



An
Bord
Pleanála

Board Direction
BD-006038-20
ABP-306021-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/07/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the following:

- a) the location of the site on lands with a zoning objective for residential development in the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015,
- b) the nature, scale and design of the proposed development and those issues relating to the contravention of objectives of the Navan Development Plan 2015-2019,
- c) National Planning Framework, Project 2040,
- d) Eastern & Midland Regional Assembly RSES 2019-2031;
- e) Architectural Heritage Protection, Guidelines for Planning Authorities, 2011
- f) Design Manual for Urban Roads and Streets (DMURS), 2019
- g) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- h) Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- i) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- j) Spatial Planning and National Roads Guidelines (DoECLG), 2012
- k) the nature, scale and design of the proposed development,
- l) the availability in the area of a wide range of social, community and transport infrastructure,
- m) the pattern of existing and permitted development in the area,
- n) the report of the Chief Executive of Meath County Council,
- o) the submissions and observations received,
- p) the information gathered and submissions and observations received at the Oral Hearing, and
- q) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of stormwater management, flood risk assessment, and traffic and pedestrian safety and convenience and would not have a negative impact on the character and setting of any protected structure in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

Stage 1: Screening for Appropriate Assessment

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report dated 04th of March 2020 in respect of the identification of the European

sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European site's, in view of the site's Conservation Objectives other than the site River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232), which are the European sites for which there is a likelihood of significant effects.

Stage 2: Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the site's River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232), are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement (dated both November 2019 and June 2020) and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European Sites in view of the site's Conservation Objectives of the site's River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) mitigation measures which are included as part of the current proposal,
- iii) Conservation Objectives for these European Sites,

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site's, having regard to the site's Conservation Objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's conservation objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application.
- (c) The Environmental Impact Assessment Report Addendum Report,
- (d) The submissions from the Planning Authority, the observers and prescribed bodies in the course of the application and during the oral hearing,
- (e) The Planning Inspectors reports.

The Board considered that the environmental impact assessment report and Environmental Impact Assessment Addendum Report, supported by the documentation submitted by the applicant provided information which was reasonable and sufficient to allow the Board to carry out an environmental impact assessment and to reach a reasoned conclusion on the significant effects of the project on the environment. The Board is satisfied that the information and data available and the reasoned conclusion is up to date at the time of taking the decision.

The Board agreed with the summary of the results of the consultations and information gathered in the course of the EIA, set out in the Inspectors report. The Board is satisfied the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision

Reasoned Conclusions on the Significant Effects:

Having regard to the examination of environmental information in both the environmental impact assessment report and Environmental Impact Assessment

Addendum Report , the information submitted at the oral Hearing, and other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the area.
- Biodiversity impacts, which will be mitigated by construction management measures, the significant provision of active and passive open space, protection of a stand of trees to be retained, landscaping, invasive species management and measures to avoid disturbance to bats.
- Land and soils impacts, will be mitigated by appropriate excavation on the site, re-use of soil and sub-soil in the development, measures to control sediment in surface runoff, and construction management measures.
- Ground and Surface Water impacts, will be mitigated by the use of design, specialised construction management measures and the storage of waste fuels. There are no flood risk impacts or any potential displacement of water and through surface water design and mitigation measures there will be a positive impact on the adjoining lands.
- Impacts on air quality and climate during construction which will be mitigated by a construction management, air quality monitoring and the provision of highly efficient buildings.
- Noise and vibration impacts during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts will be medium to high in the short term during construction and neutral for the long term. Adverse impacts will be mitigated by the use of the landscape features, the protection of Stand of Trees, control of excavation, the design height of the dwellings, in particular the apartments along the lower section of the site adjoining Academy Street.

- Traffic and transportation impacts, which will be mitigated by the phasing of the development, the delivery of an upgrade junction onto the R1476, Dublin Road and associated connectivity package of local road improvement measures.
- Built Heritage Impact, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.

The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of stormwater management, flood risk impact, and traffic and pedestrian safety and convenience and would not have a negative impact on the character and setting of any protected structure in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective, a grant of permission could materially contravene the Order of Priority as detailed in Strategic Policy SP1 of the Navan Development Plan 2015-2019 for a section of the lands to the south of the site. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Local Area Plan would be justified for the following reasons and consideration:

In relation to section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016* (as amended); support for the National Policy Objectives in the National Planning Framework, in particular Objective 11, its location within Navan identified as a Key Town in the Eastern & Midland Regional Assembly RSES 2019-2031 and a Growth Town in the Meath County Development Plan 2013- 2019; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 17th day of June 2020, except as may otherwise be required in order to comply with the following conditions. 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 accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and the Addendum Report submitted with this application as set out in Chapter 16 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

(a) Replace the proposed post and wire fence along the south and east boundary, as per DWG 18221-2-105, to include 1800mm high concrete post and plinthe fencing with vertical timber panels.

(b) Replace to the temporary palisade fencing along the northern boundary, as per DWG 18221-2-105, to include anti climb fencing.

(c) All screen walls shall be 2m metres in height above ground level, constructed and finished to match external finish of dwellings/building unless otherwise agreed in writing with, the planning authority prior to commencement of development).

(d) All rear garden walls shall be 1.8 metres in height above ground level, and shall be concrete block or concrete post and panel unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to provide a satisfactory standard of residential accommodation.

