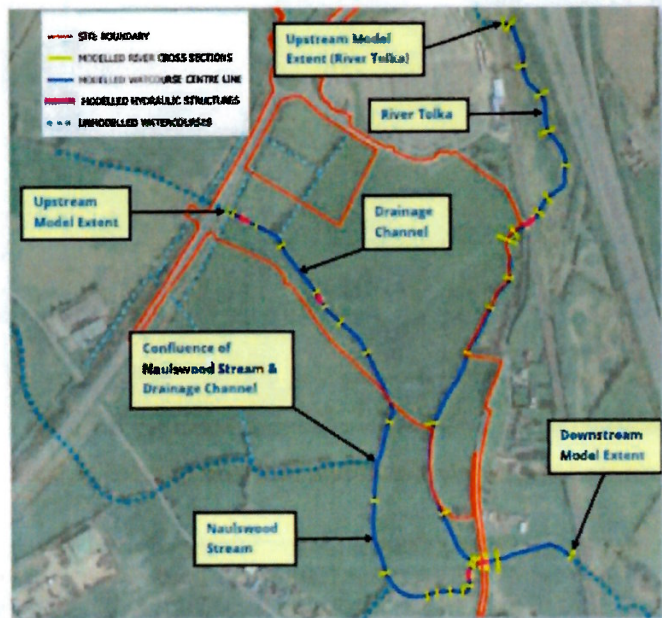
5. The accelerated impact of climate change in recent years cannot be denied and we contend that neither the Meath Co Co SFRA nor the Site Specific Flood Risk Assessment submitted as part of this application can have sufficiently accounted for the increased frequency nor severity of extreme weather events. No amount of desktop studies nor data analysis can contradict local knowledge of the area.



Flooding occurs to the extent of Strategic Flood Zone A regularly throughout the year and in fact after any period of sudden or prolonged rainfall. As the attached appendix of photographs taken in the immediate vicinity only 3 days ago (21/10/23) show it also occurs to the extents indicated as Strategic Flood Zone B several times a year and far more regularly than any 1% AEP (1 in 100 years) event as predicted in the risk assessment. Such is our concern that we have commissioned drone videography of the flooding over last weekend demonstrating the extent of flooding which occurred after a single day of continuous rain, by no means an exceptional or a 1 in 100 year weather event.

6. We note that the planning application includes for revision of an existing and provision of a new junction on the R157 road. This permission is therefore designed to accommodate the future commercial development of lands directly West of the applicant site (in line with Meath County Development Plan) however the Upstream Model Extent of the flood risk calculations do not factor in the effect of the future commercial development?

The cut off for upstream extent of survey is clearly shown in the adjacent image as being within or adjacent the subject site only – no account of additional surface water generated as a result of the future commercial development has been factored into the flood risk assessment. How can an application for planning incorporate access provisions to future development lands yet fail to account for the impact such future development will have on flood risk amongst other things? We contend the application is principally flawed as a result.



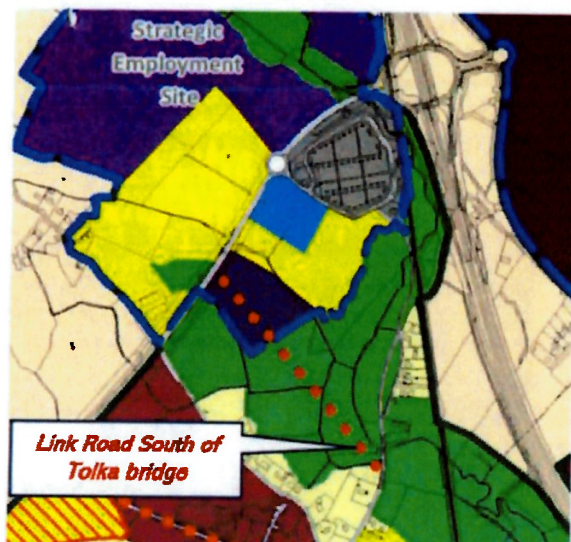
7. The introduction of a new and unprotected body of water in such close proximity to existing dwellings creates an immediate danger to those residents with small children for whom it would create an inquisitive attraction.

#### **B. Proposed link road to Old Navan Road**

The application as submitted differs vastly from the plans which form part of the Dunboyne North Masterplan MP22 Version 1. We believe it differs to the extent that it no longer complies with the County Development Plan, in accordance with the Large Residential Development (LRD) legislation we contend such non-compliance is grounds for refusal of permission. Some of our key objections in this regard are as follows.

1. We acknowledge the Dunboyne North Masterplan MP22 always indicated creation of a link road through the subject lands onto the R157. Where this application strays from the master plan is in the proposed route of such a link road. The proposed link road was always indicated as connecting to the Old Navan Road South of the bridge over the Tolka from which point it would veer Westward before terminating at a T Junction on the R157. Below image extracted from the Meath County Development Plan 2021- 2027 Dunboyne/ Clonee/ Pace Sheet No: 13 (a) Land Use Zoning outlines this route as commencing South of the river as does Figure 2.4 from Atkins Traffic & Transport Assessment submitted as part of the subject planning application.





*Extract from ADOPTED Meath County Development Plan 2021- 2027 Dunboyne/ Clonsilla/ Pace Sheet No: 13 (a) Land Use Zoning*

This proposal would mean that the existing flood defence berm could remain intact safeguarding us from flooding. Furthermore this proposal would mean that any new bridge constructed over the Tolka could be designed to accommodate a proper pedestrian and cycle link to Dunboyne Village compliant with the Design Manual for Urban Roads and Streets (DMURS). The requirement for planning authorities to adhere to DMURS is clearly set out in Policy and Objective 4.1 of the recently published Sustainable and Compact Settlements - Guidelines for Planning Authorities. The subject planning application does not comply with DMURS (which requires that the needs of pedestrian, cyclists and public transport should be placed ahead of the private car) as no pedestrian / cycle link to Dunboyne Village is catered for and the existing Tolka bridge infrastructure is incapable of accommodating it.

2. In the subject planning application the newly proposed link road exiting the site and joining the Old Navan Road is now shown as terminating in a T-junction onto the existing road directly opposite the existing dwellings at Bennettstown. The image opposite shows the proposed road layout from North of the Tolka Bridge. This road location and layout is completely contrary to the layout as outlined in 1. above and raises a number of concerns such as (but not limited to) the following;



- The necessity for all traffic coming from the development to come to a complete stop at the junction before moving off again will create a far more significant level of traffic noise than would a continuous traffic flow on a road without such a junction.
- The introduction of such a junction will increase the risk of accident. The proposed road hierarchy is completely wrong in that the vehicular traffic from a maximum of 4 existing Bennettstown households is given priority over traffic from 267 households and that is before any through traffic volumes on the proposed link road are considered. Any proposed link road design should prioritise traffic from the new development with the houses on Old Navan Road at Bennettstown remaining in a Cul-de-sac.
- During the hours of darkness there will be constant light pollution from traffic at the proposed new T junction shining directly into the existing dwellings, a situation never previously encountered and bound to cause significant disturbance to residents given the expected traffic volumes, the elevation of the new bridge and
- Traffic unfamiliar with the new road layout runs a high risk of failing to stop at the newly introduced T junction with the consequence of crashing onto the locally maintained green space directly in front our houses. This would create a serious risk of injury again to local children and walkers who use this as a recreational area.

### C. Pedestrian connection to Dunboyne Village

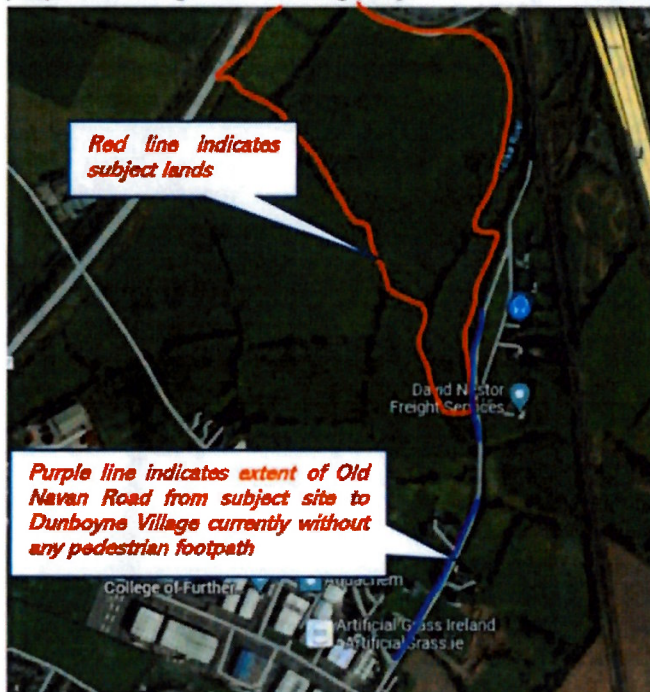
The Dunboyne North Masterplan MP22 from October 2022 states "Any Planning Application for the development of the Dunboyne North lands should be aligned and consistent with this Masterplan". We do not believe the proposed permission to be consistent with the masterplan with regard to prioritisation of pedestrian traffic amongst other things and our concerns are summarised as follows.

1. The current Old Navan Road is a Cul-de-sac of some 800m (extending from Kennedy Road to the last house on the public roadway). It ceased being a through road more than 15 years ago and currently serves a total of only 16 households. As a result it caters for minimal traffic and those residing there



from before it became a Cul-de-sac are thankful for that change. There are many children in these households who have never known it as anything other than a quiet road. Significant number of pedestrians, joggers, dog walkers, athletics and boxing clubs etc from Dunboyne Village use this Cul-de-sac as an amenity, a quiet and safe place to train, take a walk and so on. The reintroduction of traffic poses a serious risk to those who use this amenity and it will no longer be safe to walk this route due to traffic volumes.

2. There is no current pedestrian link between the houses at Bennettstown and Dunboyne Village. As is evidenced in the photograph opposite the footpaths on both sides of the Old Navan Road cease at the Kennedy Road junction and do not continue to Bennettstown from this point. With minimal traffic volumes on the Cul-de-sac from this point onwards the road width has decreased significantly in the last 15 years due to growth on the verges and a total lack of maintenance. The result is that this road is for all intents and purposes a single lane carriageway.



The lack of footpath means the road caters for pedestrian as well as vehicular traffic. To re-open this road to traffic without major improvements will put pedestrians at serious risk of injury / accident due to the lack of pedestrian footpaths.

3. The Dunboyne North Masterplan MP22 states *"The development of the Masterplan lands represents an opportunity to promote pedestrian and cycle links between Dunboyne town centre and the subject lands. The development of the Old Navan Road and the linear park along the Tolka River will create additional links to Dunboyne town centre, representing a sustainable and healthy option for future residents of the Masterplan lands wishing to travel to Dunboyne"*.

We contend that this application fails in this regard as it does not provide any pedestrian or cycle link between the proposed new development and Dunboyne Village. This is despite the fact the site boundary as indicated in the planning application includes the Old Navan Road as far as the Kennedy Road junction and as such is within the realm of the developer. If the development is to proceed surely provision must be made, in compliance with MP22, for cyclists and pedestrians to connect with Dunboyne Village in advance of works commencing. If these are not constructed existing residents of the Cul-de-sac will no longer be able to safely walk or cycle to the village once the road is open to through traffic into the subject lands and linking to R157.



The subject planning application displays disregard for planning guidelines in that the proposed new development indicates a new link road to the Old Navan Road (complete with dedicated cycle lanes and pedestrian footpaths) only for these to terminate at the proposed T-junction. This leaves a half kilometre stretch of road to Kennedy Road junction with barely sufficient provision for vehicular traffic and absolutely no provision for cyclists or pedestrians.

4. Per the Dunboyne North Masterplan any development of Masterplan Lands (of which the subject site forms part) should be a Transit-Oriented Development (TOD). MP22 defines a TOD as *"one which provides the following standards:*

1. *WALK: Develop neighbourhoods that promote walking*
2. *CYCLE: Prioritize non-motorised transport networks"*

The proposed development fails to meet these standards in that no pedestrian nor cycle ways currently exist between the development and Dunboyne Village and more importantly no such routes even form part of the planning application.

