



An  
Bord  
Pleanála

## Inspector's Report PL17.247839

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<b>Development</b>	Demolition of outbuildings and construction of 218 residential units (Blackcastle House, a protected structure, associated stables and wall garden to be retained)
<b>Location</b>	Blackcastle Demesne, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA/160607
<b>Applicant</b>	Targeted Investment Opportunities ICAV
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Sean McGuirk</li><li>2. Alex and Grace Downey</li><li>3. Herbert Place Residents' Association</li><li>4. Inland Fisheries Ireland</li></ol>
<b>Observer(s)</b>	Michael Minogue
<b>Date of Site Inspection</b>	18 <sup>th</sup> April 2017
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 14.067 ha, is located c. 500m to the north east of Navan Town Centre, on the northern side of the River Boyne. It comprises part of the Demesne associated with Blackcastle House, a protected structure which is located within the site. Blackcastle House is in a derelict condition, having suffered severe fire damage. It is roofless, the entrance portico has partially collapsed, and is becoming overgrown with vegetation. There are a number of other structures within the appeal site which are associated with Blackcastle House, including a walled garden, stables, various agricultural buildings and an entrance gateway, which is also a protected structure.
- 1.2. The site is bounded to the north by the Fitzherbert Court, Blackcastle Demesne and Brú na hAbhainn residential estates, to the west by Flower Hill, Herbert Terrace and Herbert Place, and to the south and east by the River Boyne. Beyond the River to the south is an amenity walk known as the Ramparts, with the R153 road and residential development beyond that. To the north of the appeal site is the N51 Navan to Slane road, also known as Donaghmore Road. There are currently three entrance points to the site, the historic laneway entrance to Blackcastle House from the N51 and the Blackcastle Demesne estate road to the north, and Mill Lane to the west.
- 1.3. The northern part of the appeal site is relatively level, albeit with a gentle slope from north to south, followed by a steep incline down to the River Boyne, which is located in a valley c. 12-15m below the northern part of the site where the majority of the development will be located.

## 2.0 Proposed Development

- 2.1. The proposed development, as amended on foot of a request for further information, consists of the construction of 211 residential units and associated development, as follows:
  - 128 houses, comprising a mix of two storey terraced, semi-detached and detached houses, ranging from two bedrooms to four bedrooms, as well as four single storey one bedroom houses designed for the elderly.

- 83 apartments, comprising:
  - Five apartment blocks of two, three and four storeys: 16 three bedroom apartments, 40 two bedroom apartments and 14 one bedroom apartments.
  - Restored Blackcastle House and Stables: 2 three bedroom apartments, 4 two bedroom apartments and 7 one bedroom apartments.
- Demolition of outbuildings.
- Crèche (403 sq m) to accommodate 74 children.
- Refurbishment and amendments to walled garden, including two new openings.
- Amendment to entrance to Blackcastle House from N51, including widening entrance pillars (protected structures).
- ESB substation.
- Associated car parking, landscaping, boundary treatments, internal roads, public open space etc.

2.2. The application was accompanied by an Environmental Impact Statement, a Natura Impact Statement, Construction Management Plan, Flood Risk Assessment, Waste Management Plan, Arboricultural Assessment, Conservation Report, Traffic and Transport Assessment and various other technical reports and drawings. These were supplemented by additional reports submitted on foot of a request for further information.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Meath County Council decided to grant planning permission and the following conditions are of relevance to the appeals:

- C2: Units 127 – 130 inclusive and road serving these units to be omitted.
- C3: Phasing plan to be submitted. Restoration of Blackcastle House in Phase 1.

- C8: Construction traffic management plan.
- C9: Construction management plan.
- C16: Details of works to Protected Structures to be submitted. Conservation architect to be retained to detail, specify and inspect works to protected structures.
- C23: Detailed requirements for surface water management.
- C30: €200 per unit contribution towards monitoring.
- C31: €521,400 deposit or bond.
- C32: €62,125 contribution towards surface water infrastructure.
- C33: €683,375 contribution towards roads and public transport infrastructure.
- C34: €497,000 contribution towards social infrastructure.
- C35: €20,000 contribution towards improvement works to the N51.
- C36, C37 and C38: Separate contributions for crèche unit.

## 3.2. Planning Authority Reports

3.2.1. The report of the Planning Officer can be summarised as follows:

- Loss of outbuildings, which are in a poor state of repair, would be acceptable in the context of the restoration of Blackcastle House.
- Units 127-130 impact on vista of protected structure and fail to integrate with rest of scheme and should be omitted.
- There is no potential for an adverse impact on residential amenity arising from units 131 and 132.
- Lack of detail on ensuring that an appropriate quality of work is undertaken to the protected structure. Issue can be addressed by way of condition.
- Amended design of walled garden and residential blocks is acceptable.
- Use of laneway for vehicular traffic associated with nine units is acceptable subject to special contribution for traffic calming measures.

- Proposed connections are logical and will serve to enhance permeability throughout the lands and beyond.
- Proposed boundary treatment along western edge of laneway is acceptable.
- Measures to manage Japanese knotweed can be addressed by way of condition.
- Planning authority is cognisant of deteriorating condition of Blackcastle House and the opportunity to restore it for habitable use.
- Planning Authority is mindful of Action Plan for Housing and Homelessness and the necessity to provide housing in suitable locations.

### 3.3. Other Technical Reports

#### 3.3.1. Water Services:

- No objection subject to conditions.

#### 3.3.2. Road Design Office:

- No objection subject to conditions.

#### 3.3.3. Conservation Officer:

- Archaeological monitoring required.
- Disagrees with applicant's consultant regarding value of outbuildings that it is proposed to demolish. However, buildings are in very poor repair and their loss may be necessary in return for the restoration of Blackcastle House and stables.
- Outbuildings should not be demolished prior to restoration of the house.
- Units 127 – 130 should be omitted.
- Additional details on conservation methodologies and supervision by conservation architect required.

#### 3.3.4. Heritage Officer

- Invasive species management plan/eradication programme required.

#### 3.3.5. Public Lighting Section

- No objection subject to conditions.

### 3.4. Prescribed Bodies

#### 3.4.1. Inland Fisheries Ireland

- IFI is opposed to the proposed development. The issues raised were as per their appeal.

#### 3.4.2. An Taisce

- Key considerations to assess are quality of landscaping and tree protection, quality of detailing to the reconstructed house and the resolution of the woodland and pathway areas along the River Boyne.

#### 3.4.3. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

- No objection subject to conditions.

#### 3.4.4. Irish Water

- No objection subject to conditions.

#### 3.4.5. National Transport Authority

- Increased permeability and connectivity to adjacent residential development required.
- River side walkway is designated as a greenway in the Cycle Network for the Greater Dublin Area and should be constructed to a design agreed with the NTA and planning authority.
- Cycle parking should be provided.

### 3.5. Third Party Observations

- 3.5.1. A number of third party observations were made in respect of both the application as lodged, and following submission of further information. The issues raised in the observations are generally similar to the appeals.

