



An
Bord
Pleanála

Inspector's Report

ABP-304744-19

Development	The demolition of an existing single storey dwelling and the construction of 63 no. 2-storey houses and all associated site works
Location	Boyne Road, Athlumney Td, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA181528
Applicant(s)	Andrews Construction Ltd.
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	1. Michael & Maree Flanagan 2. Stephen & Rachel Flanagan
Observer(s)	None
Date of Site Inspection	19 th of September 2019
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The application site is located to the east side of Navan c.1.5km from the town centre. The site is rectangular in shape and its boundaries are defined by hedgerows and walls. The northern road frontage adjoins the Boyne Road, St. Mary's graveyard is to the north east while the Navan to Drogheda railway line runs along the southern boundary of the site. The L34003 runs along the western boundary. There is a row of two storey dwellings to the west on the opposite side of the road and single storey housing to the south with access to this road.
- 1.2. The site appears relatively greenfield and there is a stream/watercourse that runs along the north eastern boundary with the graveyard. An ESB line traverses the eastern section of the site. There is a wall and planting along the road frontage boundary. The site is relatively flat with trees and hedgerows along the site boundaries which should be retained. There are no trees of note located elsewhere within the site.
- 1.3. There is an existing habitable single storey dwelling in the centre of the site which is proposed to be demolished. This house is of no particular architectural merit and I would have no objection to its demolition. There are two separate field gate accesses to the site, one via the Boyne Road and one internal via the curtilage of the house. It is noted that visibility is very restricted at the existing access to the Boyne Road. There is no footpath along the site frontage, however there is a footpath on the opposite side of the roadway into Navan town. There is a footpath further to the north along the graveyard frontage. While just within the 50km/h speed limit the Boyne Road is a fast busy regional road (R166). While this is a relatively straight stretch of road, there is a single white line along the centre. Visibility is currently restricted by the road frontage boundary wall and hedgerows.
- 1.4. Boyne Garden Sheds is to the south west of the site. There is a c.1.5m block wall and some planting along this boundary with the site. Some of the sheds for sale and the windows in the side elevation of this single storey residential property can be seen from the subject site. There is a factory building associated with the manufacture of these sheds that is located on the opposite side of the level crossing further south. There is also agricultural land to the south of the railway line.

2.0 Proposed Development

2.1. This proposal is for the demolition of the existing single storey dwelling and the construction of 63no. residential units on this site of c. 2.67ha. It is to comprise the following:

- Demolition of existing single storey dwelling (c. 121sqm) and associated outbuildings;
- The construction of 63no. 2 storey houses, comprising 4no. two-bed terraced houses, 4no. three bed end terrace houses, 19no. three-bed semi-detached and detached houses and 36no. four bed semi-detached and detached houses;
- The formation of 4,436sq.m of landscaped open space areas;
- The retention and dedication of 1,675sq.m of zoned open space forming a riparian biodiversity area;
- 126no. dedicated car parking spaces;
- Primary vehicular and pedestrian access to the proposed development will be provided from a new access located on the Boyne Road (serving 50no. units) and associated residential estate roads, with a secondary access via the L34003 local road (serving 13no. units) with associated road widening and improvement works.
- All associated hard and soft landscaping, boundary treatments, footpaths and ancillary works above and below ground.

Documents submitted with the application include the following:

- A Planning Statement
- Traffic and Transport Assessment
- Road Safety Audit and Designers Response
- AA Screening Report
- Natura Impact Statement
- Archaeological Desktop Assessment Report

- Construction Environmental Management Plan
- Photomontage & CGI Report
- Part V Proposal
- Plans and Particulars including Drawings

It is noted that Significant Further Information was subsequently submitted including some revisions to the layout and reducing the number of units proposed to 61.

3.0 Planning Authority Decision

3.1. Decision

On the 29th of May 2019, Meath County Council granted permission for the proposed development subject to 34no. conditions. These generally refer to design and layout, infrastructural (access, roads and drainage), landscaping and open space, boundary treatment, Part V, construction and waste management and development contributions. The following are of note relative to the overall layout:

- Condition no.2 provides that the development be constructed and laid out in accordance with the revised site layout plan submitted to the PA on the 17/04/19.
- Condition no.3 restricts the no. of dwellings on site to 60.
- Condition no.4 refers to omission/revision of some of the units.
- Condition no.5 omits dwelling no. 61 as the site encroaches on the 10m maintenance strip.
- Condition no. 6 relates to access, footpath and cyclepath along the Boyne Road and the L-34003.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy and to the submissions made and sectional reports. Their Assessment

included regard to the documentation and drawings submitted. They concluded that the principle of development is acceptable and generally in accordance with the residential zoning and policy objectives of the Navan TDP 2009 and the CDP 2013-2019. However, they noted there were a number of issues in relation to site servicing, design/layout and roads/traffic issues which need to be resolved.

Further Information request:

The applicant was requested to submit revised details and drawings to in summary include the following:

- To show that the turning bay proposed off the L-34003, is in compliance with the requirements of the *Recommendations for Site Development Works for Housing Areas*. To include a swept path analysis for the refuse truck.
- To clearly show details of the termination point of the cycle path and the tie in to the existing footpath at the north eastern side of the site.
- To revise the red line boundary to include the cycle path and works required to remove obstructions from the sight visibility splays – L-3400. Relevant letters of consent to carry out all works to be submitted.
- To submit further details (measures listed (a) – (f)) as the development as proposed does not meet the requirements of Meath County Council Water Services Department with respect to the orderly collection, treatment and disposal of surface.
- Submission of details regarding Water Services, including pre-connection enquiry to Irish Water, CCTV survey, watermain design etc.
- Public lighting to be designed and installed as per '*Meath County Councils: Public Lighting Technical Specification & Requirements*'.
- To liaise with Iarnród Éireann regarding a suitable boundary treatment along the railway line.
- To liaise with Boyne Garden Sheds regarding a suitable boundary treatment.

- Revisions to the layout to omit houses 13 and 27 to reduce the impact on the adjacent property and Boyne Gardens Sheds.
- To demonstrate adequate separation distances between dwellings and 1 metre wide side access.
- They noted that the channel C1/6 that runs through this site is an OPW maintained drainage channel and they request a revised site layout plan to include a number of requirements and that clearly shows a vehicular access point to the maintenance strip for the OPW.
- The PA considered that the Screening Report/NIS submitted does not adequately address the hydrological link with the River Boyne Natura 2000 site, in-combination effects etc. They requested that a Stage 2 NIS be submitted.
- The NIS to be prepared by suitably qualified ecologist(s) and where appropriate hydrologists and/or other experts. They provide details of what should be included in the NIS.
- Proposals and a site layout plan to clearly show the proposed phasing requirements.
- To review the submissions and to address the issues raised.
- The applicant should note that a Stage 2 AA must be included within the development description and that revised Public Notices be included.

Further Information response

Planning Partnership's response on behalf of the Applicant's includes revised drawings and particulars and notes the following:

- They submit a revised Schedule of Accommodation that provides for a reduction in the number of houses from 63 to 61no. units. They provide details of the omission of units.

- They have submitted a revised site layout to include details relative to the internal roads layout, turning areas, footpaths and cycle lane linkages.
- The red line boundary has been amended as requested to allow for enabling works relative to sightlines and cycle lanes.
- They provide details relative to drainage and note a pre-connection enquiry has been submitted.
- They confirm that a CCTV survey of the existing foul network is unnecessary.
- Revisions to drainage infrastructure design have been submitted.
- The public lighting scheme has been updated in line with the revised layout changes made.
- They provide that they have taken full cognisance of the submissions for both Iarnród Éireann and Boyne Garden Sheds in respect of amendments to boundary treatment.
- They note revisions to the scheme relative to the OPW request and have regard to landscaping and open space.
- They provide a response to the Council's detailed request relative to the information contained in the NIS and note that a Stage 1 AA Screening Statement and Stage 2 NIS have been submitted with the application.
- They provide that mitigation measures are fully integrated into the design and layout and refer to the engineering drawings.
- Revised Public Notices have been submitted to include reference to the revisions made and the Stage 2 AA (NIS).
- A Phasing Plan has been submitted. They provide a list of documents submitted with the F.I response.
- They provide a response to the submissions made.