The Atkins External Road Infrastructure Quality Audit & Road Safety Audit Stage 1 item 2.2.2 considers the abrupt discontinuity of the footpath at the proposed link road junction to the Old Navan Road to be a problem. The report states *"MCC are to design an active travel scheme for Old Navan Road to the Station"* however the complete lack of any pedestrian or cyclist connectivity from the proposed link road South towards Dunboyne Village is not even worthy of mention. How can any Infrastructure Quality Audit & Road Safety Audit fail to consider this glaring problem?



*View South to Dunboyne Village at Tolka Bridge*

5. Any new cycle / pedestrian link from the proposed development to Dunboyne Village will need to comply with DMURS and the National Transport Authorities Cycle Design Manual 2023. Based on these guidance documents we note that the existing bridge over the Tolka (as shown in photograph) is of insufficient width to accommodate a two lane carriageway, a cycle track (even of minimum permissible width) and a pedestrian footpath. The subject planning application does not indicate any proposal to overcome this issue nor does it indicate any intention to provide cycle or pedestrian connectivity to Dunboyne Village whatsoever. In this regard we believe it contravenes the Masterplan and should be considered non-compliant on that basis alone. As outlined in B.1. above if the link road is designed to connect South of this bridge there is opportunity to remedy the problem by constructing a new bridge capable of complying with DMURS.

#### **D. Combined environmental impact of this and future development**

Having examined the extensive information on the applicant's dedicated website <https://bennetstown1rd.ie> we did not find any Environmental Impact Assessment as part of the planning application. As noted in A.6. above this planning application makes provision for construction of a completely new junction onto the R157 as well as removal of an existing roundabout at M3 Parkway creating 2 new 4 way signalised junctions. These junctions service future development lands to North / West of the subject site (refer to Figure 2.1 from Atkins Traffic & Transport Assessment below) and as such the combined impact of that future development in conjunction with the subject development must be considered together.

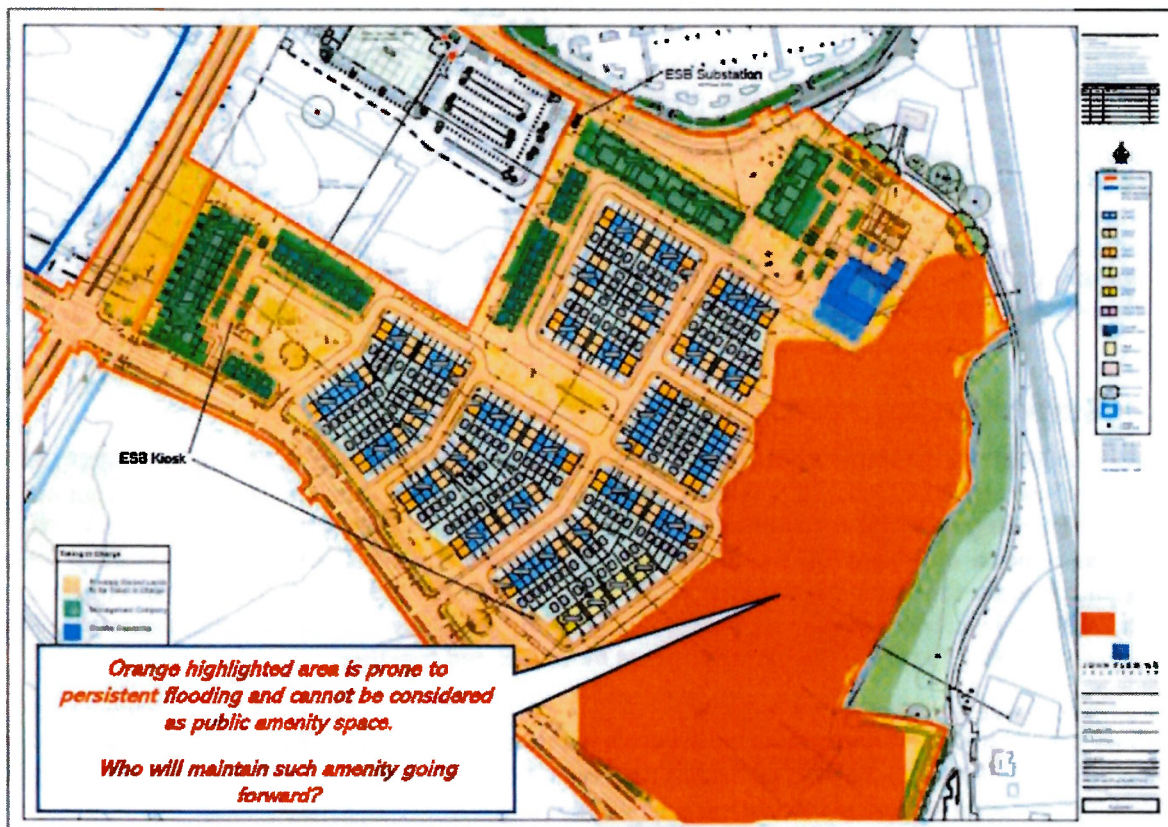
The environmental and associated impacts of the subject development (Initial Planning Application Site as denoted below) cannot be considered on a standalone basis if part of this application facilitates the future works. Has a Combined Environmental Impact Assessment for the subject lands AND the future development lands been provided as part of this planning application?



18 4

**E. Future Maintenance / taking in charge**

We refer to John Fleming Architects "13. Taking in Charge" drawing submitted as part of the proposal. We note that a large area between the river Tolka and the residential units (highlighted orange per below extract) is



indicated as being taken in charge. As it is not down to be maintained / taken in charge by a management company can we conclude that the intention is for this large parcel of land to be taken in charge by Meath County Council? If this conclusion is correct, please advise the plan for upkeep, management and maintenance of this land as it is our understanding Meath County Council do not have any Parks / Public Space Maintenance department?

Furthermore in all the applicant's submitted information the areas in question are shown to contain hard and soft landscaping, access walkways, planting, trees etc and are undoubtedly intended to fulfil the necessary planning requirements for public amenity space. How can this space be considered as qualifying as a public amenity for the development when it is clearly documented (not only in the applicant's supporting information but by reference to appendix photographs also) as being within a regularly flooded zone. This amenity will not be accessible for long periods after any spell of rain nor will it be safe for use by residents of the new development.

### Conclusion

We acknowledge the Meath County Development Plan and the desire for residential and commercial development in the Masterplan Lands. Notwithstanding this we feel that the subject application falls short of meeting the requirements and objectives of this plan in a number of key areas outlined above. We believe we have adequately outlined these deficiencies and as such request that this planning application be denied at this point.

We further acknowledge that we cannot impede progress particularly in light of the immediate housing shortages in the county and country generally. We believe that by properly considering our genuine concerns with regard to this proposed development the application can be suitably amended to either fully address or significantly alleviate these apprehensions resulting in a development satisfying the needs of Meath County Council, the developers and in turn ourselves.

Yours faithfully

\_\_\_\_\_  
Peter Moran

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On behalf of the below Bennettstown residents

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**APPENDIX 1,— Supporting photographs (taken 21/10/23)**



**Tolka in foreground, flooding extending into subject lands West of Tolka River**



**Existing flood berm providing protection to homes on Old Navan Road at Bennetts town**





River Tolka at bridge over Old Navan Road



Extensive flooding in subject lands West of Tolka Bridge and also East with M3 Parkway railway in background





View South along Old Navan Road to Dunboyne from directly over subject lands



View North along Tolka river (flooding into subject lands) with M3 Parkway in background



**APPENDIX 2**  
**Submission of 9<sup>th</sup> May '24**

**Observations on Further Information Request  
for Planning Application Ref 2360290**

Bennettstown Residents,  
Bennettstown,  
Dunboyne  
Co Meath

Care of [REDACTED]

9<sup>th</sup> May 2024  
Planning Department  
Meath County Council  
Buvinda House  
Dublin Road  
Navan  
County Meath  
C15 Y291  
[planning@meathcoco.ie](mailto:planning@meathcoco.ie)

**Re: Observations on Further Information request for Planning Application Ref 2360290**

*Permission for Large-Scale Residential Development comprising 267 no. residential units and all associated ancillary / infrastructure works on lands principally located in Bennettstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath*

Dear Sirs,

We have reviewed the significant volumes of additional information lodged with Meath Co. Council in response to the Planning Authority's (PA) request for Further Information (FI) from Messrs Marina Quarter Ltd in connection with the above referenced application.

In the table below we have endeavoured to summarise our initial observations (23-10-23), the FI Responses submitted to the PA and our summary observations in respect of same.

No.	Observation / concern summary (23-10-23)	FI Response summary (Appendix B of IE Consulting response)	Observations on FI responses
	<b><u>A. Flood risk to existing dwellings</u></b>		
1	Proposed berm relocation	No longer proposed to move existing berm	We acknowledge berm no longer required to move
2	New body of water closer to existing residences - uninsurable	No longer proposed to move existing berm	We acknowledge berm no longer required to move
3	Proven defence removed in favour of unproven - flood protection during construction	No longer proposed to move existing berm	We acknowledge berm no longer required to move
4	New development resulting in additional surface water to a river already beyond capacity	Sustainable Urban Drainage System to be implemented with source control and infiltration of surface water promoted	We can only trust that this has been suitably interrogated by Meath Co. Council
5	Effects of climate change / inadequacy of designing to 1/100 year event	Design accommodates OPW Climate Change Sectoral Adaption Plan (2015-2019)	We would have serious reservations about reliance on a report which is already 5 years out of date particularly in light of the ever increasing impacts of climate change and would question if A) a 20% overdesign is in fact sufficient given the results of more recent surveys such as that published by the Irish Climate Analysis and Research UnitS (ICARUS) a part of the Department of

			Geography at Maynooth University and B) reliance on designing to a 1 in 100 year event when we have demonstrated in our submission (and can further demonstrate with multiple occurrences in the intervening period) that the alleged 1 in 100 year extent of flooding is already occurring multiple times a year.
6	Current application accommodates future adjacent commercial developments - not accounted for in SSFRA	Future developments will be subject to their own SSFRA	We contend these future developments must be accounted for now in light of the fact the access roads / infrastructure for such future developments actually forms part of THIS application
7	Risk of drowning to small children	No longer proposed to move existing berm	We acknowledge berm no longer required to move
	<u>B. Proposed link road to Old Navan Road</u>	No flood risk concerns	Our legitimate concerns as outlined in our original submissions on 23/10/23 regarding the Proposed link to Old Navan Road have not been acknowledged nor addressed. The FI response simply noted "No flood risk concern" however Meath Co. Co. need to address these concerns if they are not within the remit of Marina Quarter.
1	Proposed link road contravenes Dunboyne North Masterplan MP22	No flood risk concerns	
2	Introduction of T-Junction on Old Navan Rd and associated concerns	No flood risk concerns	
	• Increased noise	No flood risk concerns	
	• Increased accident risk (incorrect road hierarchy)	No flood risk concerns	
	• Light pollution from nighttime traffic	No flood risk concerns	Our concerns in this regard were never flood related. It would seem that IE Consulting's remit for Marina Quarter did not extend beyond answering flood related observations. Accordingly, our concerns have not been addressed by Meath Co. Co. and remain
	• Risk to local residents / children	No flood risk concerns	
	<u>C. Pedestrian connection to Dunboyne Village</u>	No flood risk concerns	
1	Reopening of cul-de-sac increasing risk of accident & removal of busy local amenity	No flood risk concerns	Our legitimate concerns as outlined in our original submissions on 23/10/23 regarding the Pedestrian connection to Dunboyne Village have not been acknowledged nor addressed. The FI response simply noted "No flood risk concern" however Meath Co. Co. need to address these concerns if they are not within the remit of Marina Quarter.
2	No pedestrian walkways connecting Dunboyne	No flood risk concerns	
3	Dunboyne North must have pedestrian and cycle links to Dunboyne so as not to contravene MP22	No flood risk concerns	
4	Subject application identifies discontinuity of footpaths as a problem yet makes no provision for rectifying same	No flood risk concerns	Our concerns in this regard were never flood related. It would seem that IE Consulting's remit for Marina Quarter did not extend beyond answering flood related observations. Accordingly, our concerns have not been addressed and remain
5	Existing road bridge incapable of accommodating proper cycle and pedestrian links	No flood risk concerns	
11	<u>D. Combined environmental impact of this and future development</u>	No flood risk concerns	Our legitimate concerns as outlined in our original submissions on 23/10/23 regarding the Combined Environmental



