



An  
Bord  
Pleanála

## Board Order ABP-309332-21

### Planning and Development Acts, 2000 to 2020

#### Planning Authority: Meath County Council

**Application** by Meath County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 29<sup>th</sup> day of January, 2021.

**Proposed Development:** Construction of 84 housing units consisting of two number four-storey apartment blocks, eight number three-storey duplex units and 10 number two-storey semi-detached units comprising in total 34 number one-bedroom units, 38 number two-bedroom units, six number three-bedroom units, two number three-bedroom accessible units and four number four-bedroom units, including all site development and landscaping works, with access from the existing LDR06 Distributor Road, all at Farganstown, Navan, County Meath.

*MP*

## **Decision**

**Approve the above proposed development 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 following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the Conservation Objectives for 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),
- (d) the policies and objectives of the Navan Development Plan 2009-2015,
- (e) the nature and extent of the proposed works as set out in the application for approval,
- (f) 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 European Sites,

- (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 Stage 1:**

The Board agreed with and adopted the screening assessment and conclusion reached 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 only European Sites in respect of which the proposed development has the potential to have a significant effect.

#### **Appropriate Assessment Stage 2:**

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein and the submissions and observations on file. The Board completed an Appropriate Assessment of the implications of the proposed development for 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) 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 to enable it to 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning 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 this 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 documents lodged with the planning application shall be implemented in full.

**Reason:** In the interest of clarity and to protect the environment.

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

**Reason:** In the interest 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 incorporating all measures set out in the Outline Construction Environmental Management Plan, 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 interest of protecting the environment and the European Sites.

5. The local authority, or 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 local authority 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 are considered appropriate to remove.

**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.

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 proposed development,
  - (b) the proposed locations of landscape planting, and

(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 interest 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 interest 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.

*Dr. Maria Fitzgerald*

**Maria Fitzgerald**

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

Dated this 21<sup>st</sup> day of July 2021