



Board Direction

Ref: PL17.246141

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 7th July 2016. An Bord Pleanála appeal reference number PL17.246143 (planning register reference number RA/150188) was considered at the same Board meeting.

The Board decided to grant permission in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Meath County Development Plan 2013 – 2019, as varied, including in the core strategy, and the housing allocation for Kilcock as set out in that Strategy, and the policies and objectives of the Kilcock Environs Written Statement set out in Volume 5 of the Development Plan,
- (b) the existing pattern of development in Kilcock, whereby much of the development of the town in recent years has concentrated to the south of the Royal Canal, with dereliction and decline having been experienced in the historic town centre to the north of the canal,
- (c) the A2 “new residential” zoning objective for the site and neighbouring lands, which offers the opportunity to rebalance the development of the town towards the north,
- (d) the planning history of the site and of adjoining lands, including previous refusals of permission by An Bord Pleanála, and the manner in which the concerns identified were comprehensively responded to in subsequent grants of permission for development that provided for a coordinated approach to the provision of infrastructure to serve the lands, including flood protection and flood storage provisions, as well as roads infrastructure, which approach was developed under a steering group comprising the relevant local authorities and the Office of Public Works,
- (e) the draft flood maps of the Eastern Catchment Flood Risk Assessment and Management study,
- (f) the nature, scale, location and design of the proposed development,

- (g) the documentation on file, including the Natura impact statement and the environmental impact statement, and
- (h) the submissions made in connection with the planning application and the appeal, and the report of the Inspector, including the evaluation and analysis undertaken of appropriate assessment and environmental impact assessment.

The Board was satisfied that there was sufficient information available on file to enable it to undertake an appropriate assessment and an environmental impact assessment.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the substantial distances to European Sites, the documentation on file including the Appropriate Assessment Screening Report, the submissions made, and the Inspector's report. In completing the screening exercise, the Board concurred with the Inspector's view that the proposed development had no potential for connectivity with such Sites, with the exception of the Rye Water Valley/Carton candidate Special Area of Conservation (Site Code 001398). The Board concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any other European Site in view of its conservation objectives, and that a Stage 2 Appropriate Assessment was required only in relation to the Rye Water Valley/Carton candidate Special Area of Conservation. Having formed its conclusion, the Board adopted the report of the Inspector in respect of screening for appropriate assessment.

Appropriate Assessment

In undertaking an appropriate assessment of the effects of the proposed development on European Sites, the Board had regard to the nature, scale and location of the proposed development, the documentation submitted in support of the application, including the Natura impact statement submitted with the further information, the planning history of the site, the submissions on file, and the report of the Inspector. The Board undertook an Appropriate Assessment in relation to the effects of the proposed development on the Rye Water Valley/Carton candidate Special Area of Conservation. The Board adopted the report of the Inspector in this respect. It was concluded that, subject to the implementation of the mitigation measures, the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of this European Site in the light of its conservation objective.

Environmental Impact Assessment

The Board undertook an environmental impact assessment of the proposed development, taking the following into consideration:

- (i) the nature, scale and location of the proposed development,

- (ii) the documentation submitted with the application and further information, including the environmental impact statement,
- (iii) the submissions made on file in relation to the application and the appeal, including the submission made to the planning authority by the Office of Public Works on 18th June 2015, and the detailed assessment of environmental impacts undertaken by the planning authority, and
- (iv) the report of the Inspector.

It is considered that the environmental impact statement, supported by the documentation on file including the further information, identifies and describes adequately the direct and indirect effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and cumulatively with other development in the vicinity, and subject to the implementation of the mitigation measures proposed and to compliance with the conditions set out below, the effects on the environment of the proposed development would be acceptable. In doing so, the Board adopted the report of the Inspector, with the exception of the analysis undertaken in relation to flooding, which is addressed below.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- would support the objectives of the Kilcock Environs Written Statement in rebalancing development to the north of the town, and would contribute to the revitalising of the historic town centre,
- would be in accordance with the residential zoning objective for this area, and with the provisions of Kilcock Environs Written Statement in respect of residential development,
- would be consistent with the approach to flood management already approved under grants of permission for infrastructure to serve the proposed development, and with the environmental impact assessments and appropriate assessments completed when those permissions were granted,
- would provide a satisfactory housing mix, and would be acceptable in terms of the housing layout, and
- would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience.