	Subject application includes works for future commercial / residential development yet Environmental Impact Assessment does not account for this development	No flood risk concerns	Impact of this and future developments facilitated and accounted for within this application have not been acknowledged nor addressed. The FI response simply noted "No flood risk concern" however Meath Co. Co. need to address these concerns if they are not within the remit of Marina Quarter. Our concerns in this regard were never flood related. It would seem that IE Consulting's remit for Marina Quarter did not extend beyond answering flood related observations. Accordingly, our concerns have not been addressed and remain
	<u>E. Future maintenance / taking in charge</u>	No flood risk concerns	Our legitimate concerns as outlined in our original submissions on 23/10/23 regarding the Future Maintenance and Taking in Charge have not been acknowledged nor addressed. The FI response simply noted "No flood risk concern" however Meath Co. Co. need to address these concerns if they are not within the remit of Marina Quarter.
	• Public amenity space not being taken in charge by developer	No flood risk concerns	
	• Space shown as parkland (to satisfy public amenity requirements) floods	No flood risk concerns	We do not understand how areas clearly shown as flooding within the subject application can also be shown as public amenity space for the proposed development. In periods of anything heavier than moderate rainfall these amenity spaces will be underwater and dangerous to occupiers of the newly developed houses

While encouraged by the fact that the FI response concedes that relocation of the berm on Eastern bank of the River Tolka is no longer necessary, we are frustrated to find that the vast majority of the remaining observations (B-E above) were not subject to FI request (other than in a flooding context)

Apart from those directly connected to relocation of the berm all other legitimate and documented concerns highlighted in our correspondence of 23<sup>rd</sup> October last remain unresolved and we would again contend this application should be refused until such time as there is proper engagement with the developers, Meath Co. Co Planning Authority and ourselves to work through these issues.

Yours faithfully

Peter Moran

On behalf of the below Bennettstown residents



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**APPENDIX 3**  
**MCC Grant of Permission**



**Comhairle Chontae na Mí**

*Roinn Pleanáil*  
Teach Buiríní, Ríthar Átha Chath.  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 - 9097500/Fax: 046 - 9097001  
E-mail: [planning@meathco.ie](mailto:planning@meathco.ie)  
Web: [www.meath.ie](http://www.meath.ie)



**Meath County Council**

*Planning Department*  
Buiríní House, Dublin Road,  
Navan, Co. Meath, C15 Y291  
Tel: 046 - 9097500/Fax: 046 - 9097001  
E-mail: [planning@meathco.ie](mailto:planning@meathco.ie)  
Web: [www.meath.ie](http://www.meath.ie)

Planning Reference Number: 23/60290

TO: Bennettstown Residents  
Bennettstown  
Dunboyne Co. Meath

Date: 04/06/2024

**Planning and Development Act 2000 – 2022  
Planning & Development Regulations 2001 to 2023**

**Notification of Decision on planning application in the name of Marina Quarter Ltd. N/A**

Dear Sir/Madam,

I wish to inform you that by order dated 04/06/2024 Meath County Council has **CONDITIONAL PERMISSION** for Permission for the following Large-Scale Residential Development consisting of: i) 267 no. residential units comprising 145 no. dwelling houses and 122 no. apartments/duplexes providing a mix of 1, 2, 3 and 4-bed units. The dwelling houses range in height from 2-3 storeys. The apartments/duplexes are in 8 no. blocks (i.e. Blocks A-H, with Blocks B and C joined) ranging in height from 3 to 5 storeys; ii) a single storey creche; iii) modifications to the R157 regional road including changes to the existing carriageway/traffic lanes and the replacement of an existing roundabout with a new signalised junction; iv) a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road; v) the provision of footpaths, cycle lanes and 2 no. pedestrian crossings on the existing M3 Parkway access road, vi) a foul pumping station and connection to the existing public sewerage system via the Old Navan Road; vii) a watermain connection to the north of the site at Pace (townland); viii) 3 no. ESB substation/kiosks and the undergrounding/re-routing of existing electricity lines; ix) reprofiling of land and relocation of existing berm adjoining the River Tolka as part of flood mitigation measures; and x) all associated ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site measuring 14.17 hectares principally located in Bennetstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath. Access will be via 2 no. new vehicular access points along the new link road between the R157 and the Old Navan Road. Pedestrian access will also be provided on to the existing M3 Parkway access road.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been submitted to the planning authority with the application. Significant further information/revised plans submitted with this application at Principally located in Bennetstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath, .

If you are aggrieved by this decision you may appeal it **WITHIN FOUR WEEKS** of the date of the decision by forwarding your grounds of appeal to An Bord Pleanála, 64 Marlborough Street, Dublin 1. The fee for an appeal against a decision of a Planning Authority is € 220. An appeal will be invalid unless accompanied by the appropriate fee together with evidence of payment of submission fee to Planning Authority and/ or Acknowledgement Letter from the Planning Authority. Where an appeal is made by another party you may make submissions or observations on the appeal as an observer. The time limit for this is four weeks from the receipt of the appeal by An Bord Pleanála and a fee of € 50 (at present) must be paid to An Bord Pleanála with any such submissions or observations.

Where an Environmental Impact Assessment Report (EIAR) has been submitted the time limit is four weeks from the date on which An Bord Pleanála publishes notice of receipt of the appeal. Confirmation of whether an appeal has been made or not can be obtained by telephoning An Bord Pleanála (Telephone No. 01 8588100). A copy of any appeal made to An Bord Pleanála may be inspected at the Planning Office during office hours.

Yours Faithfully,

On behalf of Meath County Council

### Schedule of Conditions

1. The development hereby permitted shall be constructed in accordance with the plans and particulars including the Environmental Impact Assessment Report lodged with the Planning Authority on the 22/09/23, 28/03/24 and 10/04/24 except where conditions hereunder specify otherwise. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in strict accordance with the agreed particulars.

**Reason:** In the interests of the proper planning and development of the area and to ensure a satisfactory standard of development in accordance with the approved plans and particulars

2. The development hereby permitted shall contain **267 no. residential units**. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be subdivided or used for any commercial purpose (including short-term letting) without a separate planning permission.

**Reason:** In the interest of clarity and to ensure the maintenance of a residential community.

3. The development shall be carried out on a phased basis. The phasing plan which accompanies the application shall not be permitted. Prior to the commencement of development, a revised phasing scheme for the development inclusive of all associated infrastructure shall be submitted for the written agreement of the Planning Authority. The childcare facility shall be included in phase one.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. (a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment of the development site. The assessment will include the analysis of the archaeological geophysical survey and the results of archaeological test excavations to be carried out across the development site (both geophysical detected features and other locations where impacts may occur). No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The works associated with the archaeological assessment will be incorporated into the Construction and Environmental Management Plan.
- (c) The archaeologist should carry out any relevant documentary research and inspect the site. Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.
- (d) The Archaeological Impact Assessment Report will describe clearly the results of the archaeological testing and the resulting proposed mitigation measures. Furthermore, the Archaeological Impact Assessment Report will provide a detailed conservation plan for the

protection, preservation in situ and presentation of the geophysical detected enclosure located in the north-east boundaries of the development site.

(e) Having completed the work, the archaeologist should submit a written report of the Archaeological Impact Assessment Report to the Planning Authority and to the Department in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

5. Proposals for names for the overall development, buildings, public plaza, home zones/streets inclusive of a numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage and unit numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s). The use of the name parkway plaza shall not be permitted.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

6. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) and addendums shall be implemented in full within the timescales listed in the EIAR and the NIS. Prior to commencement of any development an ecological clerk of works shall be appointed to supervise the implementation of these measures. Details of the appointment including the qualifications of the individual shall be submitted for the review and written agreement of the Planning Authority.

**Reason:** To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the NIS are implemented to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site and in the interest of environmental protection.

7. The clearance of vegetation on site shall only take place between September and February i.e. outside the main bird breeding season.

**Reason:** To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.



8. (a) The external wall, roof finishes and design detail of the development shall be as illustrated on the plans submitted on 22/09/23, 28/03/24 and 10/04/24, unless otherwise agreed in writing with the Planning Authority. All public facing external finishes shall be of durable materials. The use of render on the blocks fronting the plaza shall not be permitted, revised proposals shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

(b) No development of a class specified in column 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023, shall be permitted within the curtilage of any residential unit hereby permitted.

**Reason:** In the interests of visual amenity and to ensure the integrity of the design concept is retained. (Planning)

9. (a) Prior to the commencement of any site works all existing trees to be retained shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the planning authority. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made, or any other works carried out, without the prior written consent of the planning authority.

**Reason:** To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees. (Planning)

10. (a) Prior to the occupation of any residential unit hereby permitted, the applicant shall provide the public open space and landscaping as indicated on the drawings and specification date received 22/09/23. The open spaces shall be developed for, and devoted to, public use and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(c) All hard and soft landscaping works shall be carried out in accordance with the approved details and the appropriate British Standard document or other recognised Code of Practice, unless otherwise agreed in writing with the Planning Authority.

(d) The exact location and detail of boundary treatment adjoining the property of Irish Rail shall be agreed with Irish Rail, revised detail shall be submitted for the written agreement of the Planning Authority including written confirmation of the agreement of Irish Rail.

(e) Final details of all boundary treatments shall be agreed in writing with the Planning Authority prior to commencement of development.

(f) Prior to commencement of development, details of a public art feature to be incorporated into the overall scheme or a financial contribution to facilitate the Council to provide a piece of public art in order to enhance the amenities of the local environment shall be submitted for the written agreement of the Planning Authority.

**Reason:** To ensure that the public open space, planting provision, boundary treatment, public art is provided in a timely manner and retained for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible. (Planning)

11. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Acts 2000-2022, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit for use by individual purchasers and or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

12. Prior to commencement of development hereby permitted, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Acts 2000-2022, unless an exemption certificate shall have been applied for and been granted under Section 97 of said Act. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning & Development Acts 2000-2022 and of the housing strategy in the development plan for the area. (Housing)

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the Planning Authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development the detail of which shall be agreed in writing with the Planning Authority prior to the commencement of the development hereby permitted.

**Reason:** In the interest of orderly development and the visual amenities of the area.

14. (a) Prior to the commencement of development the Applicant/developer shall submit for the written agreement of the Planning Authority, the detailed design of the R-157 upgrade works including the signalised junctions, the road geometry and layout, kerbs, drainage, traffic signals, street lighting and the footpaths and cycleways included within the site boundary.  
 (b) Prior to the commencement of development, the Applicant/developer shall submit for the written agreement of the Planning Authority the detailed design of the R157 link road.  
 (c) The infrastructure, including the R-157 upgrade works, the Old Navan road/R-157 link road and the pedestrian and cycle linkages to Dunboyne Town centre, may be completed in tandem with the construction of the development.  
 (d) The Applicant/developer shall complete Road Safety Audits and Quality Audits, in accordance with TII and DMURS requirements, for the Internal and External roads. The Applicant/developer shall submit for the written agreement of the Planning Authority, amended layouts that address the recommendations of the audits at each stage as appropriate.  
 (e) Junction layouts and cycling infrastructure shall be designed in accordance with the Cycle Design Manual (CDM) 2023.  
 (f) The Applicant/developer shall submit engineering drawings that show a uniform width of 4.8m and 1.2m comfort zone for all the proposed home zones throughout the proposed development.  
 (g) The Applicant/developer shall agree the content and detail of the Construction Stage Traffic Management Plan with the Local Authority at compliance stage prior to construction commencement.  
 (h) Public lighting shall be designed and installed in accordance with "Meath County Councils: Public Lighting Technical Specification & Requirements" document.