- They submit that the proposed development of 61no. dwellings, public and communal private open space on lands zoned accordingly for residential development is acceptable in principle and in compliance with planning policy and guidelines.

Planner's response

The Planner had regard to the detailed F.I submitted and to the revisions and amendments made and documentation submitted. Their response noted and provided an assessment relative to each of the items raised. They concluded that the issues raised including relative to the NIS have been addressed to the satisfaction of the Planning Authority. They considered that having regard to the suitability of the site from a technical perspective, together with the nature and scale of the development, that subject to compliance with their conditions as set out that the development would not seriously injure the amenities of the area nor lead to the devaluation of adjacent property, nor lead to creation of traffic hazard nor traffic inconvenience and would, therefore be in accordance with the proper planning and sustainable development of the area.

3.3. Other Technical Reports

Transportation Section

- They note concerns relative to the proximity to the rail line, the L-34003 access route, issues with the turning area and sightlines, cycle paths and boundary treatment and recommended that revised drawings be submitted. They recommend conditions relative to public lighting within the scheme.
- In response to the F.I submission they provide that the applicant has addressed the transportation issues, they note the proposed phasing of the development and recommend a number of conditions including sightline improvement works to be carried out.

Water Services

- They recommend that F.I be sought relative to the disposal and attenuation of surface water. While they had some concerns relative to the F.I submitted, they considered that the development as proposed broadly meets the

requirements of the Council's Water Services Section with respect to the orderly collection, treatment and disposal of surface water. They recommended conditions.

3.4. Prescribed Bodies

Iarnród Éireann

- They make a number of observations in the interests of safety and operation of the proximate railway line. They request details (27no. items) including relative to layout and to southern boundary treatment, security issues including fencing off of the stream under the railway bridge, access and railway level crossing – wayleave agreements with Iarnród Eireann/C.I.E, drainage, retention of the embankment, no development to take place proximate to the railway line (distances specified), noise/vibration mitigation measures for proposed houses alongside.

Irish Fisheries

- They have no objections and request that all works and remedial measures as per the documentation submitted including the NIS be carried out in order to protect local waters such as the River Boyne and its tributaries. They also request details relative to good working practices in line with standards for the protection of fisheries and wastewater treatment.

Office of Public Works

- They note that a drainage channel 'C1/6' runs through the site and request that this be maintained and provide details of appropriate works, to include the prevention of flooding. Also, that new culverts/bridges on any watercourse or changes to existing structures or drainage channels will require Section 50 consent from the OPW.

Irish Water

- They recommended that Further Information be requested on a number of drainage related issues, including relative to a pre-connection enquiry, to verify that the existing foul sewer network is capable of accepting waste water

discharge from the proposed development, remedial works, revised water main design etc.

- In response to the F.I submitted they had no objections subject to conditions.

Department of Culture, Heritage and the Gaeltacht

- They note the large-scale nature of the site and that there are two sites of archaeological interest in the vicinity, a cist and enclosure. They recommend pre-development testing should the Board decide to grant and provide details/conditions relative to this.

3.5. Third Party Observations

These have been received from local residents (including the subsequent Third Parties) and public representatives and their concerns include the following:

- Lack of infrastructure to support such a large development.
- Will lead to traffic congestion in the area.
- Adverse impact on roads network relative to Boyne Garden Sheds Business.
- Third Party dwelling and business show area being overlooked by new houses and compromising residential amenity and sales.
- Density inappropriate i.e. too high relative to the low density of the surrounding area.
- Non-sequential approach to development – insufficient justification of use of this site provided by the Applicants.
- Is contrary to the Navan Development Plan 2009-2015 (as extended) relative to objectives for appropriate residential in an established area.
- Orientation of Development – relative to adverse impact on Boyne Cottages.
- Negative visual impact of proposed development.
- Issues relative to public open space and linkages.
- Concerns relative to the impact on ecology and on the designated sites.
- Devaluation of property.

- AA issues relative to hydrological linkages to designated sites.
- There is a lack of cycle lanes and footpaths and concern about road safety.
- Possible impact on Archaeological heritage, including historic wall on the site.

4.0 Planning History

The Planner's Report and Planning Report submitted notes the following:

- Reg.Ref.93/202 – Permission refused to erect 2no. residences. Reason for refusal related to wastewater treatment.

5.0 Policy Context

5.1. National Guidelines

The government published **Project Ireland 2040 - National Planning Framework** in February 2018. They are concerned with securing compact and sustainable growth. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

5.2. Section 28 Ministerial Guidelines

The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

The minister issued **Guidelines for Planning Authorities on Urban Development and Building Heights (December 2018)**. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 provides that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites.

Quality Housing for Sustainable Residential Communities 2007

This has regard to Urban Design Objectives in the Provision of Housing and includes advice on Design and Layout. The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards.

The **Design Manual for Urban Roads and Streets' (DMURS)** published by the Department of Environment, Community and Local Government in 2013 and updated in 2019 provides guidance in relation to street design and design of residential areas. The four key design principles are interconnected street networks, multi-functional streets, a pedestrian focus and a multi-disciplinary approach. In this regard it is required that residential areas be accessible from multiple points, that pedestrian barriers be avoided in layouts and that there will be no frontage free distributor roads, with long uninterrupted straights and high boundary walls. The provision of good pedestrian and vehicular permeability is a requirement. These design principles are also set out in the 'Urban Design Manual – A best Practice Guide' which is a companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'.

The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices), provides advice on how to minimise flood risk through the planning process. It distinguishes between the vulnerability of different types of development and three different flood zones A, B and C.

5.3. Meath County Development Plan 2013-2019

- Section 2.3.3: The former Town Development Plans for Navan, Trim and Kells are to be read as part of the County Development Plan pursuant to Section 11(c) of the Planning and Development Act 2000 as amended.

- Section 3.4.2: Navan is classified as a Large Growth Town 1, where the policy of the Development Plan is to promote economically active towns supporting the surrounding area and maximising their location on multi modal corridors. They also seek to support critical mass.
- Objective SS OBJ 8: To develop Navan and the Drogheda Environs as the primary development centres in Meath and to ensure that the settlements grow in a manner that is balanced, self-sufficient and supports a compact urban form and the integration of land use and transport.
- Section 4.1.1: To develop Navan Core Economic Area. Development objectives include: The significant intensification of employment opportunities in Navan to serve the large resident population is a strategic objective of the Development Plan.
- TRAN SP 6: To promote higher residential development densities within the Large Growth Towns I and II and Moderate Sustainable Growth Towns, as promoted by the Department of Environment Community and Local Government's 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' so as to support viable public transport services.
- Section 11.2: Guidelines for Residential Development. 11.2.1: Residential Density.

5.4. **Navan Development Plan 2009-2015 (as varied)**

Following the dissolution of all 3 Town Councils in May 2014, Navan and Trim Development Plan is now deemed to form part of the County Development Plan 2013-2019 and is still in force as per Section 11c of the Planning and Development Act 2000 (as amended).

Zoning Objectives:

Section 3.3 provides the Land Use Zoning Objectives, Table 4 refers.

Zoning Objectives A1 – Existing Residential and includes a small strip in the north eastern corner as F1 – Open Space apply to the appeal site.

The land to the north (graveyard) is zoned G1 – Community Infrastructure.

The land to the south is zoned A2 – New Residential (Phase II – Post 2019) and within the MP12 (masterplan area).

Chapter 3 sets out the Housing Strategy and relevant Policies and Objective includes the following policies relative to Residential Development:

POL 1 - To promote a high standard of design and layout in new residential developments with regard to the local character of the townscape and landscape.

POL 2 - To ensure that services and utilities in residential developments are provided concurrent with the construction of new dwellings.

POL 3 - To ensure that all new residential developments incorporate a detailed landscape plan, which shall be an integral part of the implementation of the development. Maximum use should be made of the opportunities presented by existing landscape features (including tree groups, hedgerows and streams).

Housing Strategy Policies include:

POL 1 - To ensure the provision of a suitable range of housing types and sizes to facilitate the changing demographic structure of modern society, and in particular, the increasing trend towards smaller household sizes.

POL 3 - To have regard to the “Quality Housing for Sustainable Communities” (DoEHLG 2007).

Objectives include - OBJ 7 - seeks to ensure that 16% of land zoned for residential development be made available for the provision of social and affordable housing.