## 4.0 Planning History

### 4.1. Appeal Site

- **Reg. Ref. T.P.94/92:** Outline planning application for 81 houses. Application withdrawn.
- **Reg. Ref. T.P.4/94:** Outline planning application for 134 houses. Application withdrawn.
- **Reg. Ref. T.P.43/98:** Planning application for demolition of Blackcastle House. Permission refused.
- **Reg. Refs. T.P.73/99 and 99/2200/ ABP Ref. PL32.130656):** Applications to Meath County Council and Navan Town Council for development of 348 residential units, reconstruction of Blackcastle House as a hotel and other development. The Board granted permission for Phase 1 and refused permission for the remainder.
- **Reg. Refs. NA/800891 and NT/800023:** Applications to Meath County Council and Navan Town Council for 483 residential units, restoration of Blackcastle House as a hotel and other development. Permission refused.

## 5.0 Policy Context

### 5.1. Regional Planning Guidelines for the Greater Dublin Area 2010-2022

- 5.1.1. The RPGs for the Greater Dublin Area set a population target for an increase in Meath's population from 79,729 to 95,458 by 2022 and identify Navan as Meath's Growth Town I, which is defined as a key destination, economically active town which supports surrounding areas and is located on a multi-modal corridor in the metropolitan hinterland

### 5.2. Meath County Development Plan 2013-2019

- 5.2.1. Navan is identified a Large Growth Town 1 in the County's settlement hierarchy. Section 3.4.1 of the Development Plan states that Large Growth Towns are to

accommodate significant new investment in transport, in economic and commercial activity and in housing.

- 5.2.2. Objective SS OBJ 1 seeks to secure the sustainable development of Meath by primarily directing development towards Large Growth Towns, guided by the sequential approach to create a compact urban form. Other relevant Objectives include SS OBJ 4 and SS OBJ 8.
- 5.2.3. Policy ED POL 29 seeks to protect and conserve natural, built and cultural heritage features. Objectives CH OBJ 22 and CH OBJ 23 are also relevant in this regard. The appeal site is located within Landscape Character Area 5 (Boyne Valley) and the Development Plan notes that this LCA is of exceptional landscape value, with high sensitivity and international importance. The following policies and objectives are relevant: LC POL 2, LC OBJ 1, LC OBJ 2.
- 5.2.4. Policies TRAN SP 2, TRAN SP 5 and TRAN POL 15 seek to promote increased use of sustainable methods of transport and enhance cycling and walking networks.

### 5.3. **Navan Development Plan 2009-2015**

- 5.3.1. The northern portion of the appeal site (c. 7.4 ha) is zoned A2 'new residential' under the Navan Development Plan 2009-2015, while the southern portion (c. 6.66 ha) is zoned H1 'high amenity'. The appeal site is also located within designated Masterplan area MP5. Settlement strategy Objective OBJ 19 states that "Master Plan 5 relates to an area surrounding Blackcastle House and its former demesne. This area shall be for residential development to include renovation and adaptation proposals for Blackcastle House (Protected Structure). The Master Plan shall provide for the continuation of the Local Distributor Road through Fitzherbert Court & Blackcastle Demesne housing developments onto the Slane Road."
- 5.3.2. A number of individual trees and stands of trees are indicated on Map 2 to be preserved. Protected viewpoint VP10 is located on the southern side of the River Boyne, facing northwards towards the appeal site and two protected structures (Blackcastle House, Ref. 112; Blackcastle gate piers, Ref. 111) are located on the appeal site.



5.3.3. An east-west pedestrian access route/amenity walkway and two access points are indicated on Map 2. The Navan Transport Plan 2014-2019, which is included as an Appendix to the Development Plan indicates a Greenway in this location.

5.3.4. The Development Plan provides a series of residential Objectives and Policies to guide sustainable residential development.

#### **5.4. Sustainable Residential Development in Urban Areas 2009**

5.4.1. The DEHLG Guidelines on Sustainable Residential Development in Urban Areas 2009 outline sustainable approaches to the development of urban areas. These set out national policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations. The accompanying 'Urban Design Manual: A Best Practice Guide' provides more detailed guidance on implementation of the Guidelines.

#### **5.5. Architectural Heritage Protection Guidelines for Planning Authorities 2011**

5.5.1. These DEHLG Guidelines provide guidance on the identification and protection of architectural heritage, including curtilage and attendant grounds and the restoration of ruinous protected structures.

#### **5.6. Natural Heritage Designations**

5.6.1. The appeal site is adjacent to, and slightly overlaps, 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). There are no other Natura 2000 sites within 15km of the proposed development. The closest proposed Natural Heritage Area is Boyne Woods pNHA, which is c. 3.5km downstream (i.e. north east) of the appeal site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. Four third party appeals were received from the following parties:

1. Sean McGuirk
2. Alex and Grace Downey
3. Herbert Place Residents' Association
4. Inland Fisheries Ireland

6.1.2. The appeals from Sean McGuirk, Alex and Grace Downey and Herbert Place Residents' Associations are identical, with their detailed grounds of appeal set out in their earlier submissions in respect of the response to the request for further information, which they append to their appeals. These submissions are generally the same in all three cases.

6.1.3. The grounds of appeal can be summarised as follows:

- Southernmost of the two houses to the north of the site (Unit 131) is too close to existing house at 37 Herbert Place, is forward of building line and should be omitted or replaced with single storey houses.
- No linkage can be made to Herbert Place without agreement of residents and linkage serves no purpose.
- Boundary treatments along laneway are inadequate and should be replaced with a 2m concrete wall.
- Residential amenity impact due to noise from traffic on gravel-surfaced laneway. Request condition preventing laneway from being used for construction access.
- There is no logic behind proposal to utilise the laneway for vehicular traffic. Risk to pedestrian safety due to tunnel-like nature of laneway, risk of traffic hazard due to creating rat-run, lack of detail on junction with N51. (Stage 1 Road Safety Audit commissioned by the appellants enclosed).

- Lack of construction management plan and construction traffic management plan.
- Impact on residential amenity of 42 Herbert Place due to overlooking.
- Status of River Boyne is Moderate. It should have been improved to at least Good by 2015.
- 2015 Q-values indicate that water quality in the Boyne has deteriorated at this stretch from Q4 (Good) to Q3-4 (Moderate).
- Blackcastle pumping station is licenced under a Waste Water Discharge Licence and has a storm water overflow. IFI is unsure whether this complies with DoEHLG Procedures and Criteria in Relation to Storm Water Overflows 1995, and whether these procedures are compatible with the obligations under the Surface Water Regulations.
- IFI believe that there are occasional overflows from the pumping station into the Boyne but that not all of these overflows are recorded.
- While overflow allows for primary treatment, there is no record of the quality of the final discharge from the overflow.
- Overflow is likely to result in substantial level of polluting matter entering the River Boyne with impact on water quality and fisheries habitat. River Boyne is an SAC and contains extensive stocks of protected species.
- There is a risk that the additional wastewater arising from the proposed development will result in increased frequency of overflow as the overflow tanks will fill up faster.
- CJEU case C-461/13 (Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland) held that Member States are required to refuse authorisation for a project, unless a derogation is granted, where it could cause a deterioration of the status of a water body or where it jeopardises the attainment of Good quality status by the date laid down in the WFD.