**Reason:** In the interest of clarity, traffic safety and to ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

15. (a) All work shall comply fully with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments.  
 (b) All work shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works Volume 6.'

**Reason:** In the interest of orderly development, environmental protection, public health and safety and residential amenity. (Environment)

16. (a) Prior to the commencement of development the applicant shall submit the detailed design of the proposed bridge crossing the Tolka Flood plain and shall submit an amended SSFRA taking the detailed design of this bridge into account for the written agreement of the Planning Authority. Detailed design shall include, but is not limited to, the foundations, supports, deck, approach embankments, width and span, junctions, geometry, gradients, levels, layout, kerbs,



drainage, street lighting, footpaths and cycleways. The Minimum Soffit levels of the proposed bridge shall be as set out in Fig A-1 of Appendix A of IE Consulting letter reference IE2510/MOF/5996 of 20<sup>th</sup> March 2024 except that the minimum soffit level of the most westerly span of the bridge shall be 70.70m OD.

(b) Details of all Water and Wastewater infrastructure crossing Flood Zones A&B on the development site shall be in accordance with Uisce Eireann Requirements and shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interest of orderly development, environmental protection, public health and safety, residential amenity and to prevent flooding. (Environment)

17. (a) Prior to the commencement of development hereby permitted, the developer shall submit a construction and demolition Waste Management Plan (WMP) to the Planning Authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (Department of the Environment, Heritage and Local Government, July 2006). The WMP shall include but not be limited to project description, legislation requirements, demolition waste, construction phase waste, categories of construction waste, anticipated hazardous waste, non-construction waste, segregation of waste streams, estimated waste generated, waste hierarchy and adherence to same, roles and responsibilities and communication of WMP, details of recovery and disposal sites, details of waste hauliers, record keeping and documentation, waste audit procedures. The WMP shall be treated as a live document and communicated to all relevant personnel.

(b) The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The CEMP shall provide details of intended construction practice for the development, including but not be limited to operational controls for dust, noise and vibration, construction traffic management, waste management, protection of soils and groundwaters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The CEMP shall also address extreme of weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The CEMP shall be treated as a live document.

(c) Dust emissions at the site boundaries shall not exceed 350mg/m<sup>2</sup>/day.

(d) All refuelling shall take place in a designated refuelling area at least 30m from watercourses, details of same to be included in the CEMP.

(e) All hydrocarbons, chemicals, oils, etc. shall be stored in a dedicated bunded area at least 30m from watercourses and capable of storing 110% of the container/tank capacity.

(f) The applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site.

(g) Burning of waste, including green waste, is prohibited on site.

**Reason:** In the interest of sustainable waste management, environmental protection, public health and safety and residential amenity. (Environment)

18. (a) A designated Community Liaison Officer (CLO) shall be appointed prior to commencement of construction works, appointment shall be confirmed in writing with the Planning Authority.
- (b) The site and building works required to implement the development shall only be carried out between the hours of 8.00am to 7.00 pm Monday to Friday and 9.00 am to 1.00pm on Saturdays. No activity on site Sundays and Bank Holidays. In exceptional circumstances, hours of operation may be extended for a specified period of time subject to written agreement from the Planning Authority
- (c) During the construction phase noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours Saturday and 45dB(A) at any other time. Noise exceedance activities must be agreed in writing with the Planning Authority prior to the activity taking place. C
- (d) The construction works shall be carried out in accordance with the noise guidance set out by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes.

**Reason:** In order to safeguard the amenities of property in the vicinity.

19. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's *Taking in Charge Policy*. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable construction standard.

20. The open spaces shall be developed in accordance with the phasing arrangement and shall devoted to public use and shall be kept free of any development. When the development is being taken in charge, the roads and all public areas including open spaces that have been designated for taking in charge shall be vested in the Planning Authority, at no cost to the Authority

**Reason:** To provide for the satisfactory future maintenance in the interest of residential amenity.

21. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the affected residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance in the interest of residential amenity.

22. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the creche building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

23. Noise sensitive uses shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C of Dublin Airport. This is to ensure appropriate internal noise levels of habitable rooms in accordance with Meath County Development Plan 2021-2027 Policies DM POL 31, DM POL 32 and Objective DM OBJ 111.

**Reason:** In the interests of proper planning and sustainable development and to satisfy the requirements of the DAA.

24. The developer shall pay the sum of €658,200.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2022. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2024 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1<sup>st</sup> each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** The provision of such social infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

25. The developer shall pay the sum of €906,862.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in



accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2022. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2024 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1<sup>st</sup> each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

26. The developer shall pay the sum of **€82,279.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision of surface water drainage infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2022. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2024 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1<sup>st</sup> each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** The provision of surface water drainage in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

27. The developer shall lodge with the Planning Authority a cash deposit of **€386,400.00** as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, surface water drains, public lighting, open space, landscaping and any other services required with the development. In the event of the non-completion or maintenance of the services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

**Reason:** To ensure that the development is carried out and completed to an acceptable construction standard.

28. The developer shall pay to the Planning Authority a financial contribution of €874,394.00 in respect of the re-opening of the Navan to Dublin Railway Line Phase 1- Clonsilla to Dunboyne (PACE) in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under Section 49 of the Planning and Development Act 2000-2022. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000-2022 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under Section 49 of the Act be applied to the permission

29. The developer shall pay the sum of €53,400.00 as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development.

The above sum shall apply until 31st December 2024 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development

#### Advice Notes

- (i) It should be clearly understood that a grant of permission does not relieve the applicant/developer of the responsibility of complying with any requirements under other statutory codes affecting the development.
- (ii) This permission does not confer title. It is the responsibility of the applicant/developer to ensure that they control all the lands necessary to carry out the proposed development.
- (iii) This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- (iv) The Applicant/Developer shall make all necessary arrangements to apply for and obtain a Road Opening License(s) from Meath County Council in respect of all openings in public areas and shall pay Road Opening License fees and Road Restoration costs. The Applicant/Developer shall abide by all of the conditions as set out in said license(s).
- (v) The Applicant/Developer shall make all necessary arrangements to apply for and obtain a Section 50 Consent from the OPW for bridge works.

- (vi) The applicant/developer is responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and should make good any such damage forthwith to the satisfaction of Meath County Council.
  - (vii) During construction the applicant should provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.
  - (viii) No muck, dirt, debris or other material should be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant/developer should arrange for vehicles leaving the site to be kept clean.
  - (ix) All waste generated during construction, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the applicant's site boundary.
  - (x) In accordance with the Wildlife Act, any hedgerow removal necessary to improve the site entrance should be carried out outside of the main bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>, inclusive).
  - (xi) All applicants are advised to make themselves aware of the requirements of the Building Control Regulations 1997 to 2015 and the Construction Products Regulations (CPR) (Regulation (EU) no. 305/2011). Information leaflets can be viewed or downloaded from the Department of Environment, Community and Local Government website <http://www.environ.ie/en/>.
  - (xii) Where the applicant proposes to connect to a public water/wastewater network operated by Uisce Éireann, the applicant must sign a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- Note 1:** In the interest of Public Health and Environmental Sustainability, Uisce Éireann Infrastructure capacity requirements and proposed connections to the Water and Wastewater Infrastructure will be subject to the constraints of the Uisce Éireann Capital Investment Programme.
- Note 2:** All work to comply with current Uisce Éireann Code of Practice for Water and Wastewater.
- Note 3:** Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.
- (xiii) Planning Compliance must be submitted (hard copies not required) in the following format: Forward by e mail to [planningcompliance@meathcoco.ie](mailto:planningcompliance@meathcoco.ie) and shall include a cover letter outlining relevant compliance issues together with appropriate drawings in PDF format.



**APPENDIX 4**  
**Planning Authority**  
**Acknowledgement of submission**



PLANNING DEPARTMENT  
MEATH COUNTY COUNCIL  
GUINDA HOUSE  
DUBLIN ROAD  
NAVAN  
CO MEATH  
23/10/2023 11:23:28

RECEIPT NO. PLANDPT/0/86658  
REFKIN.