POL 14 requires developers to comply with Part V of the Planning and Development Acts 200-2014, as amended and provides options.

Chapter 8 of the Original Navan Plan 2009-2015 provides the Development Management Guidelines & Standards and seeks to encourage the establishment and maintenance of sustainable residential communities within the County. This also notes the requirement for the submission of a Design Brief for developments such as that proposed:

To ensure that the key characteristics of the local context are taken into account from the outset;

To establish the overall form of the development, based on the density and layout of buildings and spaces;

To indicate how the layout of roads, streets and open spaces contribute to the spatial hierarchy, as well as linking the development to the rest of the vicinity;

To indicate how the quantitative and qualitative criteria, which inform the design have been adhered to.

Section 8.1.3 provides the Qualitative Criteria and Section 8.1.3 relates specifically to Houses and housing mix.

Section 8.2 provides the Residential Site Development Standards.

5.5. Natural Heritage Designations

The River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) are located approx. 200m north west of the appeal site. There are no other Natura 2000 sites within 15km of the proposed development.

5.6. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Third Party Appeals have been submitted by the following:

- Michael & Maree Flanagan
- Stephen & Rachel Flanagan

As these are local residents and owners of the adjoining local business they raise similar type concerns and for convenience are grouped together as below:

Issues and Procedures

- The owners of the adjoining property to the south west cannot find any reference on the submitted plans to the height of their roofline to that of the proposed adjacent building their home or to the aesthetic between their cottage and that of the proposed houses.
- They are concerned that they will find themselves on a landlocked plot of ground that cannot be accessed from the rear should they decide to make it available for development.
- They note that the laneway R34003 is their only means of access and are concerned about the impact of this proposal on their property and business.
- They refute the statement that the Applicants liaised with them regarding the application or boundary treatment.
- There was no discussion between the Applicants and themselves regarding the proposed layout adjacent to their property.

Design and Layout and Impact on the Character and Amenities of the Area

- They are concerned that the proposed density at 26 units per hectare is too high and not in character with the area.
- They are concerned about the height of the proposed boundary wall between the site and their property and impact on their property.
- They two storey houses will dwarf their properties and they request a 'Buffer zone' to ensure their long held privacy and daylight. Condition nos. 4 and 27 relate to them directly.
- They have regard to the Council's F.I request and consider that the proposed development would cause loss of privacy and have an overbearing impact on their property. They include photographs.
- It will have a negative and detrimental impact on their Business 'Boyne Garden Sheds' which uses the local access road – L34003, such that it may lead to closure and loss of 8no. jobs.

- They have designed the gardens around the sheds to suit the idyllic setting of the surrounds. The construction of this development adjacent to their display area has the potential to have a devastating impact on their sales.
- The proposed development will increase noise and environmental pollution and numbers of cars in the area.
- Boyne Garden Sheds is a small family run company. The proposal will impact adversely on their business and on property values.
- Anti-social behaviour may ensue, particularly relevant for Boyne Garden Sheds and the 12 houses with accesses along the laneway.
- It will set an undesirable precedent and should be refused.

Access and Roads

- They refer to the Safety Audit and consider that the proposed arrangement will obstruct the route to their business used by HGVs, lorries etc.
- The proposed amendments will obstruct the footpath and heavy good vehicles from accessing the manufacturing factory that is beyond the railway crossing gates.
- The proposed footpath on the western side of the railway will impact adversely on Boyne Garden Sheds factory beyond the level crossing and that of their neighbour's agricultural land across the farm lane.
- They also note that their factory unit and the agricultural land to the south of this road and the railway crossing can only be accessed via the L34003.
- They are concerned about Health and Safety issues relative to the proposed design and layout showing new residents accessing the lane, which is used to access their property and business.
- They consider that it may be necessary to access this row of houses from the main entrance. They cannot see why access should be off the lane for just 12no. houses when 2 entrances already exist for the site.
- They are concerned about the safety of resident's children walking down this access lane and public road to access the open space in the proposed development.

- They are concerned that construction works will impact adversely on their business operations at the end of the lane.
- Increase in traffic density and safety issues caused by this proposal will worsen heavy traffic already in this area and on the fast and busy Boyne Road.
- They note the absence of a cycle lane and that the road from the proposed development into Navan Town does not lend itself to the provision of a cycle path due to certain areas being too narrow.
- There is a need to get the infrastructure and facilities right on this side of town before further development takes place.

Other issues

- Prematurity relative to link roads, the railway crossing and the development of the Master Plan 12 area.
- There has been no provision of local amenities and facilities to accommodate the growing population in the area.
- It is becoming increasingly difficult for residents to access places for their children in local schools etc.
- The water mains now runs on the eastern side of the lane having been moved from the west side a year ago.
- All areas of infrastructure in the area, including but not limited to roads, water etc are already over capacity. The addition of a further 60no. houses will have a further detrimental effect.
- They are concerned that this proposal will impact adversely on local heritage.
- Also, that it will impact adversely on the environment of the area.

6.2. Applicant Response

The Planning Partnership's response on behalf of the First Party includes the following:

Design and Layout

- They refer to their Design Statement and contend that the Applicants have addressed the technical issues raised in the details submitted at application and further information stage.
- The density proposed is fully in accordance with the Navan Town Development Plan 2009-2015 incorporating Variation No.1 and with 'plan led' development in Variation No.2.
- It complies with Navan's status as a Sustainable Community to live and work and is adjacent to MP12 area and within walking distance of the town centre.
- The proposed development is consistent with the aims of Pillar 3 of Rebuilding Ireland.
- The proposal and density and area of communal and private open spaces complies with the residential zoning objective and is acceptable in principle.
- The proposed development is respectful of available 'Development Management standards' and is affording protection associated with neighbouring residential amenity considerations as listed and referred within the Navan Town Development Plan.

Impact of proposed development on Boyne Garden Sheds

- They note that the Appellant's are mainly concerned with two aspects of the business i.e manufacturing and sales.
- They submit that this proposal would not have a negative impact on the business concerns of Boyne Garden Sheds and that it is unreasonable to support a buffer zone on appropriately zoned residential lands.
- Also, that the existing business may now be inappropriately located and consideration may need to be given to alternative locations on appropriately zoned lands.

Conclusion

- While they acknowledge the submissions made they provide that the material planning considerations associated with the neighbour's respective concerns are accounted for with the land zoning and the documentation submitted.

- Meath County Council have judged the proposal compliant with zoning provisions, plan objectives and development management standards set out in the applicable Development Plan.
- They consider that the proposal is in line with the '*Pillars*' associated with *Rebuilding Ireland* and as accordingly associated with, delivering much needed housing supply.
- This ask the Board to consider this proposal favourably.

6.3. Planning Authority Response

Their response to the Third Party Appeals includes the following:

- The PA is satisfied that all matters outlined in the submission were considered in the course of their assessment of the planning application as detailed in the Planning Officer's Report.
- They note that the Roads Department and Water Services Section and Irish Water were all satisfied with the site servicing.
- An NIS was carried out by the applicant which recommended a number of mitigation measures to prevent any negative impact on the Natura 2000 site.
- They refer to density and they note the proposed development is zoned residential and they consider that it complies with national and local planning policy.
- They have regard to the proximity issue relative to Boyne Garden Sheds and provide that this matter was attended by way of condition no. 4.
- They ask the Board to uphold their decision and to grant permission for the proposed development.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The site with the exception of the single storey house (now proposed for demolition) appears as greenfield on the east side c. 1.5kms from Navan Town Centre. The Land Use Zoning Map which incorporates Variation No. 2 (made on July 19th 2017) of the Navan Development Plan 2009-2015 (as varied) shows the majority of the site within the A1 – Existing Residential Zoning where the objective is: *To protect and enhance the amenity of developed residential communities.*
- 7.1.2. As shown on the Zoning Map there is a small area in the north eastern corner of the site proximate to the grave yard and stream that runs alongside which is zoned F1 – Open Space i.e: *To provide for and improve open spaces for active and passive recreational amenities.* This area encompasses the riparian buffer relative to the stream that transverses this part of the site.
- 7.1.3. The land to the south on the opposite side of the railway line lies within the MP12 (masterplan) and is zoned A2- New Residential (Phase II – Post 2019). Section 3.1 notes the Vision for these Masterplan lands. These lands are as yet undeveloped. The Appellants unit, involved in the construction of Boyne Garden Sheds is located in a small area thereon to the south of the application site. The subject site is separated from these lands by the railway line and crossing at the end of the minor access road to the west. The comments of Iarnród Éireann relative to the southern boundary of the Scheme and of the OPW relative to the maintenance and retention of the riparian buffer to the watercourse to the north east of the site are noted.
- 7.1.4. The principle of the development is acceptable on these residentially zoned lands. The main issues under appeal relate to the density and scale of the proposal, design and layout, access and in particular relative to the use of the minor road to the west, and the impact on the operations of the adjoining business ‘Boyne Garden Sheds’. Environmental issues and the impact on the character and amenities of the area. The documentation submitted includes a NIS. These issues are considered further in the context of this assessment below.

