

An
Bord
Pleanála

Board Order ABP-314282-22

Planning and Development Acts, 2000 to 2022

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 29th day of July 2022, and further information received on the 27th day of February 2023.

Proposed Development: Construction of 36 new residential units, and refurbishment of 9 existing derelict units to provide 11 new residential units.

Overall schedule of accommodation will be as follows:

- Eight number one-bed apartments
- Twelve number one-bed Universal Design apartments
- One number two-bed apartment
- Two number two-bed Universal Design apartments
- Fourteen number two-bed, two-storey houses
- Two number two-bed Universal Design two-storey houses
- One number three-bed apartment
- Three number three-bed, two-storey houses
- Four number three-bed Universal Design two-storey houses

All at Carrick Street and Maudlin Street, Kells, County Meath.

Decision

APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

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 (as amended),
- (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, qualifying interests, and special conservation interests for the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232),
- (e) the policies and objectives of the Meath County Development Plan, 2021-2027,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora, and fauna, including the Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and
- (i) the reports and recommendations of the persons 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 carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and 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, 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 affected European Sites, namely the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and 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 of an 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 Site's 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 Site's 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 not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, 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 not interfere with the existing land uses in the area. 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 application, and additional plans and particulars submitted on 27th day of February 2023, 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.

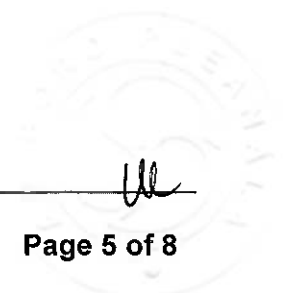
Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in the Japanese Knotweed Management Plan (dated October 2022) and the Bat Assessment Report (dated February 2023), shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation

of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites, and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction waste.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Intended construction practice for the development, including hours of working.
 - (d) Means to ensure that surface water run-off is controlled in line with a Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
 - (e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained.
 - (f) The management of construction traffic and off-site disposal of construction waste.
 - (g) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

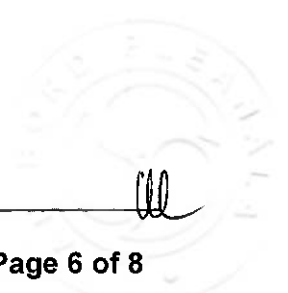


- (i) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment and in the interest of public health.

- 4. The following nature conservation requirements shall be complied with:
 - (a) The local authority and any agent acting on its behalf shall engage a suitably qualified ecologist to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology including those set out in the Japanese Knotweed Management Plan (dated October 2022) and the Bat Assessment Report (dated February 2023).
 - (b) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage
 - (c) Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.
 - (d) The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interests of protecting the environment, the protection of European Sites and the proper planning and sustainable development of the area.



5. The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - i. the nature and location of archaeological material on the site, and
 - ii. the impact of the proposed development on such archaeological material.
 - (b) Complete a detailed archaeological excavation informed by additional test excavation across the whole phase of works to be completed prior to any construction starting on site. In addition, an updated Archaeological Impact Assessment, should be completed.
 - (c) Complete a report, containing the results of the above assessments, regarding any further archaeological requirements (including, if necessary, archaeological excavation). This report shall then be submitted to the Department of Housing, Local Government and Heritage with any proposals agreed prior to commencement of construction works. Following this the local authority will provide suitable arrangements acceptable to the Department of Housing, Local Government and Heritage 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 (in situ or by record) and protection of any archaeological remains that may exist within the site.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

7. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan.

Reason: In the interests of amenity, public health and safety.

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.



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

Dated this 12th day of February 2024