Sennettsstown Residents  
Sennettsstown  
Dunboyne  
Co Meath

PLAN SUBMISSION RECEIPTS NAVAN  
GOODS 20.00  
VAT Exempt/Non-vatable

Total 20.00 EUR

Tendered :  
CASH 20.00

Change : 0.00

Issued By : Michelle Keating

**APPENDIX 5**  
**Benettstown Residents**  
**Draft Road Proposal**



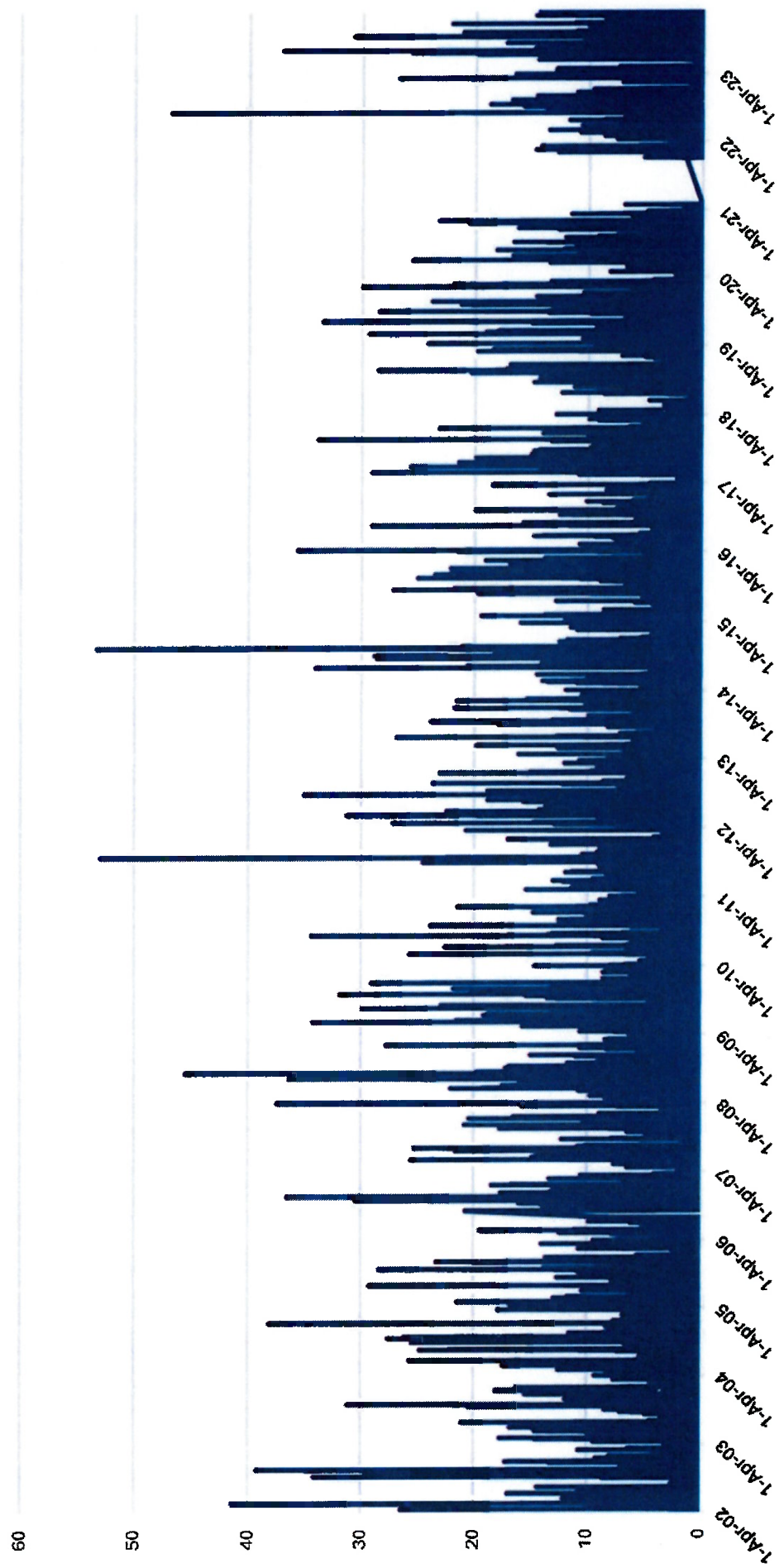




**APPENDIX 6**  
**20 Year Rainfall Graph20 Year Rainfall Graph**  
**Fairyhouse Weather Station**



# Daily rainfall (mm) at Fairyhouse Weather Station 2002-2024



**APPENDIX 7**  
**Record photographs of ongoing flooding at subject lands**

28<sup>th</sup> December 2023

















8<sup>th</sup> February 2024







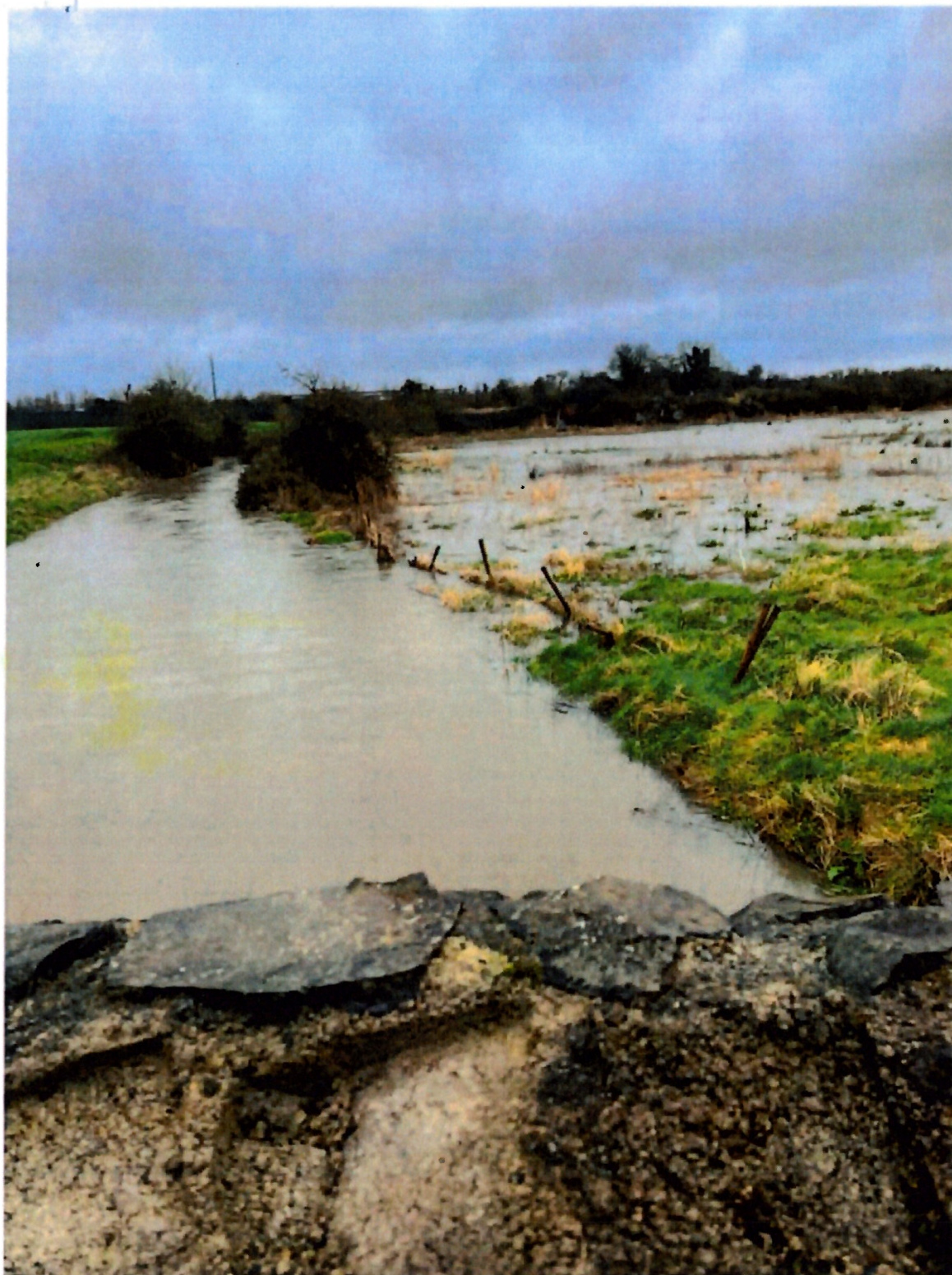


1<sup>st</sup> March 2024





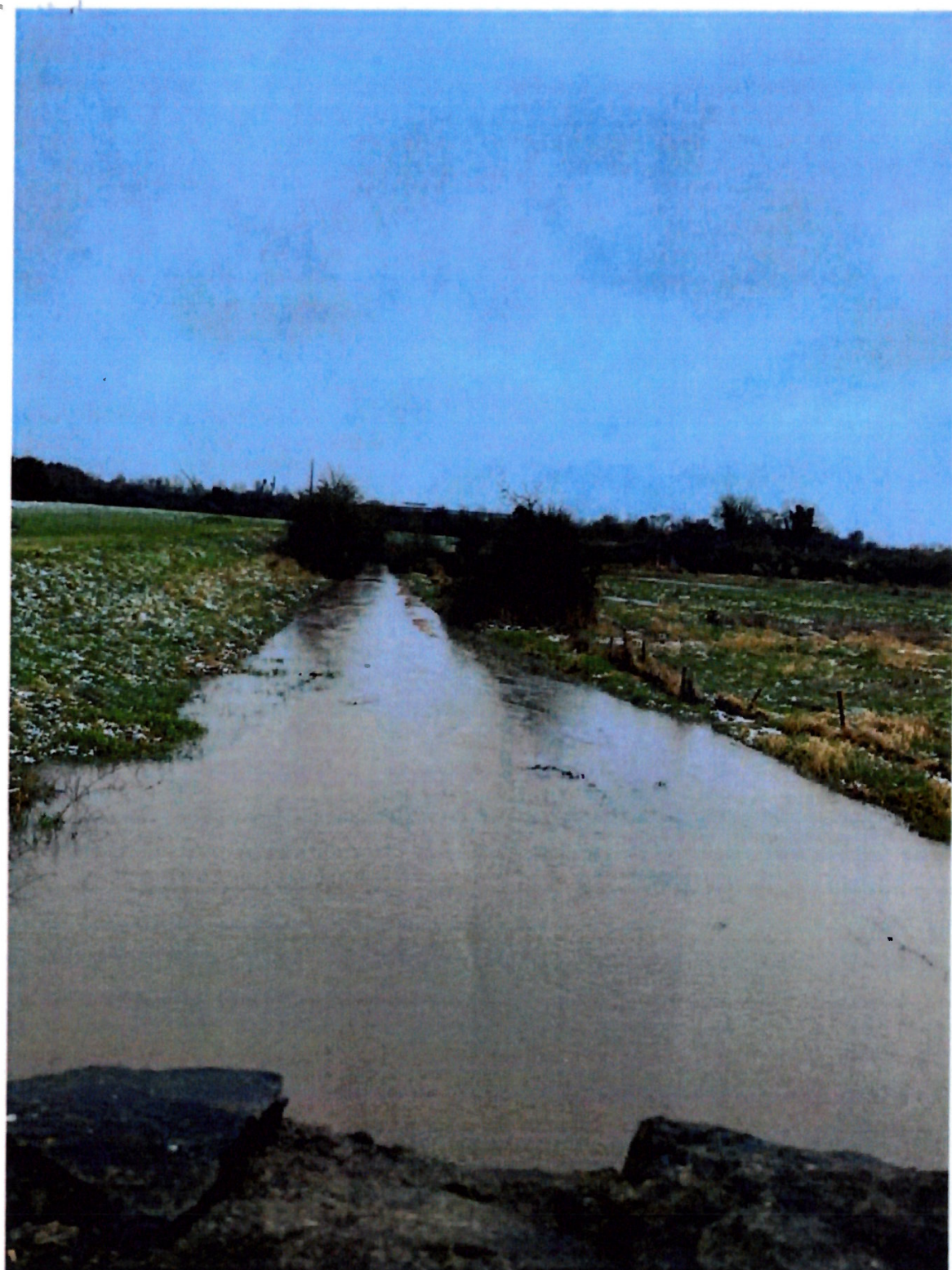




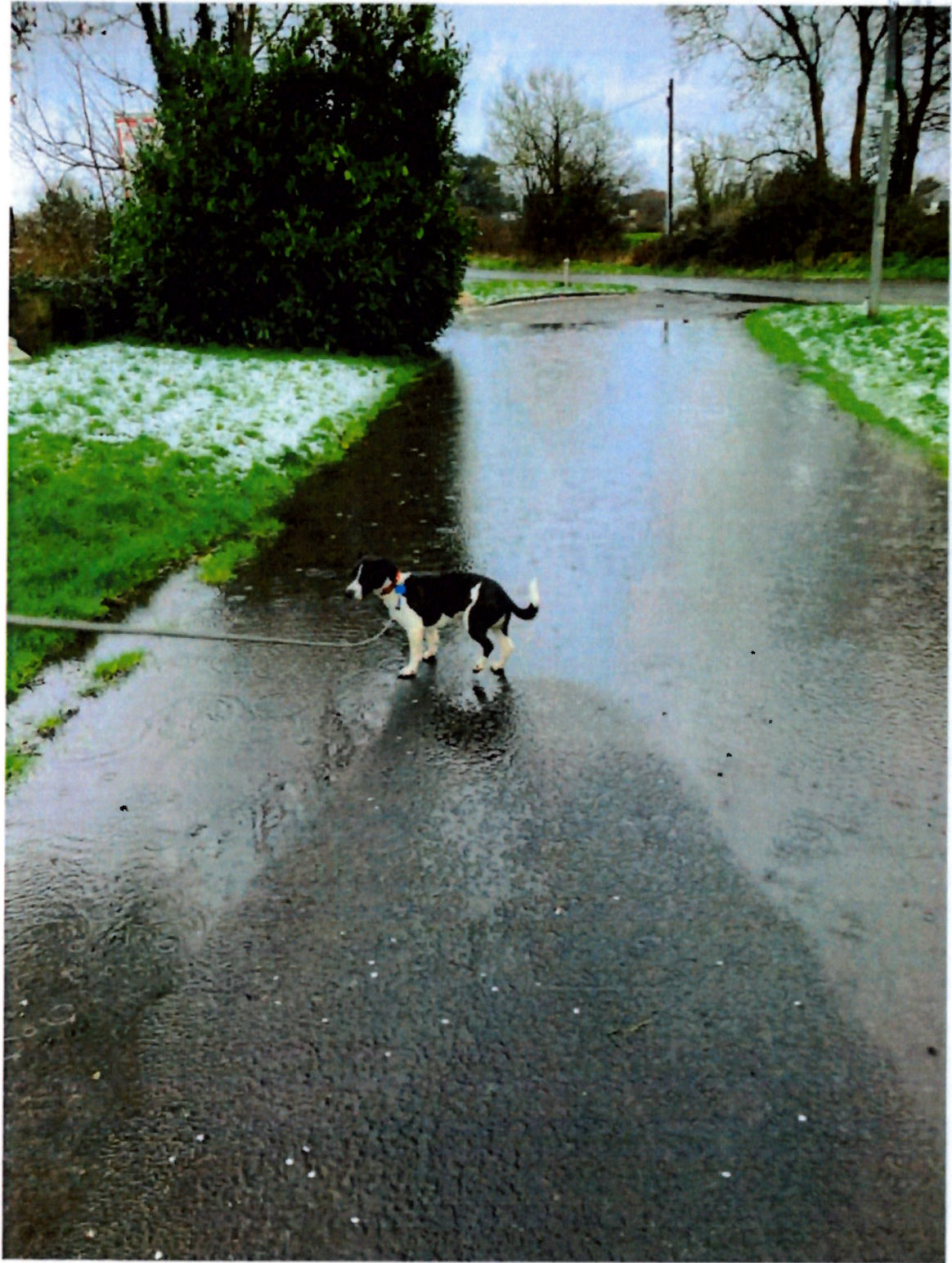




















14<sup>th</sup> March 2024









PLANNING DEPARTMENT  
MEATH COUNTY COUNCIL  
BUVINDA HOUSE  
DUBLIN ROAD  
NAVAN  
CO. MEATH  
23/10/2023 11:23:28

Receipt No. : PLANDEPT/0/86658

Bennetsstown Residents  
Bennettstown  
Dunboyne  
Co Meath

PLAN SUBMISSION RECEIPTS NAVAN 2C  
GOODS 20.00  
VAT Exempt/Non-vatable

Total : 20.00 EUR

Tendered :  
CASH 20.00

Change : 0.00

Issued By : Michelle Keating

PLANNING DEPARTMENT

**Comhairle Chontae na Mí***Rann Pleanáil*

*Teach Buvinda, Bóthar Atha Cluith,  
An Caimh, Contae na Mí, C15 Y291  
Fón: 046 - 9097500/Fax: 046 - 9097001  
E-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*