4. The carrying out of the development shall be phased as per DRWG 1828-P110 and, before any part of the development commences, (or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing), a development programme, including inter alia a detailed comprehensive site layout, showing all proposed phases, shall be submitted to and agreed in writing with the Planning Authority. A childcare facility permitted herein shall be constructed and made available for occupation and active use prior to the occupation of the 75th no. residential unit permitted herein. Details ensuring compliance with this aspect of this condition shall be incorporated into the phasing programme.

Full details to ensure compliance with the requirements of the proposed phasing programme shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

5. Full details including samples of the materials, colours and finishes of the authorised buildings, the treatment of surfaces, including pavement finishes, and boundaries within the development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

6. No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

7. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The submission of a design layout of the proposed junction at Academy Street/ R147 Dublin Road, and that traffic signal junction with particular consideration towards reducing turning radii, narrowing of the approach carriageways and reducing pedestrian crossing distances. The applicant shall complete the agreed junction layout prior to occupation of the Proposed Phase 2 of the development, as per DWG 1828 P110.

(b) The submission of final details of the proposed bund, as revised by DWG D061-082, and the treatment of the gradient difference between the Road Access 3 and the apartment Blocks A, B & C.

(c) The boundary along Academy Street shall be set back to accommodate a bus priority route as identified in the Navan 2030 Public Realm and Movement Plan and to facilitate a cycle feeder route as identified in the Navan Cycle Network Plan. The boundary treatment along Academy Street shall be similar to the existing boundary treatment proposed as per DWG 18221-2-105, with the setback agreed with the Planning Authority.

(d) The submission of a Final Emergency Access Plan.

(e) The completion and delivery of Access 4 within Phase 1 of the scheme as per DWG D061-075-Rev C,

(f) Submission of all details of the works to the rear drive of Belmont House.

(g) Submission of a detailed design of the gabion wall adjoining Access 4 and to the east of the duplex unit.

(h) Submission of detailed design of a proposed gate for the pedestrian access points to replace the retention of the existing hedge as per DWG 18221-2-105.

(i) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths, kerbs, pedestrian crossings and sight lines shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.

(j) A Mobility Management Plan shall be submitted to and agreed in writing with the planning authority and shall include committed mobility management measures, with defined targets and milestones and shall be monitored by a designated Mobility

Manager. The revised plan shall be reviewed with the planning authority with revised targets agreed at yearly intervals.

(k) Plans and particulars of all bike sheds and stands and provision of Sheffield stands for visitors.

Reason: In the interest of traffic, cyclist and pedestrian safety.

8. The following provisions in relation to the location and management of car parking spaces for the apartments and duplex units shall be incorporated within the development and details shall be submitted to and agreed in writing with the planning authority with prior to commencement of development:

(a) The provision of details regarding the management of both short term and long term car parking spaces.

(b) A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development

Reason: To ensure adequate and secure parking provision is available to serve the proposed development and to cater for more sustainable energy use in line with national policies for the development of electric vehicles.

9. The landscaping and earth works scheme shown on the landscape master plan drawings, as submitted to An Bord Pleanála as part of this application and amended by the Oral Hearing Submission on the 17th of June 2020, shall be carried out within the first planting season following substantial completion of external construction works on each phase.

In addition to the proposals in the submitted scheme, the following shall be carried out:

a) The location of the formal play area at “Belmont Woodland Gardens” shall be relocated to the south to allow of additional semi-mature planting along the southern boundary of Belmont House.

The site shall be landscaped, using only indigenous deciduous trees and hedging species, and shall include:

b) Submission of a tree planting scheme, for the entire site which shall integrate the information in the tree protection plan, landscaping plan and include the planting of trees at a ratio of 1:2 for trees to be removed and proposed planting at 2 metre intervals with semi-mature tree planting.

c) The integration of all ecological protection measures as set out in the EIAR, including those relating to the protection of woodland, treelines, hedgerows and watercourses on the site, and shall include a map identifying the buffer zones/ tree protection zones to be established around these receptors prior to the commencement of works and areas to be used for stockpiling of excavated topsoils.

d) Inclusion of mitigation measures from the Bat Survey as integrated into Section 4.5.2 of the EIAR, including appropriate lighting, buffer zones integrated into planning scheme and ecological corridor planting and the integration of bat boxes within the landscaping scheme.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. The applicant shall submit the following for the written agreement of the planning authority:

(a) A Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where required, at the developer's expense.

(b) A Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the developer's expense.

Reason: In the interest of public health.

12. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

13. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed 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).

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

14. 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 shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. The developer shall submit to the Planning Authority a drawing (hardcopy and electronically) showing the areas that would be proposed for —Taking In Charge, prior to commencement of development. This drawing shall also show the public facilities typically considered by the Planning Authority for —Taking In Charge such as: public lighting, roads, footpaths, open spaces, retaining walls, surface water systems. The area on the drawing that would be considered for —Taking In Charge shall be finalised to the satisfaction of the Planning Authority.

Reason: In the interest of orderly development.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

18. Prior to commencement of development, the developer 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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to the commencement of development the developer shall submit a Construction and Environmental Management Plan to the planning authority for written agreement and shall include, inter alia, the following:

a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

e) The CEMP shall make provision for supervision of the works by an Ecological Clerk of Works, who shall be required to be responsible for the implementation of all ecological mitigation measures, and to be present on site during tree felling, major ground clearance works and during the period when instream works are proposed.

f) The CEMP shall include for refuelling to be undertaken at least 30m from watercourses.

g) The CEMP shall include compliance with the relevant mitigation measures in the Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (IFI, 2016).

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: To safeguard the heritage and biodiversity of the area and in the interest of amenities, public health and safety.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

22. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 02/07/2020

Paul Hyde