7.2. Density issues

- 7.2.1. The area of the site is 2.67ha in size. As originally submitted the proposal was for 63no. units (amended to 61no. units as per the revised plans submitted). The Planning Report submitted with the application provides that this represents a density of 26 units per hectare if discounting the public open space associated with the designated open space zoning relative to the *riparian biodiversity corridor* to the east of the site and landscaping strip to the north of the site. It is noted that both of these areas are included within the red line application boundary of the site.
- 7.2.2. Other than the existing centrally located single storey dwelling, the subject site is largely greenfield. The proximate area is characterised by low density single storey development, such as Boyne Cottages to the west and the Third Party single storey dwelling to the south. The Appellants are concerned that the proposed density is too high and would be out of character with the area.
- 7.2.3. If the whole site area within the red boundary is included this would result in 23-25 units per hectare which is well below the 35-50 dwellings per hectare recommended for 'Outer Suburban/'Greenfield' sites in Section 5.11 of the *Sustainable Residential Development in Urban Areas Guidelines 2009*. This includes: *Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.*
- 7.2.4. It is of note that Section 6.11 of these Guidelines refers to Edge of Centre Sites where the emphasis is on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned and lower densities in the range of 20-35 dwellings per hectare maybe appropriate. However, it is not considered that this would apply to residentially zoned land within the Navan town boundaries. Regard is had to Section 1.4.3 of the Navan DP (as varied) and reference to the Core Strategy of the Meath CDP 2013-2019 where Table 2.4 illustrates the Av. Net Density Applicable unit/ha as 45 for Navan as a Large Growth Town 1 consistent with the Regional Planning Guidelines for the GDA.
- 7.2.5. The First Party consider that the proposed development represents an efficient use of lands and is appropriate to an infill site in this location. Their response provides that the density is fully in accordance with the Navan Development Plan 2009-2015

incorporating Variation Nos. 1 and 2, which suggests a maximum density of c. 30 units per hectare and a predicted delivery of 66 units on the subject site. Table 2A2 Residential/Mixed Residential Sites (Site F Boyne Road -zoned A1) in Navan DP refers. Table 2A4 of the plan includes the site (2.2ha – area referred to, which is less than that shown in the current application) within the Phase 1 development phasing. They also note that a plan led development with a density which reflects an area in transition between the lower density single sites on the Boyne Road and the proposed MP12 Masterplan Area adopted in July 2017 under Variation No. 2 of the Navan Town Development Plan. Details of this plan do not appear to have been formulated. It is noted that the proposed development is currently on an underutilised site and is similar to that of the housing estate to the east of the adjacent graveyard.

- 7.2.6. There is concern that the proposed development would impact adversely on the established residential character of the lower density area. That higher densities should be more appropriately considered on town centre sites and that there should be a sequential approach to development. However, relative to the sequential approach, it is noted that these lands are allocated as Phase 1 lands for development in the Navan DP 2009-2015 (as varied). Having regard to all these issues and the planning guidelines and objectives to support sustainable residential densities on zoned lands in urban areas, I would be concerned that the proposed density within the development boundaries of Navan, is too low. Also, that an efficient usage of zoned and serviced land and appropriate residential densities in compliance with the guidelines as noted above, would not be achieved.

7.3. **Design and Layout**

- 7.3.1. Regard is had to the design and layout of the proposed development as originally submitted. This shows the layout of the proposed 2 storey housing units consisting of a mixture of detached, semi-detached and terraced in this cul-de-sac development, with the primary area of open space centrally located and a side strip of open space on that part of the site zoned F1 – Open Space, proximate to the graveyard. It is proposed to provide 2 separate vehicular accesses, the main one relatively centrally located onto the Boyne Road (to serve 50no. units) and associated internal estate roads, and a secondary access via the existing L34003 local road (serving 13no.

units all with individual accesses to this road) with associated widening and improvement works.

- 7.3.2. The Council's F.I requested for some revisions to the layout which included to omit dwelling nos. 13 and 27 adjacent to this dwelling to the south and Boyne Garden Sheds and to incorporate the areas into the private garden areas of house nos. 12 and 26. They note the setback of the layout and provide that in view of its visibility from the Boyne Road, to omit House no.14 and to incorporate this area into the private garden of dwelling no. 15. Also, to show adequate separation distances between the dwelling units.
- 7.3.3. Revised Site Layout plans were submitted in response. Figure 1.1 includes a Residential Breakdown of the house types and notes that 61 houses are to be provided in total. Details are given of the Housing Schedule and breakdown of the unit types. It is provided that in summary the proposal provides a number of different house types, with variations on same. The proposed units provide a mixture of floor areas as noted in the details submitted, with the majority being 3 or 4 bed semi-detached, with a smaller no. of detached and terraced housing. While the houses are all two storey and of relatively similar style with minor variations it is provided that this represents a sustainable spread and mix of units.
- 7.3.4. The revised layout includes the omission of house nos. 13 and 27 and revised house types on plots 12 and 25. The scheme has been redesigned to present greater separation and reduced impact upon neighbouring residential and business occupiers at Boyne Garden Sheds. Amendments have been made to the layout and design of the scheme to present the required set back of the scheme from the road frontage (unit 14 originally shown has been set back in the revised scheme) to more closely align with the building line associated with units 46-53. Two no. units have been omitted and the net density is given as 25 units on a site of 2.67ha, based on a net site area of 2.4ha.
- 7.3.5. The Iarnród Éireann submission requests that no building shall be constructed within 4m of the boundary treatment on the applicant's site. This is to allow the applicant to maintain his/her building, without the need to enter Board Property. They provide that one house on the South East corner appears in breach of this. This appears to be dwelling no. 61. This dwelling at the rear of the site was omitted by Condition no.5

of the Council's permission. This further reduces the no. of units on site to 60 i.e with a net density (based on a site of 2.4 ha) of 25units.

- 7.3.6. Additionally, Condition no. 4 of the Council's permission tries to address the Third Party concerns relative to the redesigned houses on plot no. 12 and 25 being detrimental to the adjoining property Boyne Garden Sheds. This condition either recommends the omission of these units (which would reduce the scheme to 58no. units) or the redesign of these to single storey. If the Board decides to permit I would suggest the latter. Otherwise the proposal would be reduced from 60 to 58 no. units which would further reduce the overall density of the scheme, which is well below the guidelines for residential density on greenfield sites on zoned lands in larger towns.
- 7.3.7. In response to the Council's F.I request the Applicants provide that they have taken full cognisance of the submissions for both Iarnród Éireann and Boyne Garden Sheds in respect of amendments to boundary treatment. They also note that they have confirmed in consultation with CIE that there are no constraints to the development and workable solutions are available on grant of permission.
- 7.3.8. The houses are to be designed to a high level of energy efficiency to take account of a changing climate condition. They note that the ability to extend without affecting the character of house type layouts or open space has been fully taken into account in the design of all the houses. Each house has an area of private outdoor space in accordance with development plan standards, and all houses are to be dual aspect. It is provided that adequate separation distances have been provided. The external finishes proposed are brick, or plaster render with blue/black slate or tile roof to be in character with other housing estates in the general area. If the Board decides to permit it is recommended that there be conditions regarding external finishes.
- 7.3.9. On site carparking is to be provided for 2no. cars within the curtilage of the sites. A total of 126 on site spaces are to be provided, in accordance with standards. 42no. cycle parking spaces are to be provided. Regard is had further to access and roads in the appropriate section below.

