



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306021-19

Strategic Housing Development

544 no dwellings, 2 no crèches, open space and associated works.

Location

Lands at Belmont, Academy Street, Navan, Co Meath.

Planning Authority

Meath County Council

Applicant

Coindale Ltd.

Prescribed Bodies

1. Irish Water,
2. Transport Infrastructure Ireland,
3. Department of Culture, heritage and the Gaeltacht.

Observer(s)

1. Alice Clynch,
2. Des Lane,

3. Geraldine & William Murphy & Others,
4. Jill Murray,
5. Limekiln Hall Residents Association,
6. Royal County Agri Service.

Date of Site Inspection

07th of February 2020.

Inspector

Karen Hamilton

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The following site description has been extracted from a previous Inspectors Report on the site, which adequately describes the site context:

2.2. *The site, which is c. 14.9 hectares in area, is in Navan, Co. Meath. It is located to the south of Navan town centre and west of Academy Street and the R147 Dublin Road.*

2.3. *The site forms part of a larger landholding that was formally associated with Belmont House, a Protected structure. Belmont house and its immediate curtilage are located centrally within the site area but are outside of the site boundary. The site comprises a grassed area to the front (east) of Belmont House that fronts onto Academy Street, a woodland to the south of Belmont House, and agricultural lands to the north, south and west of the house.*

2.4. *Ground levels within the site vary. The eastern section of the site along Academy Street is at street level. The lands rise steeply from Dublin Road and Academy Street and level out to the rear.*

There is two storey housing to the south and west of the site. Lands to the immediate north are undeveloped. The site bounds an ESB substation that is located to the north of Belmont House and west of Academy Street, and there are overhead lines and pylons within the northern section of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of a dwellings and associated facilities as detailed below:

Table 1: Key Figures

| | |
|--|--|
| Site Area (net) | 12.2 ha |
| No. of units | 544 |
| Density (net) | 44.5 units per ha |
| Height | 2-4 storeys |
| Site Coverage (total site area) | 15.1 ha |
| Active Open Space provision | 2.63 ha (including playgrounds) |
| 2 no. crèche buildings | Ground floor of apartment c. 195m ² Stand-alone c. 443m ² |

Table 2: Housing type and mix

| Units | 1 bed | 2 bed | 3 bed | 4 bed | Total | Percentage |
|---------------------|--------------|--------------|--------------|-------------|-------|--------------|
| Houses | - | 18 | 207 | 35 | 260 | 47.8% |
| Apartments | 46 | 152 | - | - | 198 | 36.4% |
| Duplex apt | - | 15 | 15 | - | 30 | 5.5% |
| Corner Units | 16 | 24 | 16 | - | 56 | 10.3% |
| Total | 62 | 209 | 238 | 35 | 544 | |
| Percentage | 11.4% | 38.4% | 43.8% | 6.4% | | |

3.2. The proposal includes **4 no. access routes** as follows:

1. Loop Road- Vehicular access through the site connecting Academy Street to the R147 Dublin Road to the south,
2. Academy Street only to apartments- Primary vehicular access with priority controlled junction,
3. North Academy Street- main access point to the entire site with priority controlled junction,
4. Pedestrian access to the bus stop on the R147 Dublin Road.

Table 3: Car and Cycle Parking

| | Car parking | Cycle Parking |
|-------------------------------|-------------|---------------|
| Houses | 502 | - |
| Apartments (& crèche Block C) | 218 | - |
| Corner Blocks | - | 104 |
| Crèche (Access Road 1) | 15 | 14 |
| Duplex | 140 | 46 |
| Total | 875 | 581 |

3.3. A series of character areas which integrate pocket parks and three large **open space** areas are provided as summarised as follows:

1. Academy Street Park (0.63ha) Linear urban park which runs parallel with Academy Street,
2. Belmont Hill Park (0.12ha) opposite the future school site,
3. Belmont Woodland Gardens (1.34ha) key focal park in the centre of the site with formal and informal play in a parkland setting.