## 6.2. Applicant Response

6.2.1. The applicant submitted two responses to the third party appeals. Their first relates to the appeals by the three appellants in Herbert Place and can be summarised as follows:

- Unit 131, as amended on foot of request for further information, is sufficiently separated from 37 Herbert Place by mature trees and vegetation, ensuring no negative amenity impacts. No habitable room windows face the southern boundary.
- Unit 131 is not forward of building line when compared to existing house on the site. In any event, the two sites are visually and physically separated.
- While appellant's concerns are unwarranted, applicant proposes moving Unit 131 to facilitate increased separation distance. Applicant suggests condition in this regard.
- Omission of any further units, in addition to those omitted by condition 2 of the Planning Authority's decision, would weaken viability of overall development including restoration of Blackcastle House.
- The two proposed houses in the northern area provide an element of activity and passive surveillance.
- Laneway is an existing access point and will only serve nine units (following FI changes and condition 2). Use of the laneway will bring life back to historic avenue and provide for passive surveillance. Sightlines are compliant with DMURS.
- Appellants' Road Safety Audit is not independent, has not been prepared in accordance with TII guidelines, has not been carried out by TII approved auditors and is based on a lack of information.
- Proposed use of laneway for vehicular traffic will not result in significant noise impact. Waste collections will be once per week, similar to surrounding residential areas.

- Proposed development makes provision for future connection to residential development to the west. This link has been implemented to improve connectivity.
- 2m high solid wall along western boundary would be highly inappropriate in such a vegetated and historic location. Proposed fencing and planting is more appropriate.
- No construction access is proposed through Flower Hill.

6.2.2. The applicant's response included a drawing indicating a relocated Unit 131, a technical response to the appellants' Road Safety Audit, and a response to noise issues.

6.2.3. The applicant's second response was in relation to the appeal made by Inland Fisheries Ireland and can be summarised as follows:

- Blackwater pumping station is sufficient and capable of serving the proposed development, having regard to its spare capacity, compliance with EPA licence, recent upgrade and compliance with stormwater overflow guidelines.
- NIS concluded that development is not likely to result in adverse effects on conservation objectives or qualifying interests of the SAC or SPA.
- Condition 4 of the planning authority's decision will ensure protection of water quality.
- IFI does not oppose principle of development or take a view that the proposed development will threaten water quality of River Boyne, but rather seeks clarification.
- Irish Water's AER for the pumping station confirms that discharge does not have an observable negative impact on water quality or WFD status.
- Irish Water's AER states that WFD status is 'good' at monitoring points both upstream and downstream of the pumping station.
- EPA waste water discharge licence audit report dated January 2016 does not raise any issues with water quality due to the pumping station.

- Blackcastle pumping station is in compliance with its waste water discharge licence, which is policed by the EPA. If IFI has concerns, these should be raised with EPA rather than in planning applications.
- Discussions have taken place with IFI and applicant is willing to carry out further works to address IFI concerns if the Board consider it necessary. These works entail the construction of holding tanks for storm events. Details could be agreed with planning authority by way of condition.
- EU Judgement cited by the IFI is not relevant or applicable due to Irish Water's statement in their AER that the waste water infrastructure is in compliance with the WFD.
- Planning authority and Irish Water are satisfied with the proposed development.

6.2.4. The applicant's response to the IFI appeal was accompanied by an engineering report with details of the holding tanks, correspondence with the IFI and a copy of Irish Water's AER for the Navan agglomeration.

### 6.3. **Planning Authority Responses**

#### 6.3.1. Response to Third Party Appeals

- Site is zoned A2 and located within Phase 1 in the Order of Priority as detailed in Variation 2 of the CDP. The proposed development is therefore compliant with the zoning objective and the Core Strategy.
- The two units to the north will not result in overlooking or impact on residential amenity. There is no necessity for them to be single storey.
- Laneway access off the N51 will now only serve 9 units. Road Design Section has no objection to the use of the laneway to serve this number of units.
- NTA concerns regarding pedestrian and cyclist permeability have been addressed by the applicant.
- Site is not located within Flood Zones A or B and as such can be considered to be in Flood Zone C. Residential is a suitable use with Flood Zone C.

- Irish Water's 2014 Annual Environmental Report states that the Blackwater pumping station has more than adequate capacity to cater for the proposed development. Also, the Water Services Section has no objection to the proposed development.
- Planning Authority requests that the Board uphold its decision and grant permission.

#### 6.3.2. Response to First Party Response to Appeals

- Planning Authority concurs with applicant's response to the third party appeal by Inland Fisheries Ireland.
- Proposed development is acceptable in terms of wastewater disposal.

#### 6.4. **Third Party Response to First Party Response**

6.4.1. Inland Fisheries Ireland responded to the applicant's response to their appeal. Their response can be summarised as follows:

- Applicant has not dealt adequately with points raised in their appeal.
- Irish Water AER has not been critically reviewed by EPA or any other body.
- River Boyne is deteriorating downstream of Blackcastle and all contributions should be dealt with to ensure that waterbody is restored to 'Good' status. One of these contributions is from Blackcastle pumping station at times of heavy rainfall.
- No objection in principle to potential solution presented by applicant in their appeal response.

6.4.2. Alex and Grace Downey also responded to the applicant's response submission. Their response can be summarised as follows:

- Proposed unit 131 will impact on residential amenity of 37 Herbert Place. Applicant refers to mature tree line minimising impact, but arboricultural report states that these trees should be removed and replaced.
- Lack of construction management plan.
- Residents of Herbert Place do not approve of a link to the new development.

- Solid wall along boundary between Herbert Place and laneway would offer best sound reduction and security for residents.

## 6.5. Observations

6.5.1. One observation was received from Michael Minogue, which can be summarised as follows:

- Traffic impact. Roads going into existing estates can barely cope with current volumes of traffic. There are no traffic lights at the entrance.
- EIS is not detailed enough. Wildlife habitat will be ruined if development goes ahead.
- Visual impact on built environment and character of the area.
- Development is incompatible with CDP on density/scale grounds and inconsistent/incompatible with existing properties.

## 7.0 Planning Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of the proposed development.
- Design and Layout.
- Residential amenity.
- Boundary treatments.
- Access and Traffic.
- Water and Wastewater.
- Architectural heritage.
- Landscape and Visual Impact.
- Other issues.
- Environmental Impact Assessment.



## 7.2. Principle of the Proposed Development

7.2.1. The proposed development accords with the zoning objectives for the site, in that it seeks to provide residential units on a site which is zoned for residential development as well as a significant amount of public open space, in accordance with a Masterplan. The proposal retains the protected structures on the site and the majority of the mature trees. I therefore consider the principle of the proposed development to be acceptable, subject to consideration of normal planning criteria.

## 7.3. Design and Layout

7.3.1. I consider the layout of the proposed development to be broadly acceptable, with the exception of units 127 to 130 which are located in a physically discrete area to the south west of Blackcastle House, remote from the rest of the proposed housing development and forward of the building line established by existing residential development to the west. I consider that units 127-130 detract from the historic relationship of the protected structure and the open parkland demesne setting and I consider that these units intrude on, and detract from, the protected viewpoint of Blackcastle House from the Ramparts public amenity walk and therefore recommend that they should be omitted.

7.3.2. The layout of the remainder of the proposed development is well considered, with short roads, and modification of house types at corner locations to provide passive surveillance. In terms of the quality of residential accommodation, all of the houses exceed private open space and minimum floor area requirements and bin storage details have been provided for terraced units. The proposed development includes a mix of unit types and sizes, which I consider to be broadly acceptable in this location within walking distance of Navan Town Centre.

7.3.3. The proposed net density is 29.4 units per hectare (based on the development site area of 7.4 ha, rather than the overall site area of 14.067 ha). While the Navan Development Plan indicates an average net density of 45 units per hectare, I consider the lower density to be appropriate in this instance having regard to the site's constraints in terms of architectural heritage, mature woodland planting and the proximity to the River Boyne.

