



An
Bord
Pleanála

Board Order ABP-321389-25

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 24201

Appeal by Meath Travellers Workshop of CYWS Hall, Fairgreen, Navan, County Meath against the decision made on the 8th day of November 2024 by Meath County Council to grant, subject to conditions, a permission to Cairn Homes Properties Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for a Large-Scale Residential Development -
The proposed development will consist of:

1. Construction of 110 number new residential dwellings comprising 64 number two-storey houses (two number two-bed, 58 number three-bed, and four number four-bed, terraced and semi-detached houses) and 46 number apartments (23 number one-bed and 23 number two-bed apartments) in a single four storey block with balconies on all of the elevations.
2. The proposed development will be accessed via permitted entrances (An Bord Pleanála reference ABP-311199-21 and Meath County Council Register Reference 221202, as amended by Meath County Council Register Reference 23403) and includes the continuation of the permitted North-South Link Street southwards by approximately 110 metres.

3. A total of 184 number car parking spaces (including three number accessible spaces and 15 number EV charging spaces), and 116 number bicycle parking spaces (comprising 70 number long term and 24 number short-term number spaces serving the Apartment Block, and 22 number additional short-term spaces serving the wider scheme).
4. Modifications to development permitted under Meath County Council Register Reference 221202 (as amended by Meath County Council Register Reference 23403) to facilitate the extension of the permitted North-South Link Street; the incorporation of new junctions to serve the proposed development; and, the reconfiguration of the car parking layout serving the permitted childcare facility (Meath County Council Register Reference 23403) including the relocation of four number spaces (no change to the permitted quantum of carparking serving the childcare facility is proposed).
5. Other associated infrastructure works including the provision of landscaped public and communal open spaces, bin storage, internal roads, boundary treatments, public lighting, ESB substation, water supply, surface water drainage and foul water drainage infrastructure (including a temporary foul water pumping station), and all associated and ancillary site and development works, all at Trim Road , Balreask Old and Limekilhill, Navan, County Meath. The application site comprises lands generally to the east and southeast of the recently constructed Swanbrook residential development (as permitted under ABP-311199-21 and Meath County Council Register Reference 221202 and amended by Meath County Council Register Reference 23403). A Natura Impact Statement (NIS) has been prepared in respect of the proposed development. The proposed development was revised by further public notices received by the planning authority on the 16th day of September 2024.

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 provisions and policies of the Meath County Development Plan 2021 - 2027,
- (b) the zoning objectives A2 - New Residential, which seeks 'To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy'; C1 - Mixed Use, which seeks 'To provide for and facilitate mixed residential and employment generating uses'; and F1- Open Space, which seeks 'To provide for and improve open spaces for active and passive recreational amenities.'
- (c) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,
- (d) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, July 2023,
- (f) the Childcare Guidelines, 2001,
- (g) the availability, in the area, of a wide range of social and transport infrastructure,
- (h) to the pattern of existing and permitted development in the area,
- (i) the submissions received, and
- (j) the report and recommendation of the Planning Inspector.

Appropriate Assessment (AA) – Stage 1

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the documents submitted with the application and the Inspector's report and submissions on file. 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 potentially be likely to have a significant effect on the European sites, River Boyne and River Blackwater Special Area of Conservation (Site Code 002299), River Boyne and River Blackwater Special Protection Area (Site Code 004232), Boyne Coast and Estuary Special Area of Conservation (Site Code 001957) and Boyne Estuary Special Protection Area (Site Code 004080) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is, therefore, required.

Appropriate Assessment (AA) – Stage 2

The Board considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the case file and completed an Appropriate Assessment (Stage 2) of the implications of the project on River Boyne and River Blackwater Special Area of Conservation (Site Code 002299), River Boyne and River Blackwater Special Protection Area (Site Code 004232), Boyne Coast and Estuary Special Area of Conservation (Site Code 001957) and Boyne Estuary Special Protection Area (Site Code 004080) 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. The Board concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity these sites in view of the sites' conservation objectives and qualifying interests. This conclusion is based on:

- (a) A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to these European Sites.

- (b) Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- (c) No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European Sites.

Environmental Impact Assessment Screening:

The Board completed an Environmental Impact Assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment. Regard has been had to:

- (a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- (b) The location of the site on lands zoned lands (Proposed Residential, Mix Use Residential and Open Space zoning objectives), and other relevant policies and objectives in the Meath County Development Plan 2021- 2027, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- (c) The greenfield nature of the site and its location in an urban area which is served by public services and infrastructure.
- (d) The pattern of existing and permitted development in the area.
- (e) The planning history at the site and within the area.
- (f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.

- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- (h) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.
- (i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- (j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Acoustic Design Statement, Resource & Construction Waste Management Plan, Operational Waste Management Plan, Social Infrastructure Assessment, Flood Risk Assessment, Archaeological Assessment, Ecological Impact Assessment, Infrastructure Design Report, Construction and Environmental Management Plan and Traffic and Transport Assessment Report

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'New Residential', 'Mixed Use' and 'Open Space' zoning objectives and other policies and objectives of the Meath County Development Plan 2021-2027, would constitute an acceptable mix and quantum of residential development, would result in an appropriate density of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply and wastewater treatment, and by surface water networks without risk of flooding. 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, as amended by the further plans and particulars received by the planning authority on the 3rd day of September 2024, 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.

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2. (a) The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.
- (b) Mitigation and monitoring measures outlined in the plans and particulars, including the Construction and Environmental Management Plan and Ecological Impact Assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (c) Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interest of clarity and of protecting the integrity of European Sites, the environment and public health.

3. The proposed development shall be carried out on a phased basis, in accordance with the phasing scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority.

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

4. The creche permitted under Meath County Council Planning Register Reference 23/403, shall be available for occupation prior to occupation of the residential units in the proposed development, or within such other timeframe as may be agreed with the planning authority, or in default of agreement with An Bord Pleanála.

Reason: In order to provide adequate childcare facilities for the proposed development.

5. (a) The developer shall engage a suitably qualified and licensed archaeologist to monitor all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. following consultation with the Local Authority. Prior to the commencement of such works the archaeologist shall consult with and forward to the local authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

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

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

7. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

8. (a) The landscaping scheme shown on drawing number 22106C-2-100 received by the planning authority on the 3rd day of September 2024, shall be carried out within the first planting season following substantial completion of external construction works.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (c) Prior to the commencement of development, details of a public art feature shall be incorporated into the overall scheme or a financial contribution to facilitate the planning authority to provide a piece of public art in order to enhance the amenities of the local environment shall be submitted for the written agreement of the planning authority.

Reason: In the interest of residential and visual amenity.

- 9. (a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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Reason: To restrict new housing development 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.

10. Prior to commencement of development, the applicant 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 the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 development plan for the area.

11. 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.

12. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed, and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

13. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

14. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

15. (a) Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, an up-to-date Construction and Environmental Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.
- (b) A designated Community Liaison Officer (CLO) shall be appointed prior to commencement of construction works. Contact details for the appointed CLO shall be submitted in writing to the planning authority.

Reason: In the interest of public safety and amenity.

16. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

17. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic and pedestrian safety.

18. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of 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 amenity and public safety

19. (a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.

- (c) Details of the management company contract, and drawings/ 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 interests of orderly development and to provide for the satisfactory future maintenance of this development.

20. 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.

21. 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.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *25* day of *March* 2025