



An
Bord
Pleanála

Board Order
ABP-307349-20

Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: NA200108

Appeal by Elliot's Care Centre Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 25th day of March, 2020 by Meath County Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of the demolition of existing derelict mill building (in ruins) on site; construction of a 156 bedroom Care Centre in a part six, part eight and part nine storey building with ground floor car-parking; first floor ancillary uses with balcony; roof terrace to sixth floor; surrounding car parking at ground level; 40 number retiring apartments as part of care centre, in part four/part five storey block with basement parking, comprising 32 number two bedroom units and eight number one bedroom units; landscaped riverside park connecting both buildings; access off Mill Lane, with proposed upgrade to Flower Hill and Mill Lane junction, together with all associated site works to facilitate the development. The care centre building to be laid out in three wings around a central full height atrium with access to a hard landscaped river front plaza which formed the original footprint of Elliot's Mill, all at 'Elliot's Mill', Blackcastle Demesne, Navan, County Meath.

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

Having regard to:

- (a) the provision of the Meath County Development Plan 2013 - 2019,
- (b) the 'Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities' (2020),
- (c) the 'Urban Development and Building Heights - Guidelines for Planning Authorities' (December 2018),
- (d) the existing pattern of development at this location,
- (e) the design, scale and layout of the proposed development,
- (f) the submissions and observations on file, and
- (g) the report of the inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance the policies and objectives of the current Meath County Development Plan, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered the screening for Appropriate Assessment and the Natura impact statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 00299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) are the only European Sites within the Zone of Influence for the proposed development, and in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura impact statement and associated documentation submitted with the application and the appeal, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned European Sites, namely the River Boyne and River

Blackwater Special Area of Conservation (Site Code: 00299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out an Appropriate Assessment.

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

- (a) the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives of 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 effect of the proposed development on the aforementioned European sites, having regard to the sites' Conservation Objectives, and noted that the Inspector's report provides clarification and elaboration in respect of the Appropriate Assessment. Furthermore, the Board satisfied itself that the mitigation measures proposed are in line with best practice and are proven mitigation measures, and that adequate monitoring is proposed to ensure the effectiveness of measures proposed.

In overall conclusion, the Board was satisfied that the proposed development, either individually 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.

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 particulars received by An Bord Pleanála on the 16th 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.

Reason: In the interest of clarity.

2. The design and layout of the junction of Mill Lane and Flower Hill shall be maintained as per the existing layout unless agreement in writing is reached with the planning authority to carry out the revisions indicated in the drawings submitted with the application.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

4. The streets and footpaths within the development shall comply with the requirement and specifications of the Design Manual for Urban Roads and Streets (DMURS).

Reason: In order to comply with the guidance as set out in the Design Manual for Urban Roads and Streets.

5. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

7. (a) The developer is required to engage the services of a suitably qualified industrial archaeologist to make a detailed record of all building fabric and associated machinery at the mill site. A plan for salvage of building fabric and machinery should be drawn up.
- (b) The developer is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Act 1903-2004) to carry out pre-development testing at the site where ground disturbance is to take place. No sub-surface work shall be undertaken in absence of the archaeologist without his/or her express consent.
- (c) The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparation. This will allow the archaeologist sufficient time to obtain a license to carry out the work.
- (d) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (e) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
- (f) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Housing, Local Government and Heritage for consideration.

- (g) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted, and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.

Reason: To ensure continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

8. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

9. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

11. 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 traffic management, noise management measures and off-site disposal of construction/demolition waste. The construction management plan shall include the mitigation measures outlined in the Natura impact statement submitted with the application.

Reason: In the interest of public safety and the amenities of the area.

12. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. A public lighting scheme is to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such shall be designed to minimise light overspill into the natural habitats along the River Blackwater.

Reason: In the interests of natural habitats and to protect the amenities of the area.

14. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (b) details of proposed street furniture, including bollards, lighting fixtures and seating,
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

15. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

16. The treatment of Japanese Knotweed shall be carried out as per the eradication plan received by An Bord Pleanála on the 16th day of June 2020.

Reason: In the interest of natural heritage.

17. 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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. 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.

Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *5th* day of *May* 2021