7.3.4. With regard to the proposed insertion of apartment blocks into the walled garden, I consider that the design as originally proposed was not suitably responsive or sympathetic to the built heritage of the setting and was overly dominated by roads and car parking. The proposal was amended by foot of a request for further information, and I consider this amended design to be more appropriate. While the preservation of the walled garden for its original purpose would be a preferable outcome, the walled garden is substantial in size, and the proposed development already provides a significant quantum of high quality public open space along the River Boyne. The amended design results in four apartment blocks within the walled garden. The blocks are relatively small and read as insertions within the walled garden rather than overwhelming it. The original stone walls are exposed along their full extents internally, with extensive landscaping and the provision of car parking is relatively discreet. The stone wall around the walled garden is c. 4.1m high, which serves to mitigate the height of the apartment blocks within it, and lessen their visual impact, although I consider the four storey height of Block A to be excessive with regard to the proposed terraced housing to the west. The apartments in Block A feature living/dining room windows and open balconies on the west elevation, c. 18m from the rear elevation of the terraced houses. I consider that this would result in significant overlooking and overbearing impacts with regard to proximity and disparity in height, and I recommend that the third floor of Block A be omitted, and that the windows on the western elevation be opaque glass.

7.3.5. The proposed crèche, which will cater for up to 74 children, has a distinct design which differentiates it from the surrounding houses, while retaining a similar palette of materials. The building is part single storey and part two storey with a standing seam zinc roof. It features a courtyard style external play area, and overlooks an area of public open space. A car park providing 34 parking spaces is adjacent to the crèche. I consider the design, layout and location of the proposed crèche to be acceptable.

#### 7.4. **Residential Amenity**

7.4.1. The appellants contend that the two northernmost houses within the appeal site (Units 131 and 132) are too close to existing houses at Herbert Place, are located forward of the building line and will result in negative impacts on residential amenity.

They request that these houses be omitted or replaced with single storey houses. I note that three houses were originally proposed in this location, reduced to two as part of the applicant's response to a request for further information. The applicant, in their response to the appeal, contend that the separation distance of 5.8m is adequate in light of the presence of mature conifer planting along the site boundary and they contend that no overlooking or overshadowing will occur. Notwithstanding this, the applicant has also provided a revised design which relocates Unit 131 further north, increasing the separation distance from the site boundary with Herbert Place to more than 11m.

7.4.2. I note that Unit 131 only features a single bathroom window on its side (southern) elevation at first floor level facing No. 37 Herbert Place, and I do not consider that any significant overlooking will occur. Similarly, Unit 132 has bathroom/en suite windows on its rear elevation at first floor level, and I do not consider that any undue overlooking of houses on Donaghmore Road will arise. The position of Unit 131 relative to 37 Herbert Place will still result in an overbearing impact in my opinion if the cypress stumps and vegetation along this boundary is removed, as indicated in the tree survey drawings. Having reviewed the amended proposal submitted by the applicant, I consider that it is a preferable design solution which will mitigate this impact and serve to protect residential amenity in Herbert Place. I also concur with the applicant that the presence of the two houses at the entrance to the laneway will provide an element of activity and passive surveillance that will be of benefit to future users of the laneway.

## 7.5. **Boundary Treatments**

7.5.1. The appellants' express concerns regarding the proposed boundary treatments along the laneway between Blackcastle House and the N51. The laneway is currently heavily overgrown and unused, but it is intended to utilise it for vehicular use by nine residential units (Units 131 and 132 and the apartments within Blackcastle House), as well as being linked to the remainder of the development for pedestrian/cycle use. The appellants are opposed to the use of fencing and planting as proposed and express their preference for a solid block wall along the full length of the laneway. I note that a block wall already exists along the eastern edge of the laneway and part of the western edge. The applicant's response is that a block wall

would be unsuitable along a historic laneway and would be detrimental to the trees and vegetation in this area.

- 7.5.2. Having reviewed the proposals and inspected the site, I do not consider it necessary to enclose the entire laneway with a blockwork wall. I consider that to do so would create an undesirable tunnel effect with poor levels of passive surveillance that would be likely to attract anti-social behaviour. I consider that the retention of the existing low estate railing, supplemented by hedging as proposed by the applicant is a preferable means of preserving the historic laneway character, while providing a level of passive surveillance. Further to the south a palladin fence is proposed. The appellants note that existing palladin fences have been vandalised, but I consider that such damage is likely to be connected to the vacant and derelict nature of the appeal site. Once the proposed development is completed, occupied and actively managed, it is likely that such anti-social behaviour will be greatly diminished. The appellants raise the issue of noise from vehicles utilising the laneway. Having regard to the small number of residential units that will be able to utilise the laneway and the infrequent refuse collections etc. that will occur, I do not consider that a significant noise impact will occur. As outlined elsewhere, I recommend a condition to ensure that no construction vehicles utilise the laneway, with all construction traffic instead accessing the site via Blackcastle Demesne estate road.
- 7.5.3. Within the proposed development, details of the boundary treatments have been provided and are generally acceptable with railings to the front of properties and around the playground, and brick walls where a rear garden is adjacent to a public area.

## 7.6. **Access and Traffic**

- 7.6.1. The proposed primary access point to the proposed development is from the N51 national secondary road (also known as Donaghmore Road or Slane Road) via the existing Blackcastle Demesne Estate road, located to the north of the appeal site. The Blackcastle Demesne Estate road is a relatively wide straight distributor road with footpaths and with no residential units directly accessed off it. The applicant owns the majority of this road and has a wayleave over the remainder. The junction of this road with the N51 is of good quality, with signage, stop lines and adequate

sightlines in both directions. The junction also features a right-turning lane into Blackcastle Demesne, while will serve to ensure that traffic flow on the N51 is not unduly inhibited by right-turning vehicles.

- 7.6.2. Junction analysis was undertaken utilising SIDRA software and the results of an AM and PM peak hour traffic survey. This analysis found that maximum ratio of flow to capacity (RFC) occurs in the AM peak. In 2016, the RFC is 0.523, rising to 0.761 in 2018 (opening year) and 0.783 in 2033 (design year). This is below the maximum 0.85 RFC value set out in design standards, indicating that no significant capacity issues will arise at the junction. I therefore consider the Blackcastle Demesne road to be adequate to cater for the additional residential units contained in the subject proposal.
- 7.6.3. It is also proposed to retain the existing laneway which historically provided access to Blackcastle House, and which also connects to the N51. The laneway will be widened to c.4.8m wide and will only provide vehicular access to the two northernmost units (Units 131 and 132) and the seven apartments within Blackcastle House, should the Board agree with my recommendation to omit Units 127-130, which are located to the south west of Blackcastle House. The appellants oppose the use of the laneway for vehicular traffic on the grounds of traffic hazard, pedestrian safety, noise and the risk of 'rat running' and submitted a Road Safety Audit which they commissioned. The applicant contends that there are flaws in the RSA submitted by the appellants and have submitted their own RSA.
- 7.6.4. I note that while the N51 is a national secondary road, the appeal site is within the urban 50km/hr speed limit and is therefore subject to DMURS standards, which are somewhat more flexible than the NRA standards. I consider it appropriate to use the laneway and entrance point for a limited number of vehicle movements, which will serve to increase passive surveillance and ensure continued use of this historic laneway. The proposed road layout will prevent the use of the laneway for rat running from other residential units within the development, but it will be accessible to the remainder of the development for pedestrian and cycle use, which I consider to be a positive aspect of the proposed development in terms of enhancing permeability and encouraging more sustainable modes of travel. The sightlines at the access point of the laneway onto the N51 meet DMURS requirements, and I consider that no significant traffic hazard or congestion will arise as a result of the

proposed development. I note that the Planning Authority's Roads Design Office had no objection to the proposed access arrangements subject to conditions, including a €20,000 special contribution for traffic calming works to the N51. I recommend that a similar condition be attached to any grant of permission.

