

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Meath County

**Planning Register Reference Number: NA/160607**

An Bord Pleanála Reference Number: PL 17.247839

**APPEAL** by Sean McGuirk of 42 Herbert Place, Navan, County Meath and by others against the decision made on the 20<sup>th</sup> day of December, 2016 by Meath County Council to grant subject to conditions a permission to Target Investment Opportunities ICAV care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a total of 218 number units comprising 135 number single (six number houses designed for the elderly) and two-storey (129 number) houses and 83 number apartments, including 13 number apartments within the restored Blackcastle House and Stables. The breakdown of houses consists of 32 number four bedroom houses, 61 number three bedroom houses, 36 number two bedroom houses and six number one bedroom houses. The breakdown of apartments contained within five number two (Block E) and three storey (Blocks A, B, C and D) buildings (not including Blackcastle House and Stables) are 14 number three bedroom apartments, 42 number two bedroom apartments and 14 number one bedroom apartments. The 13 number apartments within the restored Blackcastle House and Stables consist of two number three bedroom apartments, four number two bedroom apartments and seven number one bedroom apartments. The development includes the demolition of a number of existing outbuildings (Blackcastle House, a protected structure, and associated stables and walled garden will be retained). The development includes all associated and ancillary works, including site infrastructure works; the provision of a 403 square metre crèche to facilitate circa 74 children; refurbishment and amendments including two new openings to the walled garden; amendments to the entrance to

Blackcastle House from N51 including widening of the protected entrance pillars to allow limited vehicular access to the proposed development; provision of ESB substation; car parking; public open spaces; landscaping; boundary treatment; new internal roads and footpaths at Blackcastle Demesne on a 14.067 hectare site at Blackcastle, Navan County Meath. The site includes Blackcastle House, entrance pillars (both protected structures) and associated walled garden and outbuildings. The site is accessed from a laneway off the N51 Donaghmore Road and from Blackcastle Demesne to the north of the site, as amended by the further public notice received by the planning authority on the 1<sup>st</sup> day of November, 2016.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

In coming to its decision the Board had regard to;

- the Regional Planning Guidelines for the Greater Dublin Area 2010-2022,
- the Meath County Development Plan 2013-2019,
- the Navan Development Plan 2009-2015,
- the Sustainable Residential Development in Urban Areas 2009 Guidelines,
- the Architectural Heritage Protection Guidelines for Planning Authorities 2011,
- the pattern of development in the area,
- The planning history of the site and environs,
- the nature and extent of the proposed development, and
- the Inspector's report and recommendation.

## **Appropriate Assessment Screening**

The Board accepted and adopted the Inspector's screening assessment 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 further agreed with the Inspector's screening assessment that the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) are the European sites for which there is a likelihood of significant effects and that there are no other Natura 2000 sites within 15 kilometres of the proposed development.

## **Appropriate Assessment**

The Board considered the Natura Impact Statement submitted with the planning application, the submissions on file and the Inspector's report and completed an Appropriate Assessment of the implications of the proposed development for European Sites where there is a likelihood of significant effects namely; the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 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 likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures included as part of the proposed development and qualifying interests and the conservation objectives for these European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Inspector's Appropriate Assessment in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives. In 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 Statement**

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submission on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development.

The Board completed an Environmental Impact Assessment, and assessed the likely significant effects of the proposed development, and concluded that the mitigation measures proposed and residual effects were acceptable. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects on the environment of the proposed development would be acceptable.

In respect of impacts on cultural heritage and building conservation, the Board concurred with the analysis of the planning authority's Conservation Officer and accepted that many of the outbuildings located around the site are in very poor repair and their loss would be acceptable in the context of a development which provides for the full restoration of Blackcastle House and associated stable complex and the Board considered that exceptional circumstances applied in this instance in accordance with the provisions of section 57 (10)(b) of the Planning and Development Act 2000, as amended.

## **Conclusion on Proper Planning and Sustainable Development**

The Board in coming to its decision considered that the provision of a high quality development in a sustainable development location on appropriately zoned lands would, subject to compliance with the conditions set out below, not adversely affect the landscape, would be in keeping with national and local Housing Policy and policies for the protection of landscapes and built heritage, would not adversely affect the character or setting of the Protected Structures, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health 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, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of October 2016, 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.

**Reason:** In the interest of clarity.

2. The construction methods, mitigation measures and monitoring commitments identified in the Environmental Impact Statement, Natura Impact Statement and other plans and particulars submitted with the planning application, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of October 2016, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and protection of the environment.

3. The proposed development shall be amended as follows:
  - Units 127–130 inclusive and the road serving these units shall be omitted and the resultant area incorporated into the public open space in this area;
  - Unit 131 shall be relocated further north as shown in the amended site plan submitted to An Bord Pleanála on the 13<sup>th</sup> day of February 2017; and
  - the third floor of apartment Block A shall be omitted.

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

**Reason:** In the interests of visual and residential amenity.

4. (a) The development shall be carried out on a phased basis. The first phase shall include the restoration of Blackcastle House and stables, the construction of not more than 50 number dwelling units and the opening of the pedestrian/cycle connection to Mill Lane together with the associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.
- (b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be submitted to, and agreed in writing with, the planning authority.
- (b) Not more than 75% of residential units shall be made available for occupation before completion of the crèche.

**Reason:** In the interests of orderly development.

5. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. The open spaces shall be developed for, and 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 opens spaces that have been designated for taking in charge shall be vested in the planning authority, at no cost to the authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

7. 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. Such lighting shall be provided prior to the making available for occupation of any house, which shall be designed in consultation with the Project Ecologist and in accordance with the recommendations and mitigation measures contained in the Environmental Impact Statement.

**Reason:** In the interest of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

9. All boundary treatments shall be agreed. Concrete post and panel fences shall be replaced with concrete block walls rendered and capped.

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

10. 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.

**Reason:** In the interest of public health.

11. Proposals for an estate/street name, house and apartment 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/apartment 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.

12. A full architectural survey of buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority and the Irish Architectural Archive prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

**Reason:** In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

13. (a) Prior to commencement of development, the developer shall submit, in relation to the protected structures – plans, sections and elevations annotated with description of all structural interventions, materials, finishes and linings propose, together with details to a larger scale of all joinery and decorative plasterwork elements both external and internal, and shall clarify the nature of damp proofing proposed to be used.
- (b) The developer shall engage the services of an architect, with conservation accreditation at Grade 1 or 2 from a recognised body, such as the RIAI, or equivalent, for the detailed design and specification of the works to the protected structures. The person so appointed shall also carry out periodic inspection of such works on site and provide certification that the works have been properly executed in accordance with the Conservation Guidelines and Advice Series published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and best conservation practice. (The name of this person shall be submitted to the planning authority for written agreement).

**Reason:** To protect the architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.



14. 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.

15. Site development and building works shall be carried out only between the hours of 0800 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.

16. 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 in writing with the planning authority 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.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s) including areas identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) details of 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. All construction traffic shall enter the site from the Blackcastle Demesne estate road;
  - (f) measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (j) 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;
  - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
  - (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and
  - (m) measures for the protection of those trees which it is proposed to be retained.

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.

**Reason:** In the interest of amenities, public health and safety.

18. Prior to commencement of development, 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 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 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 and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. 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 of roads, footpaths, watermains, drains, 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 determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

20. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2017.**