**Meath County Council***Planning Department*

*Buvinda House, Dublin Road,  
Navan, Co. Meath, C15 Y291  
Tel: 046 - 9097500/Fax: 046 - 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*

Planning Reference Number: 23/60290

Date: 23/10/2023

Bennettstown Residents  
Bennettstown  
Dunboyne  
Co. Meath

**Re: Planning & Development Regulations 2001 to 2023  
Acknowledgement of receipt of Submission or Observation on a Planning Application for a  
proposed development by Marina Quarter Ltd. N/A**

Dear Sir/Madam

I wish to acknowledge receipt of your Submission/Observation made in writing to this office on 23.10.2023 to the proposed development described as Permission for the following Large-Scale Residential Development consisting of: i) 267 no. residential units comprising 145 no. dwelling houses and 122 no. apartments/duplexes providing a mix of 1, 2, 3 and 4-bed units. The dwelling houses range in height from 2-3 storeys. The apartments/duplexes are in 8 no. blocks (i.e. Blocks A-H, with Blocks B and C joined) ranging in height from 3 to 5 storeys; ii) a single storey creche; iii) modifications to the R157 regional road including changes to the existing carriageway/traffic lanes and the replacement of an existing roundabout with a new signalised junction; iv) a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road; v) the provision of footpaths, cycle lanes and 2 no. pedestrian crossings on the existing M3 Parkway access road; vi) a foul pumping station and connection to the existing public sewerage system via the Old Navan Road; vii) a watermain connection to the north of the site at Pace (townland); viii) 3 no. ESB substation/kiosks and the undergrounding/re-routing of existing electricity lines; ix) reprofiling of land and relocation of existing berm adjoining the River Tolka as part of flood mitigation measures; and x) all associated ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site measuring 14.17 hectares principally located in Bennettstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath. Access will be via 2 no. new vehicular access points along the new link road between the R157 and the Old Navan Road. Pedestrian access will also be provided on to the existing M3 Parkway access road.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been submitted to the planning authority with the application. The Environmental Impact Assessment Report and Natura Impact Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Local Authority. The application may be inspected online at the following website set up by the applicant: [www.bennettstownltd.ie](http://www.bennettstownltd.ie).

The appropriate fee of €20 has been paid. (not applicable to Prescribed Bodies or Councillors)

The Submission/Observation is in accordance with the appropriate provisions of the Planning & Development Regulations 2001 to 2023 and will be taken into account by the Planning Authority in its determination of the Planning Application.

You will be notified of the Planning Authority's decision in due course.

  
On behalf of Meath County Council



**Comhairle Chontae na Mí**

*Roinn Pleanáil,  
Teach Buvincla, Bóthar Átha Cliath,  
An t-earraí, Contae na Mí, C15 Y29  
Fón: 046 - 9097500/Fax: 046 - 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*



**Meath County Council**

*Planning Department  
Buvincla House, Dublin Road,  
Navan, Co. Meath, C15 Y29  
Tel: 046 - 9097500/Fax: 046 - 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*

**THIS IS AN IMPORTANT DOCUMENT**

**Keep this document safely. You will be required to produce this acknowledgment to An Bord Pleanála if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Bord Pleanála that a Submission/Observation has been made to the Planning Authority on the Planning Application.**

Planning Authority Stamp

**PLANNING AUTHORITY**

**CERTIFIED**

**23 OCT 2023**

Bennettstown Residents,  
Bennettstown,  
Dunboyne  
Co Meath

Care of

24<sup>th</sup> October 2023  
Planning Department  
Meath County Council  
Buvinda House  
Dublin Road  
Navan  
County Meath  
C15 Y291  
[planning@meathcoco.ie](mailto:planning@meathcoco.ie)

23 OCT 2023  
T. Henning

Re: Planning Application Ref 2360290 - Permission for Large-Scale Residential Development comprising 267 no. residential units and all associated ancillary / infrastructure works on lands principally located in Bennettstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath

Dear Sirs,

We write to make known our objections in response to the above referenced planning application submitted to Meath County Council (MCC) for a "Development consisting of: i) 267 no. residential units comprising 145 no. dwelling houses and 122 no. apartments/duplexes providing a mix of 1, 2, 3 and 4-bed units. The dwelling houses range in height from 2-3 storeys. The apartments/duplexes are in 8 no. blocks (i.e. Blocks A-H, with Blocks B and C joined) ranging in height from 3 to 5 storeys; ii) a single storey creche; iii) modifications to the R157 regional road including changes to the existing carriageway/traffic lanes and the replacement of an existing roundabout with a new signalised junction; iv) a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road; v) the provision of footpaths, cycle lanes and 2 no. pedestrian crossings on the existing M3 Parkway access road, vi) a foul pumping station and connection to the existing public sewerage system via the Old Navan Road; vii) a watermain connection to the north of the site at Pace (townland); viii) 3 no. ESB substation/kiosks and the undergrounding/re-routing of existing electricity lines; ix) reprofiling of land and relocation of existing berm adjoining the River Tolka as part of flood mitigation measures; and x) all associated ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site measuring 14.17 hectares principally located in Bennettstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace & Dunboyne (townlands), Dunboyne North, Co. Meath. Access will be via 2 no. new vehicular access points along the new link road between the R157 and the Old Navan Road. Pedestrian access will also be provided on to the existing M3 Parkway access road".

Our objections principally concern the following matters which will be discussed in further detail in ensuing sections.

- A. Flood risk to existing dwellings
- B. Proposed link road to Old Navan Road
- C. Pedestrian connection to Dunboyne Village
- D. Combined environmental impact of this and future development
- E. Future maintenance / taking in charge

**A. Flood risk to existing dwellings**

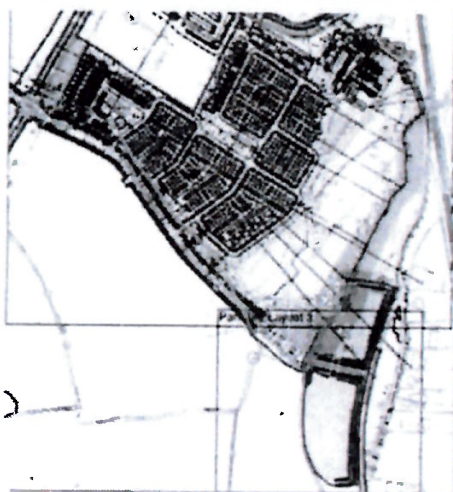
The application seeks permission to make alterations to the existing proven flood defence barrier without regard for the impact this will have on residents on the Old Navan Road in Bennettstown. Following severe flooding in Dunboyne village and surrounding areas in late 2002 a berm was constructed by the OPW along the Eastern bank of the river Tolka as part of their River Tolka (Clonee and Dunboyne) Scheme. The berm which is directly in front of the houses on the Old Navan Road is our only line of defence against floodwaters from the Tolka affecting our houses.



*Aerial photograph facing South shows existing berm line (orange) holding back floodwaters 21/10/23*

Thankfully the measures put in place by the OPW (completed in 2008) have proven successful to date and the flooding experienced in 2002 has yet to be repeated

1. The proposed relocation of the berm line is such that it anticipates and allows for flooding to occur East of the river Tolka. It seems the overriding purpose of this proposal is to allow a new previously unaffected area (highlighted yellow in adjacent image) to flood, thus preventing floodwaters following their natural course and extending into the subject site in a Westerly direction. If the floodwaters extend further into the subject lands this reduces the area upon which the developer could build safely and so the proposal to allow flooding East of the river is solely for commercial gain with no regard for the existing residents along the Old Navan Road.

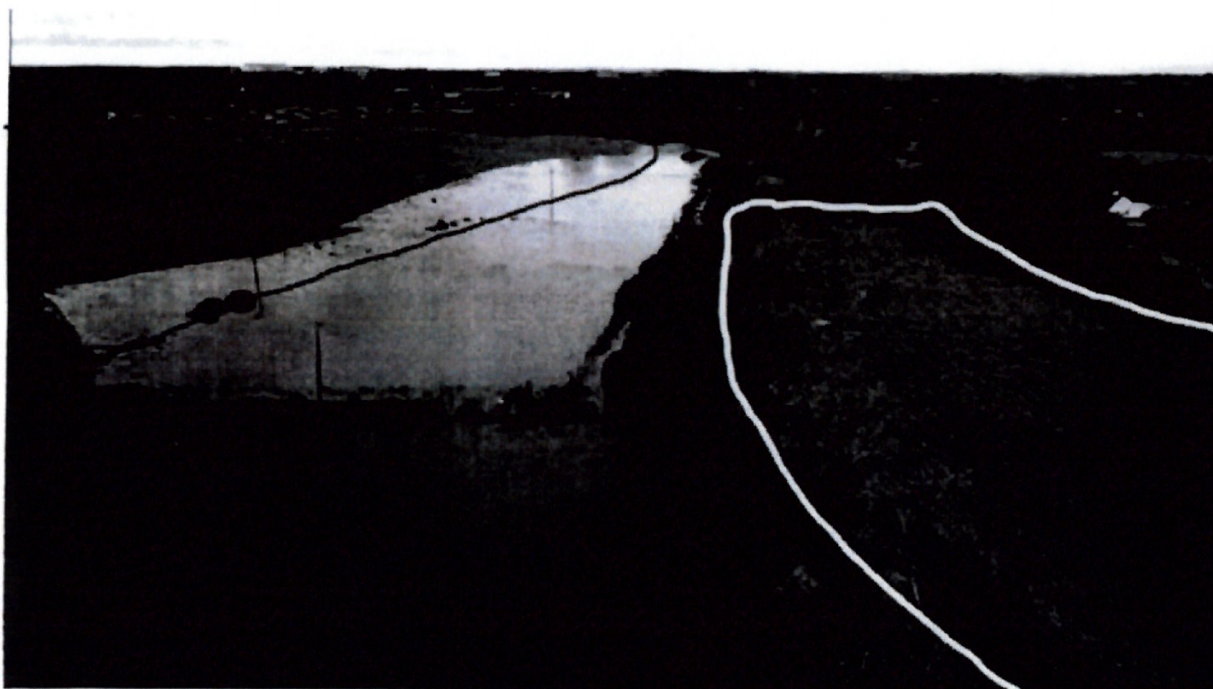


2. The new large body of water will only be some 50m from our dwellings whereas the river is currently over 100m away. The proposal to move any body of water closer to our dwellings will most likely make them uninsurable due to the perceived increased risk. Insurers already consider Dunboyne in general as a high risk area with many new developments uninsured against flooding.