- 7.6.5. The appeal site is also within walking and cycling distance of Navan Town Centre, providing access to public transport services. Pedestrian and cycle routes traverse the site, including a greenway route along the River Boyne. The Planning Report states that the link to Mill Lane is a 'potential' pedestrian and cycle link. I consider the provision of an open link through the site at this location to be of great importance in improving permeability, and I recommend that the opening of this link should form part of the first phase of development, with the second phase not commencing until the link has been provided.
- 7.6.6. Finally, with regard to construction traffic, I consider that a condition should be attached to ensure that all construction access is through the Blackcastle Demesne Estate Road rather than the laneway or via Mill Lane.

## **7.7. Water and Wastewater**

- 7.7.1. It is proposed to connect the proposed foul sewer network to a recently constructed 600mm diameter public sewer which traverses the site to the south. This existing sewer forms part of the Navan main drainage scheme and transports wastewater to Blackcastle pumping station, where it is pumped across the river to a wastewater treatment works in Fergustown. The IFI's principle grounds of appeal relate to the capacity of the Blackcastle pumping station and the potential for overflows affecting water quality in the River Boyne. The IFI state in their appeal that they believe there are occasional overflows from the pumping station into the Boyne but that not all of these overflows are recorded. They state that while the overflow allows for primary treatment, there is no record of the quality of the final discharge which enters the River Boyne and consider that there is a risk that the additional wastewater arising from the proposed development will result in increased frequency of overflow as the overflow tanks will fill up faster.
- 7.7.2. The Blackcastle pumping station is part of the public wastewater network and is under the control of Irish Water, who stated in their submission at further information

stage that they had no objection to the proposed development, subject to standard conditions. The Planning Authority in their response to the appeal have also stated that the proposals for wastewater disposal are acceptable subject to conditions.

- 7.7.3. Navan's wastewater treatment plant and associated pumping stations operate under a wastewater discharge licence granted by the EPA (Ref. No. D0059-01), and the applicant has submitted Irish Water's Annual Environmental Reports for 2014, 2015 and 2016. The 2014 AER indicates that the pumping station has spare capacity of 1,425 m<sup>3</sup>/day. The proposed development is forecast to give rise to 53 m<sup>3</sup>/day of wastewater and therefore is well within the capacity of the existing pumping station.
- 7.7.4. The applicant in their response to the IFI appeal have suggested an amendment to the proposed development, to provide holding tanks within the appeal site linked by telemetry to the pumping station. When the storm overflow tanks at the pumping station commence filling, a valve will close, sending all wastewater generated from the proposed development to these on-site holding tanks, pending discharge to the pumping station once the levels within the storm overflow tanks recede. This proposal follows consultation between the applicant and the IFI following lodgement of the appeal. The IFI has responded to this by stating that Irish Water's AER has not been critically reviewed by the EPA or any other body, and they reiterate their position that the River Boyne is deteriorating downstream of Blackcastle. The IFI conclude by stating that they have no objection in principle to the applicant's proposal to provide holding tanks as outlined above.
- 7.7.5. The applicant has not indicated whether the proposed holding tanks would be privately managed or taken-in-charge. I consider that the introduction of holding tanks within the appeal site, which are potentially outside the control of Irish Water and which could give rise to considerable storage of wastewater in an elevated position above the River Boyne gives rise to a potential source of pollution that is not considered in the EIS or NIS submitted with the application. Having regard to the submissions made by Irish Water during the application stage, Irish Water's AERs which the applicant has submitted, and the Planning Authority's response to the IFI appeal, I do not consider that the holding tanks are required. Having regard to the fact that the pumping station is licenced by the EPA and has considerable spare capacity, I consider that the IFI's concerns with regard to possible overflows

from the facility and their potential impact on water quality in the River Boyne would be more appropriately addressed with Irish Water and the EPA rather than the applicant. As the applicant has pointed out, any development in this area of Navan will send wastewater to Blackcastle pumping station, and the location of the proposed development on the banks of the River Boyne does not have any bearing on this.

7.7.6. With regard to surface water, it is proposed to utilise SUDS principles by providing swales, permeable paving and attenuation systems under parking and driveway areas. The proposed swales will utilise a hydrobrake flow control device to attenuate surface water runoff to the River Boyne to greenfield runoff rates and petrol interceptors are also proposed. I consider the surface water management proposals to be broadly acceptable, subject to complying with the requirements of the Planning Authority.

## 7.8. **Architectural Heritage**

7.8.1. The appeal site comprises part of the demesne associated with Blackcastle House, which is a protected structure and is listed on the National Inventory of Architectural Heritage as being of regional importance. Blackcastle House is a two storey over basement structure with an entrance portico, dating from the early 19<sup>th</sup> century. The house was extensively damaged by fire in 1987 and is now in a derelict condition, with missing roof, windows, floors and a partially collapsed portico. The remaining structure is becoming overgrown with vegetation. There are a number of other buildings within the demesne, including a walled garden, a courtyard arrangement of stables and various farm structures. These structures are in varying states of repair, and all are heavily overgrown. The entrance piers to Blackcastle House from the N51 are also protected structures and I note that the westernmost pier has partially collapsed.

7.8.2. It is proposed to renovate Blackcastle House and its associated stables to provide apartments. No extension is proposed to Blackcastle House, with the original form and massing of the main House retained. The Planning Authority's conservation officer, while welcoming the renovation of Blackcastle House, expressed concern regarding the subdivision of original rooms within the House. I would share these concerns to some extent, but having regard to the ruinous state of the structure and



the loss of almost all original architectural detailing and materials within the interior, I consider that the bringing of the structure back into use is a worthwhile compromise. I note that the majority of the remaining building fabric within the main house will be retained, other than where a number of new openings are required, and I consider it unavoidable due to the requirement for bathrooms, storage etc. that a considerable degree of subdivision will be necessary.

- 7.8.3. I consider the renovation of Blackcastle House and stables to be a positive element of the proposed development, but in order to ensure the preservation of architectural heritage, I recommend that a condition be included requiring the works to Blackcastle House to be undertaken under the supervision of a suitably qualified conservation architect with a methodology to be agreed with the planning authority. In order to ensure the protection of architectural heritage I also recommend that a condition be included requiring the renovation of Blackcastle House and stables to occur as part of the first phase of development, with no further construction of residential units until the renovation works are complete.
- 7.8.4. With regard to the widening of the protected gate piers at the N51 Donaghmore Road, I consider that this to be acceptable with regard to the bringing of the historic laneway back into use in a manner which does not create a traffic hazard, and I recommend that these works should also be supervised by a conservation architect to a methodology agreed with the planning authority.
- 7.8.5. It is also proposed to construct four apartment blocks within the walled garden, with restoration of the walls and provision of appropriate landscaping. While I consider that this element of the proposed development will have a negative impact on the character of the walled garden, I consider the proposal as amended on foot of the request for further information to be acceptable with regard to the large amount of public open space that the proposed development will provide and the preservation of Blackcastle House as the dominant structure within the landscape when seen from the southern side of the River Boyne. The landscaping within the walled garden will serve to mitigate the impact of the insertion of the apartment buildings, and will provide a link to its historic use through the planting of fruit trees etc.
- 7.8.6. It is proposed to demolish a number of other structures within the appeal site, which generally comprise stone or concrete agricultural buildings. The Planning Authority's

conservation officer states that the loss of these structures is regrettable, but acceptable having regard to their extremely poor condition and the renovation of Blackcastle House and stables. I concur with this position, and recommend a condition requiring a detailed survey of the structures to be undertaken prior to demolition.