7.4. Open Space and Landscaping

- 7.4.1. It is noted that there are two large communal areas of open space shown within the proposed layout. The principal one (2474sq.m) being centralised and assessable to

the main part of the scheme and where good passive surveillance will occur and its role is to act as a communal focus to the entire development area. The applicants provide that the second communal open space area (1304.8sq.m) to the east of the proposal acts as an additional buffer to the cemetery and neighbouring lands and allows for passive surveillance. They provide that the remaining open space area i.e. the narrow linear strip shown 657sqm along the Boyne Road frontage is not included in the calculation of open space, which I would consider reasonable. It is also of note that a revised Landscape Masterplan to take account of the relatively minor amendments to the Site Layout Plan has been submitted as part of the F.I response.

- 7.4.2. The Planning Report submitted with the application provides details of the open spaces on site. This notes that the site includes the zoned open space lands providing the riparian corridor area, with an element of protection of the area, which they proposed to be enclosed and fenced for safety reasons and to allow less disturbance to the incumbent flora and fauna included within same.
- 7.4.3. However, I would have some issues with the open space distribution and linkages. Firstly, it is questionable as to whether the area/strip along the eastern boundary should be included within the open space calculation for the residential scheme when this land is already shown zoned F1- Open Space in the Navan DP. As per the revisions made at F.I stage, the large central area of open space is accessible to the 49 no. houses accessed via the Boyne Road entrance. However, it is not easily accessible to the proposed houses within the scheme with individual entrances onto the minor road to the west. The Third Parties are concerned including on health and safety grounds, that these 12no. houses will be occupied by residents with children and their only means of access to the designated green area within the scheme would be to walk down the L34003 and around the outskirts of the estate i.e along the busy Boyne Road to gain entry at the main entrance. Having regard to the Site Layout Plans this would appear to be the case. Therefore, I would question whether the distribution and linkages to the public open space is optimum in that it should ideally be appropriately located to serve all the residents.
- 7.4.4. Relative to the strip of open space to the east side, the Applicants in consultation with the OPW have confirmed that a 10m area running parallel with the drainage channel is to be kept free from development. The F.I response notes that this 10m area free from development has been integrated within the design from the outset

(as shown on the site layout plan submitted) and as such no housing or ancillary private open space area interferes with this access provision. They note the requirements of the OPW to leave this area free from any planned planting. The Landscape Plan confirms that an Irish wildflower seed mixture will be utilised. Also, that this area separated from the housing scheme would provide as informal open space area with tree clusters to the west acting as a transition from the OPW Channel and forming a Riparian Biodiversity Channel.

- 7.4.5. Regard is also had to boundary treatment both hard and soft. Note is had in particular of proposals for the southern boundary relative to the proximity of the railway line and to the concerns of the Third Parties regarding the impact on their residential amenity and Boyne Garden Sheds. There are trees and shrubs along the north eastern boundary which serve to screen the graveyard and along the rear southern boundary with the railway that provide screening and in the interests of biodiversity these should be preserved. If the Board decides to permit the trees and hedgerows along the western boundary with the local road will be removed. In this event, it is recommended that it be conditioned that the landscaping plan submitted at F.I stage, be implemented and that the trees along the eastern and southern boundaries of the site be retained. Also, that details of all boundary treatment (hard/soft) and public lighting within the scheme be submitted for the written agreement of the Planning Authority.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. The Planning Statement submitted with the application presents the planning rationale for the proposed 63no. residential unit scheme (as originally submitted) to form a sustainable community, the associated design rationale, increase the supply of housing availability and associated Part V social housing units.
- 7.5.2. It is of note that a Social Infrastructure Assessment has been submitted with the application regarding Accessible Local Services. It is provided that this has reviewed the site and its context being proximate to the town centre and being adjacent to Masterplan Area 12, which will extend accessible facilities and along with road network and associated walking and cycle routes. They note the distance of schools from the site. Regard is also given to various community centres in the area. It is

noted that a Phasing Plan has been submitted, showing the proposal to be constructed in three phases with phase 2 closest to the western access road.

- 7.5.3. The Third Party are concerned about the impact on their adjoining single storey residence to the south which has 3no. side windows facing the site and request that a buffer zone be established. If dwelling nos.12 and 25 are removed as per condition no. 4 of the Council's permission, they provide that the boundary/buffer between the development and Boyne Garden Sheds will not be sufficiently increased.
- 7.5.4. They consider that the proposed development would have an adverse and detrimental impact on their business 'Boyne Garden Sheds' and on the narrow tree lined access road L-34003, to the west of the site, with access to the Boyne Road. They are concerned that during construction works this the only road to their business, would be disrupted with building works and machinery. This is a surfaced road that terminates at the gate to the level crossing (Navan /Drogheda line - trains for Tara Mines). The owners of Boyne Garden Sheds have access to open these gates as the entrance to their factory is on the opposite side of the railway line. The only vehicular access to their factory unit and to agricultural lands is via this narrow access road. They are concerned that 12no. houses proposed with separate vehicular accesses to this road will impact adversely on the operations of their business 'Boyne Garden Sheds'. These include relative to health and safety with heavy vehicles at times using this access road, enroute to and from their business and the associated factory unit. It is also noted that there are some existing residential properties with individual access to the opposite side of this road.
- 7.5.5. While the First Party refer to the revisions made including the omission of plot nos. 13 and 27 and change of house types on plot nos. 12 and 25 and submit that the proposed development would not have a negative impact on the business concerns of Boyne Garden Sheds, they submit that it is unreasonable for this business to expect that a substantial buffer should be retained around the site to facilitate this business. This would potentially represent the inefficient use of urban lands. They suggest that such a business might be better located on appropriately zoned lands.
- 7.5.6. There is concern that the proposed development would result in a relatively mediocre standard type housing development. The issue is whether it is appropriate or desirable in view of more recent planning guidelines and standards to continue

this relatively homogeneous form of development and lower density trend or to envisage an opportunity to create a new and more innovative scheme with increased density and variation in unit mix, heights and layout on what is a sizable site. I would consider that there is an opportunity for a more efficient use of residentially zoned land in a revised layout with a more accessible and usable distribution of public open space, greater variety in unit type, building heights, linkages etc. This would, however, result in a different scheme and would have to be pursued in the context of a new application.

7.6. Archaeology

- 7.6.1. An Archaeological Desktop Assessment Report has been submitted. This has regard to archaeology in the general area and notes that there are three recorded monuments (RMP) in the vicinity of the proposed development site. A cist (ME025-028) and an enclosure (ME025-053) were recorded in the townland of Faganstown and Ballymacon approx. 150m to the north east of the proposed development site. Archaeological monitoring and excavation (01E0534 & 01E0535) associated with Navan to mid-Meath water supply scheme was undertaken on the northern side of the River Boyne. Some miscellaneous archaeological features and flint artefacts were recorded (ME025-61).
- 7.6.2. It is provided that there will be no direct impact on the archaeological or architectural sites in the vicinity of the proposed development site. There will be direct impact on the Mill Stream which forms the NE boundary of the site as the stream will be edged with a post and rail fence. The proposed development is however, located some 200m to the south of the River Boyne, which is defined as a zone of archaeological importance in the Navan DP 2009-2015.
- 7.6.3. Local residents are concerned that the remnants of a historic wall (dating back to 1840) would be destroyed if permission were granted.
- 7.6.4. It is recommended that a programme of archaeological testing is undertaken in advance of commencement of development because of the location of the proposed development site on the banks of the River Boyne. The key issues from the Archaeological Assessment are that there are no direct impacts on proximate

archaeological sites and trial testing is recommended in advance of commencement due to the proximity of the River Boyne.

- 7.6.5. The Department of Culture, Heritage and the Gaeltacht note the scale of the site, the archaeology in the proximate area and recommend pre-testing conditions. Should the Board decide to permit I would recommend that an archaeological monitoring condition be included.