4.0 Planning History

No relevant applications on the site.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 21st June 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that application constitutes **reasonable grounds** for a submission following consideration of the following points was required:

1. **Residential Phasing** having regard to, inter alia, the Navan Development Plan 2009 – 2015 as it relates to the phasing of residential development and, in particular, the quantum and location of Phase 1 lands within the Development Plan which remains undeveloped.
2. **Infrastructural Constraints** as they relate to both water supply and wastewater infrastructure constraints in the network serving the proposed development.
3. **Density** specifically in relation to the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (May 2009) and the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage.
4. **Design, Layout and Unit Mix** including the matters of unit mix, the configuration of the layout and the architectural approach should be given further consideration.
5. **Built Heritage**
6. **Archaeology**
7. **Traffic**, specifically in relation to trip generation, impact on junctions, internal street layout and gradient, car parking and street hierarchy.
8. **Flooding**
9. Storm Water Management (SuDS)

Additional specific information required is summarized below:

1. Details of proposed **earthworks** to address level differences on site, including details of proposed cut and fill works and resultant gradient / retaining features.
2. Design of the **proposed surface water management system** including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site.
3. Details of all **materials** proposed for buildings, open spaces, paved areas, boundary and retaining walls.
4. Details of public lighting.
5. Details **of Part V** provision clearly indicating the proposed Part V units.

6. A plan of the proposed open space within the site clearly delineating public, semi-private and private spaces.
7. A detailed **phasing plan** for the proposed development should be provided.
8. A site layout plan clearly indicating what areas are to be **taken in charge** by the Local Authority.
9. Public notices where it is proposed there is a material contravention.

5.2. Applicant's Statement

A Statement of Response to the issue raised can be summarised as follows:

1. An analysis of applications in Navan identified 172 units as delivered with only a further 785 committed leaving a shortfall in c 3,199 units to meet the requirements for Phase I development. The site is considered appropriate for development having regard to the order of phasing in the development plan.
2. In relation to infrastructural constraints include a new gravity foul sewer will connect to the Dublin Road Pumping station and the watermain route will require upgrade works for the new 300mm watermain along the Dublin Road. Irish Water have confirmed feasibility.
3. The dwelling numbers have increased from 487 to 544 dwellings which is a 11.7% increase, from initially proposed. The proposal now proposes a net density of 44.5 units per hectare (based on a net site area of 12.08 hectares)
4. The gross density of c. 40.1 ha is considered acceptable and there is no minimum density required in the national guidance. The site area exclude the northern access as this is essentially a distributor road for a school site. The building mix, density and layout complies with the 12 criteria and sustainable residential development.
5. Belmont House, a protected structure, is excluded from the development and the proposal has been designed to reduce any impact.
6. The EIAR deals with the assessment of impact on the archaeology.
7. A Traffic and Transport Assessment (TTA) accompanied the application which assesses the impact on the adjoining junctions and the internal layout is DMURS compliant.

8. A Site Specific Flood Risk Assessment (SSFRA) accompanied the application with a justification test.
9. The surface water treatment calculations are provided.

A response to the additional information request is summarised as follows:

1. Details of all earth works including cross sections and details of cut and fill.
2. Surface Water management details.
3. Submission of Architects Design Statement and Landscape Design Report.
4. The inclusion of seven character areas.
5. Public lighting proposals.
6. Part V provision.
7. Details proposals for private, semi-private and communal open space areas.
8. Proposed phasing plan for 5 areas.
9. Advisement of the development plan as a material contravention.

5.3. **Statement of Consistency**

The statement of consistency demonstrates that the proposal is consistent with the relevant National, Regional and Local Policies.

The apartment development complies with SPPR 1 (mix), 3 (areas), 4 (aspect), 5 (floor to ceiling heights), 6 (max per core) and 6 (Housing quality audit).

In relation to the Core Strategy 3,984 no units are allocated for Meath (31% of the county allocation), only 1,187 units are committed and the site is identified as high on the priority for development. Therefore, the applicant states a material contravention of the Phase II zoning is justified.

5.4. **Statement of Material Contravention**

The proposed development has been advertised as a material contravention and the statement submitted includes justification for the contravention. The report has been summarised as follows:

- Part of the lands are identified as Phase II residential.

- The entire site is listed as “Site K” (Table 2, Appendix 7) in the Navan DP and ranked 1st in the evaluation of priority lands for residential development.
- The Phase II lands have been included in the draft plan as Phase I.
- The site is considered an appropriate infill site for the town.
- Navan is located high in the settlement hierarchy.
- The quantum of development is considered strategic.
- Conflicting objectives in the development plan the phasing strategy conflicts with the delivery of housing as Phase I has failed to deliver the allocation of housing and there remains a deficit of c. 3,095 units.
- The proposal is in compliance with the National Planning Framework and regional guidelines.

6.0 Relevant Planning Policy

6.1. National Policy

- Project Ireland 2040, National Planning Framework.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated ‘Urban Design Manual’).
- Design Manual for Urban Roads and Streets (DMURS).
- The Planning System and Flood Risk Management.
- Childcare Facilities – Guidelines for Planning Authorities.
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.
- Spatial Planning and National Roads Guidelines for Planning Authorities.
- Architectural Heritage Protection, Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government, 2004.