7.8.7. Overall, I consider that the renovation and re-use of the most important built heritage elements of the site, namely Blackcastle House, stables, walled garden and gateway, together with the preservation of the riparian landscape between Blackcastle House and the River Boyne and the resultant preservation of views towards the house is a positive aspect of the proposed development and I therefore consider the proposal to be acceptable in terms of architectural heritage impacts.

## 7.9. **Landscape and Visual Impact**

7.9.1. The appeal site comprises a historic demesne landscape with an open parkland character and large specimen trees and I consider it appropriate to consider the issue of landscape and visual impact.

7.9.2. The appeal site is located within Landscape Character Area 5 (Boyne Valley), as defined in the Meath County Development Plan 2013-2019. This LCA is considered to be of exceptional value, with high sensitivity and international importance. Objectives LC OBJ 1 and LC OBJ 2 seek to preserve these landscape character areas. The Navan Development Plan also indicates a protected view and prospect of Blackcastle House from the Ramparts amenity walkway, as well as indicating various trees and stands of trees within the appeal site to be preserved.

7.9.3. While the proposed development entails the construction of over 200 residential units, 28.2% of the site will be retained as public open space, primarily along the River Boyne. Having regard to this, the site's location within an established residential area to the north, west and east and the dense planting on either side of the River Boyne, I consider the potential for landscape and visual impact to be relatively limited.

7.9.4. A series of photomontages were submitted with the application which demonstrate the landscape and visual impact of the proposed development. I consider that the site topography, with its high plateau and steep incline down to the River, allied with

the extensive mature trees which will primarily be retained as well as the renovation of Blackcastle House and the positioning of the new residential development well to the rear of this will serve to protect the landscape character of the Boyne Valley and will preserve the character of the views and prospects in the area, particularly with regard to the views from the Ramparts amenity walk. I consider that the landscaping works proposed and the preservation and opening up of the sizable riparian amenity area to the public will have a positive landscape impact and will serve to mitigate and absorb the insertion of a large residential development into this residentially zoned, centrally located site.

- 7.9.5. The protected viewpoint VP10 is the view towards the remains of Blackcastle House from the Ramparts. I do not consider that the photomontages adequately represent this view, with View 6 being too far east and View 7 being located on the R153 to the south of the Ramparts, where no view can be obtained. On foot of my site inspection, I note that Blackcastle House is currently the dominant feature in the landscape in this view, and this should be preserved in the proposed development. While the main bulk of the development is appropriately set back from Blackcastle House, parallel to the River, I consider that units 127 – 130 which are located forward of both Blackcastle House and the established building line of the residential estates to the west are an incongruous insertion in the landscape which detract from the character and setting of the House and the views towards it from the Ramparts. I therefore recommend that these units be omitted.
- 7.9.6. In conclusion, and subject to compliance with the mitigation measures and landscaping plan, I consider that the proposed development will have a long-term positive landscape and visual impact.

## 7.10. **Other Issues**

### 7.10.1. Flood Risk

The appeal site is adjacent to the River Boyne and therefore the issue of flood risk requires consideration. A Flood Risk Assessment was submitted with the application. The site has a significant slope from north to south, towards the River, with a drop of c. 19 metres. Navan was identified in the Eastern CFRAM Study as an 'Area for Further Assessment', and the subsequent flood maps indicate that a

small part of the site along the banks of the River Boyne is partially vulnerable to fluvial flooding in the 1 in 10 and 1 in 100 year return period events. However, none of the proposed buildings are within either flood zone due to the steep incline between the River and the plateau upon which the proposed development will be built. The areas of the site which will be built upon can therefore be considered to fall within Flood Zone C, and having regard to the matrix of vulnerability versus flood zone set out in the Planning System and Flood Risk Management Guidelines, the proposed development would be 'appropriate', and no justification test would be required. Having regard to this, and the proposed attenuation of surface water runoff to greenfield runoff rates, I am satisfied that the proposed development is not at risk of flooding, and will not increase the risk of flooding elsewhere.

#### 7.10.2. Construction Management

While the appellants have contended that no construction management plan or construction traffic management plan was submitted, I note that a construction management plan (CMP) was submitted with the application.

The CMP outlines construction hours of 7am to 7pm Monday to Friday and 7am to 2pm on Saturday. Having regard to the relatively quiet suburban character of the surrounding area. I consider these hours to be excessive, and I recommend that if the Board is minded to grant permission, that a condition be included restricting construction hours to 8am to 7pm Monday to Friday, and 8am to 2pm on Saturday, with no working on Sundays or Bank Holidays.

The CMP does not address construction traffic management in detail. However, with regard to the appellants' concerns regarding use of the historic laneway for construction vehicles, the CMP does state that all construction traffic will enter and leave the site through Blackcastle Demesne Estate. I consider this to be an acceptable arrangement having regard to the relative width, alignment and connection to the N51 of the two routes.

A construction phase and operational phase waste management plan was submitted, but is relatively brief and does not address the quantity of construction and demolition waste that will arise, its storage, haul routes etc. This should be addressed in a comprehensive CMP to be submitted.

The CMP sets out mitigation measures to protect the River Boyne and residential amenity during construction, however it also states that the location of the construction compound and construction parking is not yet decided. Having regard to the residential context of the surrounding area and the proximity of the River Boyne, I consider that a more comprehensive construction management plan to include construction traffic management measures, construction compound, parking and storage arrangements, noise mitigation, tree protection measures and measures to prevent any pollution of the River Boyne should be submitted to the Planning Authority for agreement prior to commencement.

## **7.11. Environmental Impact Assessment**

### **7.11.1. Adequacy of Environmental Impact Statement**

7.11.1.1. An Environmental Impact Statement (EIS) prepared by John Spain Associates in association with various specialists was submitted with the application. The EIS follows the grouped format structure, with each topic assessed in a separate chapter and various technical appendices. A Non-Technical Summary of the EIS was also submitted.

7.11.1.2. The EIS refers to Class 10(b)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, which sets a threshold of 500 dwelling units for a mandatory EIA. It notes that 218 units were proposed, and therefore considers that the proposed development is sub-threshold for EIA. Nevertheless, the applicant states that they have submitted an EIS following consultation with the Planning Authority and in consideration of the site characteristics.

7.11.1.3. I note that the applicant has not referred to Class 10 (b)(iv), whereby an EIS is required for projects comprising of urban development which would involve an area greater than 2 hectares in the case of business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. The overall site area is approximately 14.067 ha and the site could therefore be considered to fall within 'other parts of a built-up area', with regard to the surrounding residential development and proximity to Navan Town Centre, and therefore subject to a mandatory EIA.