In deciding not to accept the recommendation of the Inspector to refuse permission or to seek further information or technical advice in relation to flood risk, the Board was satisfied the strategy for the site in relation to flooding had been clearly established under An Bord Pleanála appeal reference numbers PL09.238818, PL17.238370, PL17.239211, PL17.239375, PL27.239523, PL17.239772 and PL17.240405, which permitted infrastructure to support residential development in this area, including this site. This incorporated a detailed flood protection scheme, which was developed under a steering group comprising the relevant local authorities and the Office of Public Works, and was further refined over the course of the planning process. The permissions required a comprehensive approach to be followed in relation to flood protection, including appropriate compliance conditions. The Board is satisfied that the new information in relation to the draft Eastern CFRAM Study is not so fundamental as to require a material change in the flood management strategy. The Board accepted the position of the applicant's consultants (who had also prepared the draft Eastern CFRAM Study) that the draft CFRAM mapping does not change previous conclusions in relation to the appropriateness of the overall flood management approach. Finally, the Board had regard to the submission made by the Office of Public Works to the planning authority on 18th June 2015, which raised no objection to the proposed development, subject to the entirety of the flood protection works being completed as one project and not on a phased basis. In conclusion, the Board concurred with the view of planning authority on this matter, and was satisfied that the previously approved flood management measures remain an acceptable approach to flood protection.

CONDITIONS

1. PlansPartic incl. FI 02/10/15
2. Permission shall expire 03/01/23.

Reason: In the interest of clarity, and to ensure consistency with permitted site development works on which this development is dependent.

3. The proposed development shall not be occupied until:
 - (a) the entire flood protection measures set out in PL09.238818, PL17.238370, PL17.239211, PL17.239375, PL27.239523, PL17.239772 and PL17.240405 have been completed to the written satisfaction of the planning authorities, and
 - (b) a detailed programme for the implementation of the entire distributor road and all piped services (including surface water and foul sewers and water mains) has been submitted to and agreed in writing with the planning authority.

Reason: To facilitate the orderly development of the Kilcock Environs area, to ensure that the flood management measures are completed in their entirety in a timely manner, and to ensure that the lands are properly serviced in the interest of public health.

4. The proposed development shall be amended as follows:

- (a) PA 5 (standardise wording/format for all PA conditions)
- (b)–(d) PA 6

Revised plans and particulars...

Reason: To provide an appropriate housing mix, in the interest of long-term sustainability, and to improve open space in the interest of residential amenity.

- 5. (a) All mitigation measures set out in the environmental impact statement, Natura impact statement and associated documentation shall be implemented in full, except as may otherwise be required to comply with the conditions set out below.
- (b) Mitigation measures shall be supervised by a suitably qualified and experienced environmental professional to the written satisfaction of the planning authority, in accordance with details, including a reporting schedule, to be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the protection of the environment.

- 6. (1) UrbanPhasing 2
- (2) PA 7

7. UrbanFinishes 1

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, also including the following:

- (1) compliance with with the terms and conditions of An Bord Pleanála appeal reference numbers PL17.239375 (planning register reference number DA/100697) and PL17.238370 (planning authority register reference number DA/100614) in respect of water and waste water services,
- (2) details and specifications of the proposed water distribution and waste water collection networks,
- (3) details and specifications of water detention basins,
- (4) a non-return valve to be fitted to the surface water outlet on the southern side of the development,
- (5) provision for the protection of the existing waste water sewer from inundation by flood waters from the Ryewater River and from overflow of the proposed surface water attenuation system,
- (6) no development, exempted or otherwise, to be erected over the public sewer.

Detailed drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate servicing of the development, to prevent pollution, and in the interest of public health.

9. ConstStds (as per PA 30)
10. InternRoad 1
11. TimelyRoad
12. DishedFootpath
13. Lighting
14. Cables
15. Naming

16. PA16

17. LanHouse 1, para 1 & 3, incl. landscaping plans submitted to the planning authority on 4th March 2015 and on 2nd October 2015

18. LanOpenSpace 2
The delivery of the riverside open space shall be completed in Phase 1 of the proposed development.

19. UrbanWaste 3(b) – mid-terrace houses
20. UrbanManage 3
21. Arch A

22. CMP 2
incl. PA 22
PA 15 (i)
construction stage water quality testing and reporting arrangements to be agreed in writing with the planning authority prior to the commencement of development

23. Part V 1
24. Security1
25. Section 48

Board Member: _____ Date: 19th July 2016
Fionna O' Regan