7.7. Access and Traffic

- 7.7.1. As shown on the Site Layout Plans originally submitted it is proposed that the main access will be located on the Boyne Road (to serve 50no. houses) with a secondary access via the L34003 Local Road (to serve 13no. houses) to facilitate individual curtilage accesses for the units on the western boundary. The Third Parties concerns are noted about the lack of infrastructure/inadequate road network in the area to facilitate the proposed development without a detrimental impact on their business and on traffic/congestion in the area.
- 7.7.2. A Traffic and Transport Assessment has been submitted with the application. The main objective of this report is to examine the traffic impact of the proposed development and its access arrangements on the local area road network. The net change in traffic on the network due to additional traffic has been calculated and its impact on the local area road network has been determined. The results of traffic surveys are set out in Appendix A of this Report.
- 7.7.3. The main entrance proposed is to the Boyne Road which is described in the TTA as being a two-way single carriageway approx. 6.2m wide. It forms a priority controlled junction with the R153 Kentstown Road to the west. A footpath is located on the northern (opposite) side of the Boyne Road. There is currently no footpath along the site frontage. There are no cycle lanes on the Boyne Road. Details of public transport and cycle networks in the Navan area are given. The internal layout shows pedestrian linkages within the site. The posted speed limit of the Boyne Road along the site frontage is 50kph. This increases to 60kph to the north of the site.
- 7.7.4. Currently the L34003 is a narrow tree lined access road c.3.5m wide to agricultural land and the Appellant's business to the south. It forms a priority controlled junction with the Boyne Road to the north. It has a gated crossing over the Navan-Kingscourt

Railway line. There are no posted speed limits on this road but the TTA provides that based on its nature a speed of 50km/h is in operation. There is currently no footpath or cycle lanes along this road.

- 7.7.5. The Planning Report submitted with the application provides that the proposal greatly enhances linkage to and from existing residential, future masterplan area residential and mixed-use development both in and out of the Town. It is provided that upon agreement with the Council provision has been made for the upgrade of the L34003 Local Road to connect into the future local distributor road as indicated in Frameworks Plan 2 (renamed as MP12 in Variation no. 2 of the Navan DP 2009-2015). However, having regard to the Site Layout Plan submitted and the lack of details relative to MP12 it is difficult to envisage how such linkages will occur. Another issue that has been raised is that the proposed link road between the Kentstown Road and the Boyne Road has not commenced. It is provided that the proposed development is partially designed to work with the proposed Navan Master Plan 12, however there is no indication as to where linkages or roads are to be constructed to cross the railway line. It could be considered that in this respect that this development is premature in the absence of MP12. However, alternatively, it could be considered that this is a stand-alone site on appropriately zoned residential lands adjacent to but not within the masterplan area.
- 7.7.6. Section 4 of the TTA refers to Traffic Generation and Distribution and includes regard to traffic modelling. Section 5 provides the Methodology to assess the Highway Impact. This includes Junction Capacity Analysis. The overall analysis indicates that the local road network as tested does not exhibit peak time congestion. The TTA notes that the traffic generation would be typical for the characteristics of the given urban environment. The results of the junction analysis undertaken demonstrates that traffic from the proposed development can be accommodated on the surrounding road network having regard to the prevailing road conditions and development location. Also, that the TTA has confirmed that the proposed access arrangements would adequately accommodate anticipated levels of traffic generated by the development and would have no material adverse impact on the operation of all junctions modelled.
- 7.7.7. A Stage 1 Road Safety Audit has been submitted with the application. Problems and Recommendations relative to safety measures are outlined in Section 3 of the

Report. This includes relative to footpaths and crossing points. The Third Parties consider that the proposed arrangement will not be suitable for the residents looking to access their homes and will obstruct heavy goods vehicles from accessing the manufacturing factory that is beyond the railway gates. As per Section 3.12 Problem of the P.M.C.E Road Safety Audit, they have some concerns over the amendments planned to road L34003. They require access for HGV's, 40ft lorries and container lorries to deliver their components and supplies and consider that this proposed arrangement obstructs their path.

- 7.7.8. The Council's Transportation Section notes that the turning bay proposed off the L-34003 access route which runs along the western side of the site, does not comply with requirements and obstructed sightlines to the west of this road. They recommended that the red line boundary be adjusted to include these works. Also, a swept path analysis for the refuse truck, clarification regarding cycle paths and boundary treatment and that revised drawings be submitted.
- 7.7.9. Revisions have been made to the site layout in response to the Council's F.I request relative to the internal road network, turning areas, cycle lanes/footpaths etc. The red line boundary has been amended to allow for enabling works to include cycle paths and to remove obstructions from visibility splays. The Council's Transportation Section provides that the applicant appears to have addressed the transportation issues raised at F.I stage. They recommend that the applicant carry out the sightline improvement works prior to any other works starting on site. That they complete the entire footpath and cyclepath along the Boyne Road, L-3400, as shown on the plans prior to the occupation of any dwelling in the development. Also, that they complete the road widening and footpaths on the L3400 prior to the occupation of any dwelling in phase 2.
- 7.7.10. While the TTA provides that the proposal conforms with section 4.3.1 of DMURS relative to footpaths, it also provides that where applicable the proposed development is fully compliant with DMURS. However, regard is had to section 3.4 relative to permeable layouts. I would be concerned about the lack of linkages in the the cul de sac nature of the proposed development, plus a lack of integration in the scheme considering all the individual entrances onto the L34003, which are not linked to the internal road networks and as noted above this access road does not operate as a residential cul-de-sac road. I would consider that a more integrated

scheme in accordance with DMURS with improved linkages and less individual accesses to the minor road would be preferable.

7.8. Development Contributions

- 7.8.1. The Planner's Report noted that development shall be applied in accordance with the Development Contributions Scheme 2016-2021 as amended. Their breakdown of the relevant contributions is based on 60no. units.
- 7.8.2. The Council's Transportation Section recommends that the applicant pay a special levy of €30,0000 towards the cost of providing pedestrian crossing facilities to serve the development. This is provided for in Condition no.34 of the Council's permission.
- 7.8.3. It is recommended that if the Board decides to permit that development contributions conditions and the special levy be included.

7.9. Drainage issues

- 7.9.1. An Engineering Planning Report has been submitted with the application and regard is also had to the drainage drawings submitted. It is proposed to connect to the foul sewer located along the Old Boyne Road, adjacent to the northern boundary of the property. Details are given of proposed foul water discharge and it is provided that the foul sewer network has adequate capacity to cater for the proposed effluent discharge from the subject site and there are no known issues noted with the sewer reticulation network.
- 7.9.2. It is noted that the Council's record drawings (refer Appendix C) have not indicated any surface water drainage along Old Boyne Road, adjacent to the eastern boundary of the property. They note that the existing surface water sewer reticulation in this location appears to be collecting into the existing gully's located on the Old Boyne Road along the site frontage.
- 7.9.3. It is provided that storm water drainage proposals for the site have been designed in accordance with the GDSDS and incorporate on-site storm water attenuation. Details are given of the proposed surface water drainage network, the use of SuDS and attenuation systems. They refer to the existing water main network and note

proposed connections and that there is adequate capacity within the network to supply the proposed development.

- 7.9.4. Revisions to drainage design infrastructure have been submitted in response to the Council's F.I request. The Council's Water Services Planning Report recommends that planning permission be refused for the proposed dwelling on Site 61, as this site encroaches on the 10m maintenance strip required by MCC Water Services along the water course which runs along the north of the easterly boundary. Condition no. 5 of the Council's permission has been noted relative to no. 61 and the Iarnóid Éireann comments above. They recommend an alternative boundary treatment to the access to the water course which does not restrict access to the water course to be agreed with MCC services. They provide that the remainder of the development as proposed meets the requirements of MCC Water Services Section with respect to the orderly collection, treatment and disposal of surface water. They recommend a number of conditions. If the Board decides to permit it is recommended that appropriate drainage conditions be included.

7.10. Construction and Environmental Management

- 7.10.1. It is provided that during construction stage water pollution will be minimised by the implementation of good construction practices. This includes that the proximity of the site to streams, aquifers and water abstractions; potential sources, pathways and impacts of pollution; and the historical uses of the site and nearby areas should be examined early in project planning and design, to ensure that suitable redesign and mitigation measures are undertaken as necessary. During operational phase the sources of pollution that could potentially have an effect on surface or groundwater will be oil and fuel leaks for parked cars, service vehicles, HGV delivery's etc. Section 4.3 provides the mitigation measures including construction management to incorporate protection measures to minimise as far as possible the risk of spillage that could lead to surface and groundwater contamination.
- 7.10.2. All appropriate measures must be utilised to ensure that surface water arising during the course of construction activities will contain minimum sediment, prior to the ultimate discharge to the existing watercourse. Storm water attenuation measures will be incorporated into the scheme. Best practice in design and construction are to

be employed for the installation of surface water and sanitary drainage. They are proposing to maintain existing on-site levels as far as is practical and they provide details of this.