7.11.1.4. Having read the EIS and associated documentation, I consider that it generally meets the requirements of EIA Directive 2011/92/EU and includes all of the information required to be contained in an EIS, as set out in article 94 and Schedule 6 of the Planning and Development Regulations 2001, as amended, and Annex IV of the Directive. I therefore consider that the information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development. I note that no significant difficulties were encountered in compiling information.

#### 7.11.2. **Project Description and Alternatives Examined**

7.11.2.1. Chapter 2 provides a description of the project and outlines the alternatives examined. In terms of alternative locations, it is noted that the site is zoned for residential development and open space and consideration of alternative locations is not considered necessary. A 'do nothing' alternative would represent an unsustainable and inefficient use of strategically located residential zoned lands. Alternative site layouts were considered, having regard to the constraints presented by the presence of Blackcastle House, walled gardens etc. and the proximity to the River Boyne. Three options were considered, the first being a low density scheme which retained all buildings associated with the estate, and the second being a higher density development of apartment blocks with some housing to provide the maximum number of units per hectare set out in the Development Plan (45 units/ha). The first option was discounted on the basis of an unsustainably low density, and the second option was discounted on the basis that it was out of character with the area and did not respect the protected structures. The third option is the development as proposed, which was considered to strike a balance between density and respecting the architectural heritage of the site. I consider that the EIS provides a reasonable and rational response to the matter of alternatives.

#### 7.11.3. **Human Beings**

7.11.3.1. The likely significant effects of the proposed development on human beings are addressed in Chapter 3 of the EIS, as well as elsewhere in the EIS in areas where interactions occur, such as air quality, noise, landscape and visual impact etc.

7.11.3.2. The proposed development will have short term impacts during construction phase, both positive and negative. The positive impacts relate to an improvement in economic activity and employment, while the negative impacts relate to noise, dust, construction traffic. A construction management plan is proposed as a mitigation measure to address this impact. During the operational phase, significant positive impacts are expected due to the provision of additional housing in an area with a growing population. Overall, I consider that the residual impacts of the proposal would have a positive impact on the area.

#### 7.11.4. **Cultural Heritage**

7.11.4.1. Desk based research as well as field surveys were carried out. Blackcastle House and its associated gateway on Donaghmore Road are protected structures (RPS Nos. NT025-111 and NT025-112, respectively). The house and entrance gateway are also listed in the National Inventory of Architectural Heritage (NIAH Nos. 14007119 and 14007060, respectively), with the house being rated as being of Regional importance. There are no recorded archaeological monuments within the appeal site, although there are a number in the wider area.

7.11.4.2. The impact of the proposed development on architectural heritage is addressed elsewhere in my report. With regard to archaeology, the results of the desk-based and walk-over surveys are outlined in the EIS, supplemented by a more comprehensive archaeological assessment which included test trenching and geophysical surveying, which was undertaken on foot of a request for further information. This assessment found no evidence of archaeological features, although some areas were inaccessible due to overgrowth. A number of mitigation measures are proposed, including appointing a project archaeologist and monitoring during the construction phase.

7.11.4.3. In terms of residual impacts, there will be some minor negative impacts as a result of the loss of agricultural buildings and development within the demesne setting. However, I consider that, subject to compliance with the mitigation measures, there will be no residual impact on archaeological heritage and the overall cultural heritage impact will be positive with regard to the rehabilitation of Blackcastle House, its associated walled garden, stables and entrance gateway.

#### 7.11.5. **Flora and Fauna**

7.11.5.1. This section of my report should be read in conjunction with the Appropriate Assessment section below. Chapter 5 of the EIS outlines the desktop review and field surveys undertaken. These included habitats, non-volant mammals, bats and birds surveys. While the site comprises open grassland with the remnants of mature parkland tree planting, the habitat survey identified 13 habitat types. These ranged in significance from 'no ecological importance' to 'National importance', where they provide habitat or refuge to bats, otters etc. In terms of non-volant mammals, otters and grey squirrels were recorded, and it is expected that badgers, hedgehogs, red fox are likely to occur within the appeal site. While pine martens are uncommon in eastern Ireland, the woodland is considered to provide potential habitat for this species. A total of 18 bird species were recorded, with the majority being green-listed species that are not of conservation concern. The only red-listed species recorded was the Yellowhammer. No Kingfisher activity was recorded although the trees overhanging the River Boyne are considered to provide possible feeding stations with the River acting as a corridor for species to travel up and downstream. Bat surveys were carried out in Autumn and Summer and up to seven bat species were recorded at each survey site. The bats are utilising the derelict buildings within the appeal site as well as some of the mature trees, with the River constituting a commuting route for the bats. A Soprano Pipistrelle roost with more than 50 individuals was detected with the ruins of Blackcastle House. With regard to aquatic ecology, the River Boyne supports a number of important species, including lamprey, white-clawed crayfish and brown trout. The flora surveys undertaken also identified a number of invasive species on the site, including Japanese Knotweed and Himalayan Knotweed.

7.11.5.2. The potential impacts of the proposed development are primarily related to loss of habitat, disturbance to species, spread of invasive species and water quality impacts. A series of mitigation measures are proposed, including fencing off the SAC area and trees to be preserved, removal of invasive species in accordance with a management plan (submitted on foot of a request for further information), reduced lighting, additional planting, and protection of water quality by utilising IFI guidelines for construction works. With particular regard to bats, the EIS sets out a series of detailed mitigation measures, including for works to old buildings to occur



outside main bat activity season, controls during demolition work/tree felling to minimise risk to bats, new bat roosts to be built in undisturbed areas, and a lighting plan. Following the implementation of the mitigation measures, the overall impact on flora and fauna during construction is deemed to be moderate negative which I consider acceptable in the context of the development of a large parcel of residentially zoned lands close to Navan Town Centre which have been under-utilised for a number of decades. During the operational phase, the impact on habitat loss is considered to be slight negative, and on disturbance to species is considered to be moderate negative. Subject to implementation of all mitigation measures and monitoring of their efficacy, as outlined in the EIS, I consider that the impact of the proposed development on flora and fauna is acceptable.

#### **7.11.6. Landscape and Visual Impact**

7.11.6.1. My assessment of this aspect of the EIS is set out in Section 7.9 above.

#### **7.11.7. Soils and Geology**

7.11.7.1. Chapter 7 of the EIS provides information on the existing soil and geological conditions on the site and assesses the impact of the proposed development on these aspects of the environment. A number of trial pits excavated to a depth of 3 metres indicate that the shallow geological composition beneath the site comprises a thin layer of topsoil overlying layers of light brown clay, sandy gravelly clay and stiff boulder clay.

7.11.7.2. Any impact by the proposed development on soils and geology is likely to occur during the construction phase, as a result of soil compaction, erosion, contamination etc. and a series of mitigation measures are set out to address these potential impacts, particularly during soil stripping and stockpiling operations.

7.11.7.3. No significant long-term residual impacts on soils and geology are expected, and subject to compliance with the mitigation measures and best practice construction methods, I would concur with this conclusion.

