

An
Bord
Pleanála

Board Direction
BD-008727-21
ABP-309332-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/07/2021.

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

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European site,
- (d) the conservation objectives for the European site No. 2299 River Boyne and River Blackwater SAC and European site No 4232 River Boyne and River Blackwater SPA,
- (e) the policies and objectives of the Navan Development Plan 2009-2015,
- (f) the nature and extent of the proposed works set out in the application for approval,
- (g) the submissions received, and

- (h) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion reached in the Inspector report that the European site No. 2299 River Boyne and River Blackwater SAC and European site No 4232 River Boyne and River Blackwater SPA are the only European sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file. The Board completed an Appropriate Assessment of the implications of the proposed development for the European site No. 2299 River Boyne and River Blackwater SAC and European site No 4232 River Boyne and River Blackwater SPA, in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and enable them reach complete, precise and definitive conclusions for appropriate assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the 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 integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity for future occupants, would not give rise to adverse environmental effects or downstream flooding, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the information contained in the Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. All mitigation measures identified within the Natura Impact Statement and the associated document with the planning application shall be implemented in full.

Reason: In the interests of clarity and to protect the environment.

3. The external finishes of the development shall be as shown on the plans and particulars submitted.

Reason: In the interests of visual amenity.

4. Prior to commencement of development, the local authority or any agent acting on its behalf shall prepare a final Construction Environmental Management Plan (CEMP) incorporating all measures set out in the Outline CEMP, the mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to best practice and protocols.

The plan shall be placed on the file and retained as part of the public record.

Reason: In the interests of protecting the environment and European Sites.

5. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard, the County Council shall:
 - a) employ a suitably qualified archaeologist prior to commencement of the development who shall assess the site and monitor all site investigations and other excavation works, and
 - b) provide suitable arrangements acceptable to the Department of Culture, Heritage and the Gaeltacht for the recording and removal of any archaeological materials which is considered appropriate to remove.

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

6. A comprehensive boundary treatment and landscaping scheme shall be prepared and placed on file as part of the public record. The scheme shall include the following:
 - (a) details of all proposed hard surface finishes, including samples of proposed paving flags/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of landscape planting in the development;
 - (c) details of proposed street furniture, including bollards and lighting fixtures.

The boundary treatment and landscaping shall be completed within three months of occupation of the scheme.

Reason: In the interests of visual amenity.

7. 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.

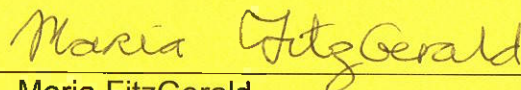
8. The internal road network serving the proposed development, including turning bays, junctions, sightlines, pedestrian routes, footpaths and kerbs shall comply in all respects with the provisions of the Design Manual for Roads and Streets.

Reason: In the interests of pedestrian and traffic safety and in order to comply with national policy in this regard.

9. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be placed on the file and retained as part of the public record.

Reason: In the interest of sustainable transportation.

Board Member


Maria FitzGerald

Date: 19/07/2021