7.10.3. The Third Party are concerned that should the development proceed that access to their business not be obstructed for the duration of the build. An Outline Construction and Environmental Management Plan (CEMP) and an Outline Waste Management Plan & Project Construction and Demolition Waste Management Plan have been submitted with the application. It is recommended that if the Board decide to grant permission that appropriate conditions relative to these issues be included.

7.11. Flood Risk

7.11.1. The majority of the site is greenfield. It is provided that there are no known instances of flooding having taken place on this site (Appendix D provides CFRAMS Mapping for the area). A small section of the subject site along the eastern site boundary is located in a Flood Risk Zone in the OPW PFRA Mapping, Strategic Flood Risk Assessment for County Meath carried out for the Meath CDP 2013-2019. The OPW note that the channel C1/6 runs through the site. They request details to ensure this channel is maintained and to carry out regular maintenance to assist in the prevention of flooding. It is noted that the revised plans show a 10m Riparian Buffer to Watercourse.

7.11.2. Irish Fisheries seek to ensure that the proposed wastewater pipeline that will be conveying wastewater Navan Wastewater Treatment Plant is fit for purpose. If not, they provide that upgrade works should be carried out as part of this development. They welcome the adaption of the IFI's Guideline document (*Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters*) as part of the proposed good work practice. It is noted however, that this is dealt with under separate remit.

7.11.3. The Water Services Section of the Council recommend that the finished floor levels are at least 500mm above the maximum adjacent river level and top water level in the onsite drainage system. It is recommended that if the Board decide to permit that this be conditioned.

8.0 Appropriate Assessment

8.1. AA Screening – Stage 1

- 8.1.1. An AA Screening Report and a Natura Impact Statement by SLR Consulting prepared by their Ecologists have been submitted with the planning application. Details are provided of a desk study that was carried out to collate information available on Natura 2000 sites within the potential zone of influence of the proposed works. This provides a detailed description of development. This notes that a topographical survey carried out, has indicated two runs of surface water, one heading in an easterly direction, potentially connecting into the tributary which discharges into the River Boyne and the other heading in a westerly direction, which then connects into the local infrastructure network.
- 8.1.2. This includes that the construction management of the project will incorporate protection measures as detailed in the CDMP to minimise the risk of incidents, that could lead to surface and ground water contamination or other negative effects on the receiving environment. It is proposed that the development once constructed will discharge foul water into the local foul sewer network, which has been determined has adequate capacity to cater for the increased loading. Also, that there is adequate capacity within the existing watermain network to supply the proposed development.
- 8.1.3. Permeable paving will be used in the driveway of the respective units to accommodate run -off from all hardstanding elements. Road gullies will drain all water off the road network and will be connected into the surface water network. The surface water from the development will discharge to the Ferganstown and Ballymacon stream in the south-western corner after passing through two attenuation tanks and a hydrocarbon interceptor prior to entering the stream.
- 8.1.4. Section 6 of the Screening Report identifies the potential zone of influence of the proposed development and provides information on the Natura 2000 sites within this zone of influence and sets out the potential impacts and effects and the likelihood of significant effects using the supporting information available on the NPWS website.
- 8.1.5. It is noted that the closest Natura 2000 sites are the River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299). The qualifying

interests/special conservation interests of the designated sites referenced above, are summarised as follows:

Natura 2000 site	Distance	Features of Interest	Conservation objectives
River Boyne and River Blackwater SAC002299	ca. 110m north-west	Alkaline Fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> River Lamprey <i>Lampetra fluviatilis</i> Salmon <i>Salmo solar</i> Priority Habitat	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
River Boyne and River Blackwater SPA 04232	ca. 170m north-west	Kingfisher <i>Alcedo atthis</i>	To maintain or restore the favourable conservation condition of the bird species listed as a Special Conservation Interests for this SPA.

The report is prepared following the Source – Pathway – Receptor model. The potential impacts are summarised as below.

River Boyne and River Blackwater SAC 002299

- 8.1.6. It is provided that there is no potential for direct habitat loss with the SAC as a result of the proposed development. Direct effects on species listed as features of interest area similarly unlikely due to the location of the site relative to the SAC.
- 8.1.7. It is noted that there is a watercourse (Ferganstown and Ballymacon stream) flows along the eastern boundary which presents a direct hydrological link to the River Boyne. This stream flows to the SAC ca.130 downstream of the site. Salmon, lamprey and otter have all been recorded previously in this area of the River Boyne. It is possible that these species may occur within the stream within the site. The Screening Report provides that it is possible that these species may be indirectly affected by the proposed development as a result of emissions of suspended solids

and pollutants to this stream during the construction and operation of the housing development. Emissions of suspended solids or pollutants may result in effects downstream of the site such as reduction in water quality and a subsequent reduction in prey availability.

- 8.1.8. There is also potential for disturbance of otter during the construction phase of the development due to the increased noise and activity. It is provided that the disturbance and possible displacement would be temporary as once the construction has been completed the noise levels will revert to levels typically associated with urban areas.

River Boyne and River Blackwater SPA (004232)

- 8.1.9. The Screening Report provides that there is no potential for direct impacts on this SPA, such as through habitat loss, as the SPA is ca. 170m north west of the Site. Also, that there will be no direct effect on the feature of interest, kingfisher, of the River Boyne and River Blackwater SPA. Reference is made again to the Ferganstown and Ballymacon stream which flows to the SPA ca. 200m downstream of the Site and along its eastern boundary. Kingfisher may be indirectly affected by the proposed development as a result of emissions of suspended solids and pollutants to this stream during the construction and operation of the housing development. Emissions of suspended solids or pollutants may result in effects downstream of the site such as reduction in water quality and a subsequent reduction in prey availability.

Cumulative impacts

- 8.1.10. This notes that the planning applications in the immediate area of the Site consisted of house extensions, one-off housing, extension of duration for developments and a foul pumping state. It is not considered likely that these projects could act in combination with the proposed works to result in cumulative effects on Natura 2000 sites.

Likelihood of Significant Effects on Natura 2000 sites

- 8.1.11. The Screening Report provides that it is considered that there is potential for effects on features of interest of the River Boyne and River Blackwater SAC (002299) and SPA (004232) as a result of the proposed housing development at Boyne Road,

Navan. The significance of the effects on the Natura 2000 sites is uncertain and it is provided that therefore the proposed development should progress to the second stage of the AA process to determine if adverse effects on the integrity of the Natura 2000 sites are likely.

8.2. Stage 2 – Appropriate Assessment

- 8.2.1. Section 7 of the Report provides the Natura Impact Statement. This sets out the potential effects of the proposed works (whether alone or in combination with other projects or plans) on the integrity of the River Boyne and River Blackwater SAC and SPA with respect to the conservation objectives of the sites and to their structure and function. The focus is on demonstrating with supporting evidence that there will be no adverse effects on the integrity of this Natura 2000 sites. Where this is not the case, adverse effects must be assumed.
- 8.2.2. The proposed development will discharge surface water to the stream during the construction and operational phases of the development. The elements of the project likely to give rise to significant effects are the management of surface water during construction and operation and increased noise and human activity during construction. Discharge of surface water has the potential to cause the release of suspended solids and pollutants into the watercourse which can travel and settle downstream.
- 8.2.3. It is provided that the proposed development has the potential to affect the following features of interest of the River Boyne and River Blackwater SAC: River Lamprey, Salmon and Otter. Also, the proposed development site has potential to affect the Kingfisher as a feature of interest of the River Boyne and River Blackwater SPA. While it is considered that the risk of effects to these species is relatively low given the scale of the works it cannot be entirely excluded and the significance of such effects are uncertain.
- 8.2.4. It is provided that the construction of the housing development, along with all ancillary works, in close proximity to the Ferganstown and Ballymacon stream has the potential to result in deterioration of water quality for both the aforementioned Natura 2000 sites. They have regard to a survey of juvenile lamprey populations (2006) in the Boyne catchment determined that the lower Boyne between Navan and

Drogheda, had a favourable conservation status for lamprey populations and habitats in this section of the River Boyne SAC and SPA. There is potential for suspended solids discharged to the stream to be deposited in the River Boyne downstream of the site. Deposition of this material in gravel area that may be used as lamprey spawning grounds would reduce their stability.

