



Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/1581

APPEAL by Academy Point Group care of Armstrong Fenton Associates of 13 The Seapoint Building, 44-45 Clontarf Road, Dublin against the decision made on the 16th day of August, 2023 by Meath County Council to refuse permission.

Proposed Development: Construction of a mixed-use development consisting of a 10 storey building, over a basement level, comprised of two number retail/commercial units, 24 number one and two bed independent living units, including for ancillary services and facility rooms and 43 number one and two bed apartments. The basement level includes for 65 number car parking spaces (including for three number disabled parking spaces and 18 number EV parking spaces), an attenuation tank, plant room, and will be accessed from, and form part of, the basement level of the existing Academy Square development to the north and north-west. The ground floor of the building is comprised of two number retail/commercial units (circa 184 square metres and circa 139 square metres respectively), an ESB substation (to be relocated from its existing location at the western boundary of the site), switch room, two number bin storage areas and one number bicycle store area (total capacity: 90 number bicycle parking spaces). The ground and first floors of

the building also provide for seven number ancillary services and facility rooms associated with the proposed development's independent living units. The first, second and third floors of the building consist of 24 number one and two bed independent living units, comprised of 11 number one bed units and 13 number two bed units, including for communal open space at the first floor (circa 74 square metres) and two number communal rooms at the second floor (circa 57 square metres and 57 square metres respectively). The fourth to ninth floors of the building consist of 43 number one and two bed apartments, comprised of 24 number one bed units and 19 number two bed units, with communal open space provided at the ninth floor (circa 74 square metres). The proposed development includes for the demolition of existing structures on site. Maintenance vehicle access to the proposed ESB substation will be from Dublin Road (R147), while vehicle access to the proposed basement will be from the existing vehicular access point on Academy Street to the north-west of the site (that is, through the existing Academy Square development). Pedestrian access is provided from Academy Street and Dublin Road (R147). The proposed development also includes for infrastructural services and connections, drainage, signage, hard and soft landscaping and boundary treatments, balconies and terraces, communal open spaces, solar panels, green roofs, bicycle parking and all associated site development works above and below ground on an overall area of circa 0.18 hectares located at the junction of Academy Street and Dublin Road (R147), adjacent to/south and south-east of the existing Academy Square development, Navan, County Meath. The proposed development was revised by further public notices received by the planning authority on the 23rd day of June, 2023.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

INF POL 18 and INF POL 20 of the Meath County Development Plan 2021-2027 require the implementation of the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (Department of Environment, Heritage and Local Government/Office of Public Works, 2009) through the use of the sequential approach and requires the application of Justification Tests for Development Management and Development Plans. A Flood Risk Assessment is required to be carried out for any development proposal, where flood risk may be an issue in accordance with the Guidelines, and this assessment should be appropriate to the scale and nature of risk to and from the potential development and consider the impact of climate change. The proposed development is located in an area where there is a high probability of flooding and the nature of the proposed development is considered a highly vulnerable use as defined in the Guidelines. The vehicular access, road network and basement level car parking spaces and services are considered to be an intrinsic element of this proposed mixed-use commercial and residential development and are, therefore, considered as a highly vulnerable use. On the basis of the totality of information on file, the Board cannot be satisfied that the proposed development meets the criteria of the justification test as the mitigation measures provided in the Flood Risk Assessment are not sufficient to manage flood risk to an acceptable level and would be a risk to people and property and prejudicial to public health.



The proposed development would, therefore, be contrary to the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" and INF POL 18 and INF POL 20 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 20th day of January 2025.