#### **7.11.8. Water**

7.11.8.1. My assessment of this aspect of the EIS is set out in Section 7.7 above

#### 7.11.9. **Air Quality and Climate**

7.11.9.1. Chapter 9 of the EIS relates to air quality and climate. Construction-related air quality and local climatic impacts are anticipated by the EIS and a series of measures are proposed under Mitigation Measure C-AQ 1 to reduce the magnitude of the impact. These impacts primarily relate to fugitive dust emissions from construction activities and exhaust emissions from construction vehicles, generators etc. In addition to the mitigation measures, dust deposition monitoring is proposed during the construction phase. I consider that, subject to compliance with the abovementioned mitigation measures and an agreed Construction Management Plan, that the residual impact during both construction and operational phases will be minimal.

#### 7.11.10. **Noise and Vibration**

7.11.10.1. The potential noise and vibration impacts of the proposed development are set out in Chapter 10 of the EIS. Noise surveys were carried out in two locations in proximity to residential receptors to establish the baseline noise environment. These found that the existing noise climate is relatively quiet with no dominant sources of commercial or industrial noise. No sources of vibration were perceptible during the baseline survey. Short term noise impacts are likely to occur during the enabling and construction phase, albeit within acceptable limits, and minor short term vibration impacts may also occur during construction. During the operational phase the main potential source of noise is the increase in road traffic noise and noise generated within the development from everyday domestic activities. A series of mitigation measures are proposed as well as noise and vibration monitoring during the construction phase at noise sensitive receptors. Subject to compliance with these mitigation measures and monitoring during construction, I am satisfied that there will be no significant adverse noise or vibration impacts.

#### 7.11.11. **Material Assets**

7.11.11.1. Chapter 11 of the EIS addresses material assets, with particular reference to transportation, services infrastructure and waste. I have assessed the issue of traffic and transportation in Section 7.6 above. While potential negative impacts on services infrastructure during construction phase are identified, the EIS generally

considers that these will be short-term and slight, subject to compliance with specified mitigation measures.

#### **7.11.12. Interactions of the Foregoing**

7.11.12.1. Chapter 12 of the EIS relates to interactions between the various aspects of the environment addressed in the EIS. The identified interactions include:

- Flooding/landscape design;
- visual impact/flora and fauna;
- flora and fauna/water/soils;
- noise and vibration/traffic; and
- air quality/traffic.

7.11.12.2. I consider that the interactions identified do not lead to significant environmental impacts beyond those already identified for each of the individual environmental topics, as set out and assessed above.

#### **7.11.13. Summary of EIA Mitigation and Monitoring Measures**

7.11.13.1. Chapter 13 extracts the various mitigation and monitoring measures from each of the foregoing chapters of the EIS and presents them in a list.

#### **7.11.14. Conclusion**

7.11.14.1. Having regard to the above, it is my view that the significant environmental effects arising as a consequence of the development have been adequately identified and assessed.

## **8.0 Appropriate Assessment**

8.1. The appeal site is adjacent to, and slightly overlaps, the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232). There are no other Natura 2000 sites within 15km of the proposed development.

- 8.2. The sole qualifying interest of the SPA is the Kingfisher (*Alcedo atthis*), while the qualifying interests of the SAC are as follows:
- River lamprey (*Lampetra fluviatilis*)
  - Atlantic salmon (*Salmo salar*)
  - Otter (*Lutra lutra*)
  - Alkaline fens
  - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.
- 8.3. Both the SAC and SPA have generic conservation objectives to maintain or restore the favourable conservation condition of the relevant habitats/species.
- 8.4. While no evidence of Kingfisher activity or nesting locations were found during the baseline survey, the applicant's ecologist considered that significant adverse impacts on the SAC could not be ruled out at screening stage, due to the potential impact on a number of its qualifying interests (namely otter, river lamprey and atlantic salmon). The ecologist therefore considered that an Appropriate Assessment was required and a Natura Impact Statement was submitted with the planning application. Having regard to the nature of the proposed development and its position on an elevated site above the River Boyne, I concur with the ecologist that a Stage 2 Appropriate Assessment of the proposed development is required.
- 8.5. I consider that the principal adverse impacts that could occur to the qualifying interests of the Natura 2000 sites are related to disturbance to species, spread of invasive species and sediment/pollutant release due to the elevated position of the site above the River Boyne.
- 8.6. Otters and Kingfishers are potentially at risk of disturbance due to construction works and increased use of the amenity areas during the operational phase by walkers and dogs. Fencing of the Natura 2000 designated areas during construction is proposed, while in the operational phase, signage to request people to keep their dogs on a leash is proposed, as well as minimal lighting and preservation of existing trees.
- 8.7. The ecological baseline surveys undertaken identified a number of invasive species on the site, including Japanese Knotweed and Himalayan Knotweed. A

management plan for eradicating these species at the site was submitted on foot of a request for further information.

- 8.8. The risk of sediment/pollutant release will be at its greatest during the construction phase, when extensive earthworks will be undertaken and there will be a large amount of construction traffic, soil and material storage at the site. The NIS notes that the majority of construction works will occur at a considerable remove from the river and sets out a number of mitigation measures to ensure that no sediment or runoff occurs. These include use of silt traps, storage of fuels and oils and refuelling of vehicles in bunded areas, availability of spill kits and compliance with IFI guidance for protecting water quality during construction work. Monitoring is proposed post-construction to ensure that human and dog activity along the riverside path is not impacting on the SAC and that otters are still utilising the site.
- 8.9. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC (site code 002299) or the River Boyne and River Blackwater SPA (site code 004232), or any other European site, in view of the sites' Conservation Objectives.

## 9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 submitted on the 27<sup>th</sup> day of October 2016, 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 construction methods, mitigation measures and monitoring commitments identified in the Environmental Impact Statement, Natura Impact Statement and other plans and particulars submitted with the planning application, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of October 2016, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and protection of the environment.

3. The proposed development shall be amended as follows:
  - Units 127 – 130 inclusive and the road serving these units shall be omitted and the resultant area incorporated into the public open space in this area;
  - Unit 131 shall be relocated further north as shown in the amended site plan submitted to An Bord Pleanála on the 13<sup>th</sup> day of February 2017;
  - The third floor of apartment Block A shall be omitted and all windows on the west elevation of Block A shall be fitted with opaque glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

4. (a) The development shall be carried out on a phased basis. The first phase shall include the restoration of Blackcastle House and stables, the construction of not more than 50 dwelling units and the opening of the pedestrian/cycle connection to Mill Lane together with the associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.
- (b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.
- (c) Not more than 75% of residential units shall be made available for occupation before completion of the crèche unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

**Reason:** In the interests of orderly development.

5. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of 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.

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

7. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of a public lighting scheme,

which shall be designed in consultation with the Project Ecologist and in accordance with the recommendations and mitigation measures contained in the Environmental Impact Statement.

**Reason:** In the interest of amenity and public safety.

8. 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 interest of visual and residential amenity.

9. Water supply and 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 interest of public health.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and cyclepaths shall be in accordance with the detailed standards of the planning authority for such works.

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

11. Proposals for an estate/street name, house 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 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.

12. A full architectural survey of buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.



**Reason:** In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

13. Prior to commencement of development, the developer shall provide for the following:-

- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
- (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features, roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.

15. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

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

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. All construction traffic shall enter the site from the Blackcastle Demesne estate road;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) Measures for the protection of those trees which it is proposed to be retained.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

18. 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 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 development plan of the area.

19. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the 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. The developer shall pay the sum of €20,000 (twenty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of improvement works to the N51 in the vicinity of the entrances to the proposed development. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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Niall Haverty  
Planning Inspector

26<sup>th</sup> April 2017