



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: NA/190802

APPEAL by Navan and District Angling Association care of John Callaghan of 10 The Cloisters, Oldcastle Road, Kells, County Meath and by William Prentice care of John Callaghan of 10 The Cloisters, Oldcastle Road, Kells, County Meath against the decision made on the 20th day of January, 2020 by Meath County Council to grant subject to conditions a permission to Churchbay Developments Limited care of CW O'Brien Architects of 1 Sarsfield Quay, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of 99 number two-storey dwellings comprising of 4 number one-bedroom apartments (Type A), 16 number two-bedroom terraced units (Type B), 26 number three-bedroom terraced units (Type C), 26 number three-bedroom semi-detached corner units (Type D), 10 number three-bedroom semi-detached units (Type E), 6 number four-bedroom semi-detached units (Type F), 3 number four-bedroom detached units (Type G) and 8 number four-bedroom detached corner units (Type H). Each house to include option for solar panel on rear roofslope. The development will also include the provision of private amenity space, 202 on-site parking spaces, including 7 number visitor parking spaces, landscaped public open space, associated boundary treatments, street lighting, foul and SuDS drainage, foul pumping station, ESB Medium Voltage Substation and all associated site

development works necessary to facilitate the development, all on a 4.88 hectare site located on Boyne Road, Ferganstown and Ballymacon, Navan, County Meath.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report 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. The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European sites in view of the site's conservation objectives (Site Codes: 002299 and 004232). The Board considered that there was not adequate information before it to allow the carrying out of an Appropriate Assessment. In this regard, the Board noted in particular:

- (a) the extent of excavation works proposed on sloping ground within the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the lack of evidence of site investigations to properly inform the design of such works and any measures required to mitigate potential effects on the integrity of the European Site in view of the site's conservation objectives, and

- (b) the failure to adequately identify the location, nature and extent of works proposed within the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) to mitigate the potential effects of the development on the integrity of the European site in view of the site's conservation objectives.

In such circumstances, the Board is precluded from granting planning permission for the proposed development.

2. The proposed development is located in an elevated location on the southern banks of the River Boyne, which is recognised in the development plan for the area as being a landscape of exceptional value. Having regard to the design and layout of development on the site, and the information provided, the Board is not satisfied that the proposed development could be visually accommodated within this sensitive landscape area and that, having regard to its impact on the skyline, would undermine the landscape character of the candidate Special Area of Conservation. The proposed development would, therefore, result in a significant negative impact on the visual amenities of the area and would be contrary to the objectives of the development plan to maintain such landscapes. The proposed development would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020.