- 8.2.5. It is noted that a survey (2013) recorded low numbers of tagged salmon in the area where the Ferganstown and Ballymacon stream joins the main body of the River Boyne. Salmon requires areas of clean gravel substrates in rivers during the productive and nursery phases of their lifestyle. The potential release of suspended solids as a result of the proposed construction works may result in deposition in areas of gravel downstream of the Site that are used by Atlantic salmon. They require very good water quality and the release of suspended solids and other pollutants during the construction and operational phases of the proposed development has the potential to reduce water quality within the SAC.
- 8.2.6. There are also concerns about indirect effects on the kingfisher should water quality within the River Boyne deteriorate as a result. The reduction in water quality could affect the abundance and availability of its prey species such as minnows. Concerns relative to the impact of construction works on breeding of these species and their prey or aquatic vegetation are also noted.
- 8.2.7. Disturbance during construction phase may affect otter using the stream for foraging and commuting. Otter may avoid using the area of the stream due to disturbance and this may have a temporary barrier effect that results in an area of their territory being unavailable during construction works.
- 8.2.8. It is provided that this proposal may cause negative effects on features of interest of both Natura 2000 sites, such as lamprey, salmon, otter and kingfisher. The effect caused by the proposed works may undermine the conservation objectives for each of these species through the reduction of water quality and the possible effects this may have on the availability and abundance of food sources. In addition, otter may be affected by the temporary increase in disturbance during construction. The integrity of the SAC is likely to be affected if the proposed development undermines the conservation objective for these species by reduction in their conservation status as set out in the NPWS supporting documents for each Natura 2000 site.

8.3. Mitigation Measures

8.3.1. Measures integral to the construction of the project include adherence to current standards for construction works and implementation of good working practices. This includes responsibility for ensuring all mitigation measures set out in this document, in the CEMP and any site specific method statements are fully and correctly implemented. Section 7.21 of the NIS outlines the CEMP that is to be implemented on Site during works. In summary this includes the following environmental protection measures:

- Sediment barriers will be installed to protect the Ferganstown and Ballymacon stream prior to commencement of enabling works and details are given of such.
- There will be no direct discharge to the watercourse at any time during the construction phase. This includes regard to surface water attenuation tanks. Petrol/oil interceptors and hydrobrakes etc.
- The proposed buffer zone behind the fencing along the watercourse will remain untouched during construction with all natural vegetation left intact.
- They provide details of the operations of the surface water management system once operational and note it includes features such as silt traps to capture sediments from the surface water before its discharge to the stream. This system to be maintained throughout the lifetime of the project to ensure its functionality.
- They provide details relative to the construction works of transferral and storage of materials.
- All equipment and machinery will be checked for leaks and other potential sources of contaminants before arriving on Site and on a daily basis.
- There is to be no refuelling of machines within 15m of the watercourse.

8.3.2. It is provided that the environmental measure as set out will ensure that suspended solids or other pollutants will not be discharged to the stream during construction and that there will be no effect on the water quality downstream of the Site.

- 8.3.3. The watercourse is to be fenced and this fencing is to be retained for the lifetime of the development to protect the open space/stream side embankment at northern end of the Site. The retention of the watercourse and associated riparian area during operational phase is to allow for species such as otter that may commute and forage along the stream to continue doing so. The planting of native trees and shrubs will provide cover for otter using the stream in addition to screening the stream from view and providing a natural barrier to human activity and noise.
- 8.3.4. The NIS concludes that the mitigation measures outlined in this report, if fully implemented, are considered to be sufficient to prevent any effect on features of interest of the River Boyne and River Blackwater SAC and SPA. It is therefore considered that, there will be no adverse effects on the integrity of these Natura 2000 sites as a result of the proposed development.

8.4. Response to Council's concerns

- 8.4.1. The Planning Authority considered the Screening Report/NIS as insufficient in detail and does not adequately address the hydrological link with the River Boyne Natura site, the 'in-combination' impacts of the proposal and the mitigation measures required and how they will be integrated into the design and layout and landscaping of the proposed development. The applicant was advised to submit detailed further information in the form of a Stage 2 NIS.
- 8.4.2. In response to the Council's F.I request the Applicants note that Ecologists SLR (Environmental) Consulting prepared both AA Screening Statement (Stage 1) and an NIS (Stage 2) for the planning application as part of the package of documents associated with the planning application.
- 8.4.3. They provide that the Applicants have considered, presented and approached the application in an ecologically and environmentally responsible manner with qualified ecologists *SLR (Environmental) Consulting* preparing Stage 1 and Stage 2 AA and integrated with a submitted Construction Environmental Management Plan (CEMP).
- 8.4.4. They provide a detailed response to the issues raised by the Council. They note that the mitigation measures are fully integrated into the design and layout. These are proven environmental protection measures accepted as standard good working practice on construction sites and during operation of developments. The measures

to protect the Ferganstown and Ballymacon stream are to be implemented prior to commencement of enabling works. They provide that monitoring is not necessary as the mitigation measure proposed are standard accepted environmental protection measures that are applied on site during construction. Also, that surveys are not deemed necessary due to the nature of the proposed development, the location outside the SAC and the potential effects arising from the development the risk of adverse effects on the integrity of the SAC were deemed low.

- 8.4.5. It is noted that the Council's Water Services Section recommends that the proposed boundary treatment that restricts access to the watercourse which runs along the north easterly boundary be omitted. They provide that an alternative boundary treatment which does not restrict access to the water course should be agreed with the Council.
- 8.4.6. In addition it is noted that Irish Fisheries requested that all works and remedial measures are carried out as per the Appropriate Assessment (AA) Report, Natura Impact Statement (NIS) and the Outline Construction and Environmental Management Plan (CEMP) in order to protect local waters such as the River Boyne and its Ferganstown/Ballymacon tributary which flows through the eastern corner of the site.
- 8.4.7. The Planner's response to the F.I report notes the Applicant's response and the has regard to the details provided in the NIS. They note that subject to the proposal implementing all of the mitigation measures detailed in the NIS submitted and the CEMP it is not considered that the proposal will impact on the Natura 2000 site. Also, that the 10 metre OPW buffer zone along the stream along with the silt traps will prevent any material from entering the stream. They recommend that a condition that all mitigation measure detailed in the NIS are implemented should be attached to any grant of permission Condition no.8 relates.
- 8.4.8. The Planning Authority's Screening for AA and assessment of the NIS has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans and developments in the vicinity would not be likely to have a significant effect on European sites. They concluded that the proposed development (entire project), by itself or in combination with other

plans and developments in the vicinity, would not be likely to have a significant effect on a European Site. Also, that mitigation measures are outlined in the NIS to prevent any impact on the integrity of any of the relevant Natura 2000 sites. They considered that this element of the F.I request has been addressed. It is also noted that the revised Public Notices included reference to the planning application being accompanied by a NIS.

8.5. Conclusion regarding AA

8.5.1. Having regard to all of the above and having examined the information before me, I am satisfied that the mitigation measures to be put in place, which are essentially best practice construction measures integral to the project, will ensure that the conservation objectives and integrity of the Natura 2000 sites identified above and that they will not be adversely affected by construction-related surface water discharges from the proposed development. I consider that the proposed measures are clearly described, are reasonable, practical and enforceable. I also consider that they fully address the potential impacts arising from the proposed development such that it will not give rise to significant impacts either alone or in combination with other potential impact sources. 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 two relevant European sites, in view of their Conservation Objectives.

9.0 Recommendation

9.1. I recommend that permission be refused for the reasons and considerations below.

10.0 Reasons and Considerations

1. The proposed development by reason of its form and layout and its predominance of three and four bedroom houses would result in a low density development that lacks variety and innovation, within residentially zoned land in the development boundaries of Navan, contrary to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in

Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009. It is considered that the development as proposed results in a poor design concept that results in a lack of integration and connectivity to the open space in particular for the 12 number units fronting onto the local road (L34003) and a lack of permeability for pedestrians and cyclists. Also, that the proposed scheme would be contrary to the provisions of “Project Ireland 2040 - National Planning Framework” issued by the Department of Housing, Planning and Local Government (2018) and the “Design Manual for Urban Roads and Streets”(2019). The proposed development would represent an inefficient and unsustainable use of serviced, zoned land and would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

11th of October 2019