Our experience is that any property less than 100m from a river, stream or body of water is likely to be declined insurance. This is an untenable situation for existing Bennettstown residents and cannot be allowed to occur. Why should residents who have lived in these homes all their lives be placed at increased risk of flooding, a risk which they will be unable to insure against?

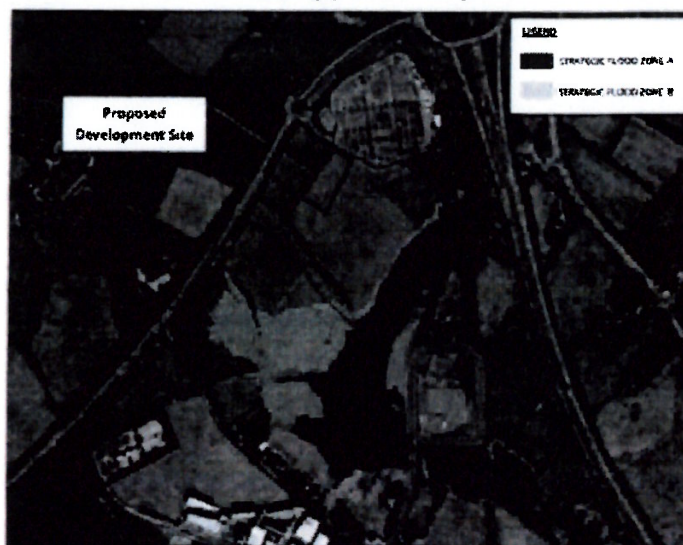
3. If the permission as submitted is granted the proven flood defence will be removed in large part. Notwithstanding the intention to replace this with a new berm in an alternate location there is no guarantee the new berm (construction or indeed location) will be successful. Furthermore, if permission is granted it may be well-nigh impossible to prevent the river flooding in an Easterly direction during the course of construction i.e. in any period where the existing proven flood defence measure has been removed but the new unproven berm has yet to be completed.





*Location of proposed housing development outlined in red. Proposed berm relocation will allow previously unaffected area outlined in yellow to flood*

4. Meath County Council Online Strategic Flood Risk Assessment mapping portal clearly shows that a number of our existing houses East of the Tolka are already within Strategic Flood Zone B (those properties outlined in green opposite). This mapping was produced as part of the 2021-2027 Meath Strategic Flood Risk Assessment (SFRA) and does not account for waters from a local drainage channel and Naulswood Stream both of which hugely contribute to flood risk in this area. It is also important to note that this mapping (completed in 2019) cannot have taken account of the additional surface water which will be diverted to the Tolka as a result of the proposed development nor the further commercial development which this application directly facilitates. The purpose of the Site Specific Flood Risk Assessment included as part of the application is to demonstrate that the applicants have accounted for flood risk as part of their new scheme design and have kept proposed housing units away from areas destined to flood. What it does not consider is what we believe to be an inevitable increased risk of flooding to the existing houses in the locale as a direct result of the introduction of huge additional volumes of surface water which will emanate from the subject site during periods of heavy rain.

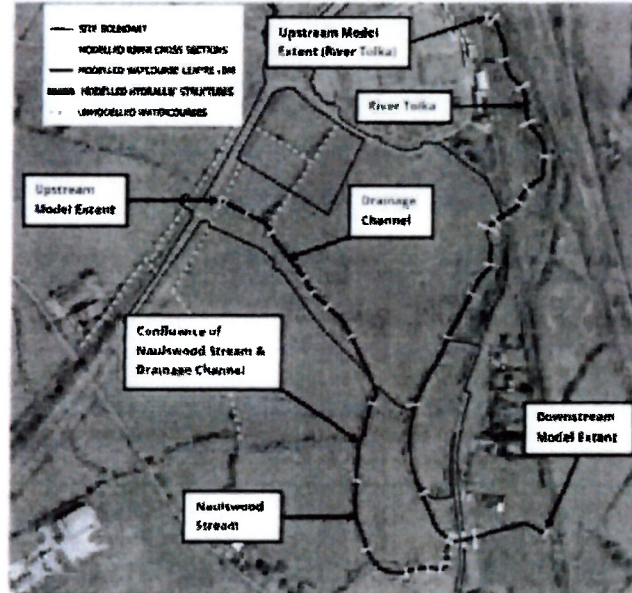


5. The accelerated impact of climate change in recent years cannot be denied and we contend that neither the Meath Co Co SFRA nor the Site Specific Flood Risk Assessment submitted as part of this application can have sufficiently accounted for the increased frequency nor severity of extreme weather events. No amount of desktop studies nor data analysis can contradict local knowledge of the area.

Flooding occurs to the extent of Strategic Flood Zone A regularly throughout the year and in fact after any period of sudden or prolonged rainfall. As the attached appendix of photographs taken in the immediate vicinity only 3 days ago (21/10/23) show it also occurs to the extents indicated as Strategic Flood Zone B several times a year and far more regularly than any 1% AEP (1 in 100 years) event as predicted in the risk assessment. Such is our concern that we have commissioned drone videography of the flooding over last weekend demonstrating the extent of flooding which occurred after a single day of continuous rain, by no means an exceptional or a 1 in 100 year weather event.

6. We note that the planning application includes for revision of an existing and provision of a new junction on the R157 road. This permission is therefore designed to accommodate the future commercial development of lands directly West of the applicant site (in line with Meath County Development Plan) however the Upstream Model Extent of the flood risk calculations do not factor in the effect of the future commercial development?

The cut off for upstream extent of survey is clearly shown in the adjacent image as being within or adjacent the subject site only – no account of additional surface water generated as a result of the future commercial development has been factored into the flood risk assessment. How can an application for planning incorporate access provisions to future development lands yet fail to account for the impact such future development will have on flood risk amongst other things? We contend the application is principally flawed as a result.



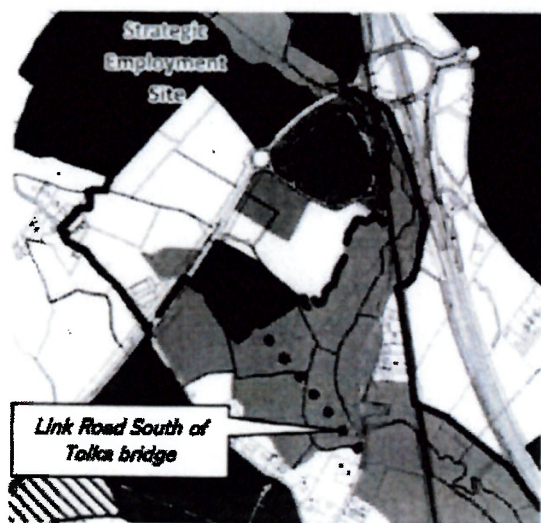
7. The introduction of a new and unprotected body of water in such close proximity to existing dwellings creates an immediate danger to those residents with small children for whom it would create an inquisitive attraction.

#### B. Proposed link road to Old Navan Road

The application as submitted differs vastly from the plans which form part of the Dunboyne North Masterplan MP22 Version 1. We believe it differs to the extent that it no longer complies with the County Development Plan, in accordance with the Large Residential Development (LRD) legislation we contend such non-compliance is grounds for refusal of permission. Some of our key objections in this regard are as follows.

1. We acknowledge the Dunboyne North Masterplan MP22 always indicated creation of a link road through the subject lands onto the R157. Where this application strays from the master plan is in the proposed route of such a link road. The proposed link road was always indicated as connecting to the Old Navan Road South of the bridge over the Tolka from which point it would veer Westward before terminating at a T Junction on the R157. Below image extracted from the Meath County Development Plan 2021- 2027 Dunboyne/ Clonee/ Pace Sheet No: 13 (a) Land Use Zoning outlines this route as commencing South of the river as does Figure 2.4 from Atkins Traffic & Transport Assessment submitted as part of the subject planning application.





Extract from ADOPTED Meath County Development Plan 2021- 2027 Dunboyne/ Clonee/ Pace Sheet No: 13 (a) Land Use Zoning

This proposal would mean that the existing flood defence berm could remain intact safeguarding us from flooding. Furthermore this proposal would mean that any new bridge constructed over the Tolka could be designed to accommodate a proper pedestrian and cycle link to Dunboyne Village compliant with the Design Manual for Urban Roads and Streets (DMURS). The requirement for planning authorities to adhere to DMURS is clearly set out in Policy and Objective 4.1 of the recently published Sustainable and Compact Settlements - Guidelines for Planning Authorities. The subject planning application does not comply with DMURS (which requires that the needs of pedestrian, cyclists and public transport should be placed ahead of the private car) as no pedestrian / cycle link to Dunboyne Village is catered for and the existing Tolka bridge infrastructure is incapable of accommodating it.

2. In the subject planning application the newly proposed link road exiting the site and joining the Old Navan Road is now shown as terminating in a T-junction onto the existing road directly opposite the existing dwellings at Bennettstown. The image opposite shows the proposed road layout from North of the Tolka Bridge. This road location and layout is completely contrary to the layout as outlined in 1. above and raises a number of concerns such as (but not limited to) the following;
  - The necessity for all traffic coming from the development to come to a complete stop at the junction before moving off again will create a far more significant level of traffic noise than would a continuous traffic flow on a road without such a junction.
  - The introduction of such a junction will increase the risk of accident. The proposed road hierarchy is completely wrong in that the vehicular traffic from a maximum of 4 existing Bennettstown households is given priority over traffic from 267 households and that is before any through traffic volumes on the proposed link road are considered. Any proposed link road design should prioritise traffic from the new development with the houses on Old Navan Road at Bennettstown remaining in a Cul-de-sac.
  - During the hours of darkness there will be constant light pollution from traffic at the proposed new T junction shining directly into the existing dwellings, a situation never previously encountered and bound to cause significant disturbance to residents given the expected traffic volumes, the elevation of the new bridge and
  - Traffic unfamiliar with the new road layout runs a high risk of failing to stop at the newly introduced T junction with the consequence of crashing onto the locally maintained green space directly in front our houses. This would create a serious risk of injury again to local children and walkers who use this as a recreational area.



### C. Pedestrian connection to Dunboyne Village

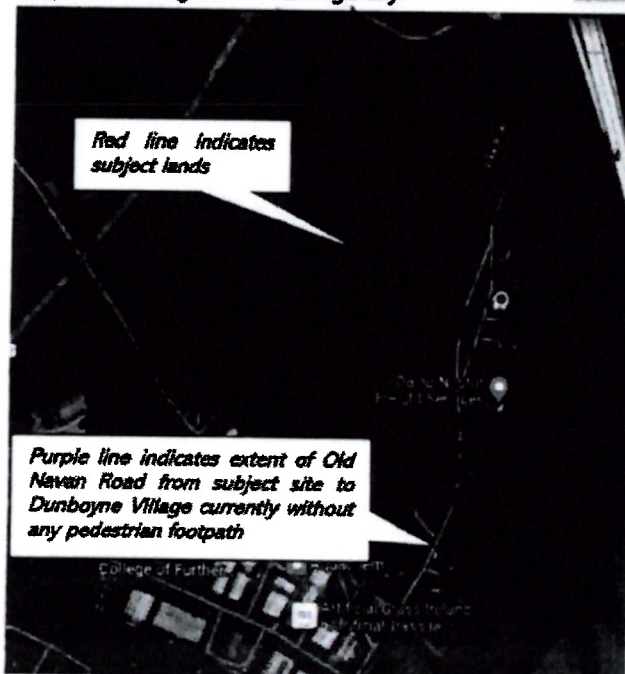
The Dunboyne North Masterplan MP22 from October 2022 states "Any Planning Application for the development of the Dunboyne North lands should be aligned and consistent with this Masterplan". We do not believe the proposed permission to be consistent with the masterplan with regard to prioritisation of pedestrian traffic amongst other things and our concerns are summarised as follows.

