

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 22/924**

**Appeal** by Denis Leavy of Proudstown Road, Navan, County Meath against the decision made on the 5<sup>th</sup> day of September 2022 by Meath County Council to grant subject to conditions a permission to Glenveagh Homes Limited care of Declan Brassil and Company Limited of Lincoln House, Lincoln Lane, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:**

Construction of 138 number residential units comprising:

- Six number one-bed triplex units in two number three storey blocks located in the north-western and south-western portions of the site.
- 32 number duplex units in two number three storey blocks located centrally in the northern portion of the site, comprising 16 number two-bed units and 16 number three-bed units.
- 24 number two-bed terraced houses.
- 10 number three-bed, two storey, terraced and semi-detached edge houses.

- 63 number three-bed, two storey houses, comprising a mix of detached, semi-detached and terraced units.
- Two number four-bed, three storey, semi-detached houses.
- One number four-bed, three storey house.

A total of 19,561 square metres of landscaped public open space is provided in the proposed development, including an area of 12,768 square metres on public open space zoned lands in the eastern portion of the site and incorporating a play area for children.

The proposed development includes a total of 248 number car parking spaces, 108 number bicycle parking spaces, internal roads, pedestrian and bicycle infrastructure, boundary treatments, bin storage, public lighting, electrical infrastructure including two number Electricity Supply Board substations, water supply and drainage infrastructure including foul water pumping station, and all associated and ancillary site and development works.

The proposed development integrates with the existing residential development (known as Cluain Adain) to the east and south-east of the site, permitted and constructed under Meath County Council Planning Register Reference Numbers NA/151046 and NA/181326, incorporating vehicular access from Cluain Adain Way and connections to existing pedestrian, bicycle, drainage, water supply and services infrastructure. The proposed development includes associated and ancillary upgrade works to existing drainage infrastructure in the north-western corner of the subject site all located to the north of the Clonmagadden Road, Clonmagaddan, Navan, Co. 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.**

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The location of the site contiguous to the established urban settlement area of Navan an area zoned for residential under zoning A2 New Residential, F1 Open Space, G1 Community Infrastructure and General Enterprise and Employment under the Meath County Development Plan 2021-2027;
- (b) The policies and objectives as set out in the Meath County Development Plan 2021-2027;
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The planning history of the site and the zoning of adjacent lands;
- (f) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (g) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (i) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022;
- (j) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended;

- (k) The provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;
- (l) The The provisions of Architectural Heritage Protection, Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht October 2011;
- (m) The provisions of the Climate Action Plan 2023 issued by the Department of the Environment, Climate and Communications issued on 21st December 2022;
- (n) The policies and objectives as set out in the provisions of Project Ireland 2040 National Planning Framework;
- (n) The policies and objectives as set out in the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (p) The Environmental Impact Assessment Report submitted with the application;
- (q) The Natura impact statement submitted with the application;
- (r) The submission of the Development Applications Unit and observation received;
- (s) The reports prepared by the planning authority.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Natura impact statement and other documentation submitted with the application to Meath County Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than 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) which are European Sites for which there is a likelihood of significant effects.

## **Appropriate Assessment: Stage 2**

The Board considered the Natura impact statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on 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:

- (a) the site-specific Conservation Objectives for the European Sites,
- (b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water quality,

(c) the mitigation measures which are included as part of the current proposal.

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 Site in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

## **Environmental Impact Assessment**

The Board completed in compliance with section 172 of the Planning and Development Act 2000, as amended, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the Inspector's report.

## **Reasoned Conclusions on the Significant Effects**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area. Following implementation of these measures there is no risk of significant negative residual effects.
- Biodiversity impacts mitigated by additional planting and landscaping and appropriate work practices. Following implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. Following implementation of these mitigation measures there is no risk of significant negative residual effects.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses. Following implementation of these mitigation measures there is no risk of significant negative residual effects.

- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water. Following implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme. Following implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. Following implementation of these mitigation measures there is no risk of significant negative residual effects.
- Design measures to reduce to a minimum CO2 emissions. Following implementation of these measures there is no risk of significant negative residual effects.
- A positive effect on the wider area as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. Following implementation of these mitigation measures there is no risk of significant negative residual effects.
- Cultural Heritage and archaeology would be mitigated by incorporating features into the landscaping plan and adherence to the mitigations set out in particular relation to the protection of archaeological features on site. Following implementation of these mitigation measures there is no risk of significant negative residual effects.





- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area. With mitigation in place no significant residual impacts will result.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have, therefore, been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

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

The Board considered having regard to the zoning objective for the site as set out in the Meath County Development Plan 2021-2027, the pattern of existing development in the immediate vicinity of the site, the Natura impact statement and Environmental Impact Assessment Report submitted with the application to Meath County Council and subsequent Appropriate Assessment in the Inspectors Report, the location on the edge of the existing settlement area and a reasonable walking distance to the centre of Navan it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property and land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. 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 received by Meath County Council on the 12<sup>th</sup> day of July 2022, 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 mitigation and monitoring measures outlined in the plans and particulars, including the Natura impact statement, Environmental Impact Assessment Report and Construction Environmental Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of avoiding adverse impacts on the receiving environment, protecting the environment and in the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. All links and connections to adjoining lands within and outside the applicant's control shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

**Reason:** In the interests of permeability and safety.

6. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.



- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

**Reason:** To protect trees and hedgerow and planting during the construction period in the interest of visual amenity.

- 7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

- 8. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of the installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interests of public safety and visual amenity.

9. The construction of the development shall be managed in accordance with a site specific detailed Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures indicated in the Natura impact statement and shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction waste.

**Reason:** In the interests of nature conservation, public safety and residential amenity.

10. Prior to commencement of development, a suitably qualified ecologist shall be appointed by the developer to oversee the site set-up, construction of the proposed development and implementation of all mitigation and monitoring measures as set out in the Natura impact statement. Details to be submitted to and agreed in writing with the planning authority.

Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be maintained on the public record.

**Reason:** In the interest of nature conservation.

11. A management plan for the control of alien invasive plant species including a monitoring programme, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and to prevent the spread of alien plant species.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 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.

13. 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.

14. 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 interests of public health and surface water management.



15. A minimum of 10% of all communal car parking spaces should be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and or future proof the development such as would facilitate the use of electric vehicles.

16. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with 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 or management company.

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

17. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.





- (b) Details of the management company contract and plans and particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

18. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

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

19. (a) All trees shall be inspected by a suitably qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.
- (b) Bat and bird boxes shall be installed prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

- (c) Any clearance of vegetation from the site should only be carried out in the period between the 1<sup>st</sup> of September and the end of February i.e. outside the main bird breeding season.

**Reason:** To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

20. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

21. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.



22. 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 interests of visual and residential amenity.

23. Prior to commencement of development the applicant shall agree in writing with the planning authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interests of place making and visual amenity.

24. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.

**Reason:** To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.



25. Prior to commencement of development, the developer 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 plan of the area.

26. 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 by the local authority of roads, footpaths, watermains, drains, public 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 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 referred to An Bord Pleanála for determination.

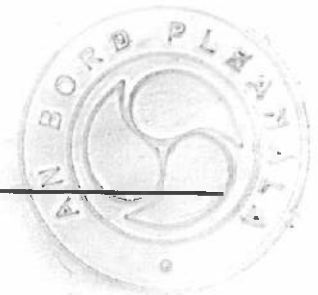
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. 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 Contribution Scheme made under section 48 of the Act be applied to the permission.



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



Dated this 30<sup>th</sup> day of January 2023