1. The current Old Navan Road is a Cul-de-sac of some 800m (extending from Kennedy Road to the last house on the public roadway). It ceased being a through road more than 15 years ago and currently serves a total of only 16 households. As a result it caters for minimal traffic and those residing there



from before it became a Cul-de-sac are thankful for that change. There are many children in these households who have never known it as anything other than a quiet road. Significant number of pedestrians, joggers, dog walkers, athletics and boxing clubs etc from Dunboyne Village use this Cul-de-sac as an amenity, a quiet and safe place to train, take a walk and so on. The reintroduction of traffic poses a serious risk to those who use this amenity and it will no longer be safe to walk this route due to traffic volumes.

2. There is no current pedestrian link between the houses at Bennettstown and Dunboyne Village. As is evidenced in the photograph opposite the footpaths on both sides of the Old Navan Road cease at the Kennedy Road junction and do not continue to Bennettstown from this point. With minimal traffic volumes on the Cul-de-sac from this point onwards the road width has decreased significantly in the last 15 years due to growth on the verges and a total lack of maintenance. The result is that this road is for all intents and purposes a single lane carriageway.



The lack of footpath means the road caters for pedestrian as well as vehicular traffic. To re-open this road to traffic without major improvements will put pedestrians at serious risk of injury / accident due to the lack of pedestrian footpaths.

3. The Dunboyne North Masterplan MP22 states *"The development of the Masterplan lands represents an opportunity to promote pedestrian and cycle links between Dunboyne town centre and the subject lands. The development of the Old Navan Road and the linear park along the Tolka River will create additional links to Dunboyne town centre, representing a sustainable and healthy option for future residents of the Masterplan lands wishing to travel to Dunboyne"*.

We contend that this application fails in this regard as it does not provide any pedestrian or cycle link between the proposed new development and Dunboyne Village. This is despite the fact the site boundary as indicated in the planning application includes the Old Navan Road as far as the Kennedy Road junction and as such is within the realm of the developer. If the development is to proceed surely provision must be made, in compliance with MP22, for cyclists and pedestrians to connect with Dunboyne Village in advance of works commencing. If these are not constructed existing residents of the Cul-de-sac will no longer be able to safely walk or cycle to the village once the road is open to through traffic into the subject lands and linking to R157.



The subject planning application displays disregard for planning guidelines in that the proposed new development indicates a new link road to the Old Navan Road (complete with dedicated cycle lanes and pedestrian footpaths) only for these to terminate at the proposed T-junction. This leaves a half kilometre stretch of road to Kennedy Road junction with barely sufficient provision for vehicular traffic and absolutely no provision for cyclists or pedestrians.

4. Per the Dunboyne North Masterplan any development of Masterplan Lands (of which the subject site forms part) should be a Transit-Oriented Development (TOD). MP22 defines a TOD as "*one which provides the following standards:*
  1. *WALK: Develop neighbourhoods that promote walking*
  2. *CYCLE: Prioritize non-motorised transport networks*"

The proposed development fails to meet these standards in that no pedestrian nor cycle ways currently exist between the development and Dunboyne Village and more importantly no such routes even form part of the planning application.

The Atkins External Road Infrastructure Quality Audit & Road Safety Audit Stage 1 item 2.2.2 considers the abrupt discontinuity of the footpath at the proposed link road junction to the Old Navan Road to be a problem. The report states "*MCC are to design an active travel scheme for Old Navan Road to the Station*" however the complete lack of any pedestrian or cyclist connectivity from the proposed link road South towards Dunboyne Village is not even worthy of mention. How can any Infrastructure Quality Audit & Road Safety Audit fail to consider this glaring problem?



*View South to Dunboyne Village at Tolka Bridge*

5. Any new cycle / pedestrian link from the proposed development to Dunboyne Village will need to comply with DMURS and the National Transport Authorities Cycle Design Manual 2023. Based on these guidance documents we note that the existing bridge over the Tolka (as shown in photograph) is of insufficient width to accommodate a two lane carriageway, a cycle track (even of minimum permissible width) and a pedestrian footpath. The subject planning application does not indicate any proposal to overcome this issue nor does it indicate any intention to provide cycle or pedestrian connectivity to Dunboyne Village whatsoever. In this regard we believe it contravenes the Masterplan and should be considered non-compliant on that basis alone. As outlined in B.1. above if the link road is designed to connect South of this bridge there is opportunity to remedy the problem by constructing a new bridge capable of complying with DMURS.

#### **D. Combined environmental impact of this and future development**

Having examined the extensive information on the applicant's dedicated website <https://bennetstown11rd.ie> we did not find any Environmental Impact Assessment as part of the planning application. As noted in A.6. above this planning application makes provision for construction of a completely new junction onto the R157 as well as removal of an existing roundabout at M3 Parkway creating 2 new 4 way signalised junctions. These junctions service future development lands to North / West of the subject site (refer to Figure 2.1 from Atkins Traffic & Transport Assessment below) and as such the combined impact of that future development in conjunction with the subject development must be considered together.

The environmental and associated impacts of the subject development (Initial Planning Application Site as denoted below) cannot be considered on a standalone basis if part of this application facilitates the future works. Has a Combined Environmental Impact Assessment for the subject lands AND the future development lands been provided as part of this planning application?







indicated as being taken in charge. As it is not down to be maintained / taken in charge by a management company can we conclude that the intention is for this large parcel of land to be taken in charge by Meath County Council? If this conclusion is correct, please advise the plan for upkeep, management and maintenance of this land as it is our understanding Meath County Council do not have any Parks / Public Space Maintenance department?

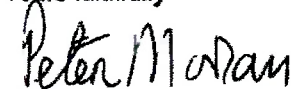
Furthermore in all the applicant's submitted information the areas in question are shown to contain hard and soft landscaping, access walkways, planting, trees etc and are undoubtedly intended to fulfil the necessary planning requirements for public amenity space. How can this space be considered as qualifying as a public amenity for the development when it is clearly documented (not only in the applicant's supporting information but by reference to appendix photographs also) as being within a regularly flooded zone. This amenity will not be accessible for long periods after any spell of rain nor will it be safe for use by residents of the new development.

### Conclusion

We acknowledge the Meath County Development Plan and the desire for residential and commercial development in the Masterplan Lands. Notwithstanding this we feel that the subject application falls short of meeting the requirements and objectives of this plan in a number of key areas outlined above. We believe we have adequately outlined these deficiencies and as such request that this planning application be denied at this point.

We further acknowledge that we cannot impede progress particularly in light of the immediate housing shortages in the county and country generally. We believe that by properly considering our genuine concerns with regard to this proposed development the application can be suitably amended to either fully address or significantly alleviate these apprehensions resulting in a development satisfying the needs of Meath County Council, the developers and in turn ourselves.

Yours faithfully



Peter Moran  
[petermoran06@yahoo.co.uk](mailto:petermoran06@yahoo.co.uk)  
087 930 4072

On behalf of the below Bennettstown residents

_____ Print name	_____ Signature	_____ Eircode
_____ Print name	_____ Signature	_____ Eircode
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APPENDIX 1 – Supporting photographs (taken 21/10/23)



Tolka in foreground, flooding extending into subject lands West of Tolka River



Existing flood berm providing protection to homes on Old Navan Road at Bennettstown

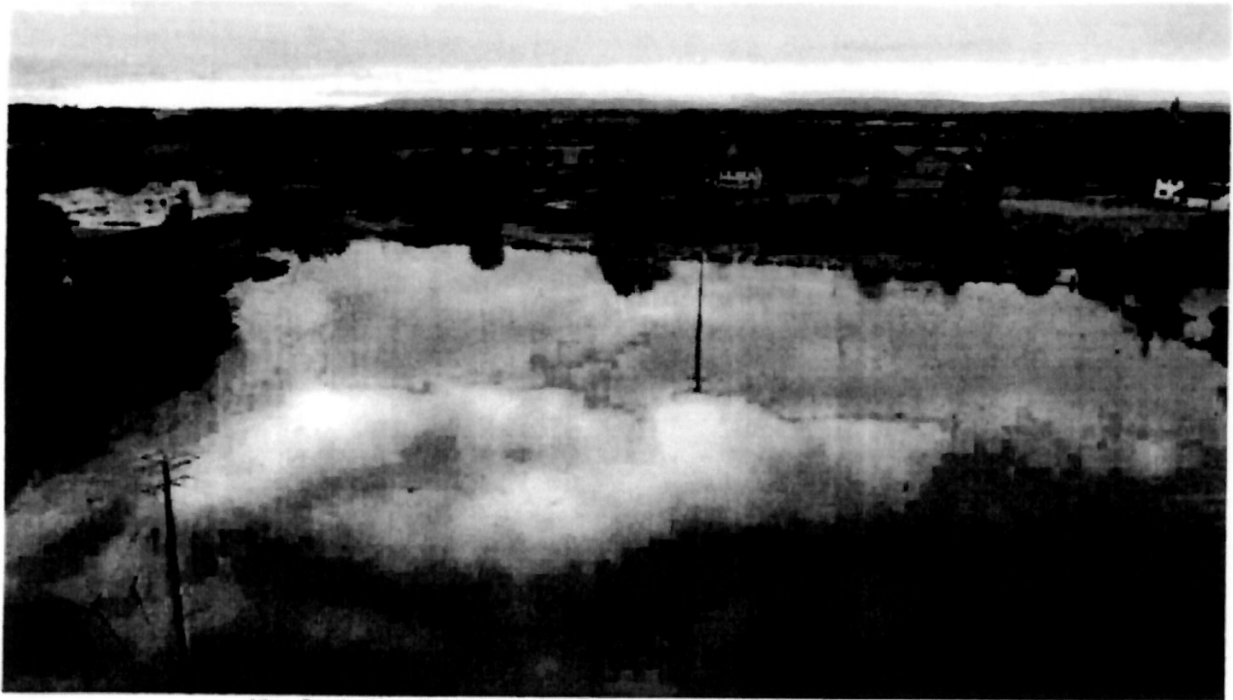


River Tolka at bridge over Old Navan Road



Extensive flooding in subject lands West of Tolka Bridge and also East with M3 Parkway railway in background





View South along Old Navan Road to Dunboyne from directly over subject lands



View North along Tolka river (flooding into subject lands) with M3 Parkway in background

Janette Hickley Janette Hickley A86Y497  
Print name Signature Eircode

Tom Flood Tom Flood A86A622  
Print name Signature Eircode

Grace Mayhew Grace Mayhew A86W560  
Print name Signature Eircode

ANITA RED Anita Red A86N404  
Print name Signature Eircode

ANTHONY MALONE Anthony Malone A86XE73  
Print name Signature Eircode

OLIVIA MALONE Olivia Malone A86XE73  
Print name Signature Eircode

David Hickley David Hickley A86Y497  
Print name Signature Eircode

Andrew King Andrew King A86Y228  
Print name Signature Eircode

Parvathy King Parvathy King A86Y228  
Print name Signature Eircode

<u>PETER MORAN</u>	<u>Peter Moran</u>	<u>A-86-D-654</u>
Print name	Signature	Eircode

<u>MARY MORAN</u>	<u>Mary Moran</u>	<u>A-86-F-243</u>
Print name	Signature	Eircode

<u>Gemma Drennan</u>	<u>G. D</u>	<u>A86 EP23</u>
Print name	Signature	Eircode

<u>Mary Watters</u>	<u>Mary Watters</u>	<u>A86 YD79</u>
Print name	Signature	Eircode

<u>Paul Watters</u>	<u>Paul Watters</u>	<u>A86 YD79</u>
Print name	Signature	Eircode

<u>Eileen Nestor</u>	<u>Eileen Nestor</u>	<u>A86 Y890</u>
Print name	Signature	Eircode

<u>David Nestor</u>	<u>David Nestor</u>	<u>A86 Y8.90</u>
Print name	Signature	Eircode

<u>JOHN EGAN</u>	<u>John Egan</u>	<u>A86 D796</u>
Print name	Signature	Eircode

<u>GERARD WATERS</u>	<u>GERARD Waters</u>	<u>A-86-X.P71</u>
Print name	Signature	Eircode
<u>Barry Woods</u>	<u>B Woods</u>	<u>A86 YN28</u>



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