6.2. Regional Spatial & Economic Strategy (RSES) Eastern Midlands Regional Authority (EMRA)

- Navan is located within the Core region of Dublin.
- Table 4.2 - Navan is identified within the third tier of key towns for the regional area.
- Navan is one of the regions fastest growing towns.
- Regional Policy Objectives RPO 4.42, 4.43, 4.44, 4.45, 4.46, 4.47 support the delivery and release of lands for residential and employment generated activity in Navan whilst also promoting public realm.

6.3. Meath County Development Plan 2013-2019

- Navan as a Large Growth Town 1 in its Settlement Hierarchy.
- This is the highest tier of the Settlement Hierarchy, with Navan and Drogheda Environs within the category.

Chapter 3 deals with the settlement strategy and housing for the County. Relevant objectives include:

SS OBJ 1: Directed towards the identified Large Growth Towns to support the settlement hierarchy. The expansion of urban areas where it is necessary to facilitate growth as set out in the Development Plan shall promote mixed use development and be guided by **the sequential approach in order to** create a compact urban form and facilitate sustainable modes of transport.

SS OBJ 2: Growth takes place where adequate **capacity** is available to serve development.

SS OBJ 4: Focus development on identified Large Growth Towns enabling them to act as key employment and service centres in the county.

SS OBJ 6: To have regard to capacity in social infrastructure, when assessing applications for residential development for applications for over 200 dwellings.

SS OBJ 7: To ensure that all of the Large Growth Towns will in so far as practicable be self sufficient incorporating employment activities, sufficient retail services and social and community facilities.

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.

Table 2.4 of the Development Plan sets out a housing allocation for Navan of 3,984 no. units in the 2013-2019 plan period.

6.4. Navan Town Development Plan 2009-2015

The Navan Town Development Plan 2009-2015 outlines that the Core Strategy of the Meath County Development Plan 2013-2019 includes the population projection for the county. Table 2.4 of the Development Plan illustrates the household allocations for the various urban centres

- **Table 2A1** of the Navan Development Plan indicates that there is a household allocation of 3,984 units for Navan over the 2014-2019 period, reflecting the allocation detailed in Table 2.4 of the Meath County Development Plan.
- **Table 2A2** identifies residential sites for development. The subject site forms part of a wider 19 ha site identified as Site K. A maximum density of 45 dwellings per hectare is envisaged at this location with an estimated **residential capacity of 860 units**. The Phase 1 lands in the northern section of the site have an estimated residential capacity of 460 no. units. A review undertaken to inform Variation No.1 of the Development Plan ranked site K as 1 out of 19 sites in terms of its suitability for residential development (Appendix 7 refers).

Relevant objectives include:

CS OBJ 3: To operate an Order of Priority for the release of residential lands as follows:

- (i) The lands identified with an A2 “New Residential” land use zoning objective corresponds with the requirements of Table 2A4 of this Development Plan and are available for residential development within the life of this Development Plan.

(ii) The lands identified with an A2 “New Residential” land use zoning objective but qualified as “Residential Phase II (Post 2019)” are not available for residential development prior to 2019.

SOC OBJ 3: To investigate and reserve in consultation with the Health Service Executive - Dublin North East a suitable site for a Regional Hospital in Navan (possible suitable locations include Nevinstown, Limekilnhill and Balreask Old & Limekilnhill (part)).

Map no. 2 sets out map-based objectives. There is a “stand of trees to be preserved” within the subject site, on lands to the immediate east and south of Belmont House.

6.5. Natural Heritage Designation

The site is located c. 17m from the edge of the River Boyne and River Blackwater SAC (002299) and c. 26m from the edge of the River Boyne and River Blackwater SPA (004232).

7.0 Third Party Submissions

7.1. A total of 9 no. submissions were received in relation to the proposal of which 3 no. of these are prescribed bodies, further detailed below. The remaining submissions are from residents associations (multiple signatures) in the area and residents of properties in the vicinity, and the issues raised are similar in nature, therefore, I have summarised into common themes below:

Design & Layout

- The duplex units are c. 18m above the height of the adjoining dwellings.
- The building heights are inappropriate (Section 11.1.2 of the CDP).
- The scale of development is inappropriate (HS POL 2 & 3)
- The proposed does not have regard to the character of the surrounding area.

Residential Amenity

- The duplex units will overlook directly into the adjoining dwellings.
- The daylight sunlight assessment report does not consider all the dwellings in the vicinity of the site.
- The location of the balconies will cause excessive noise over the adjoining dwellings.
- The design of the estate does not respect the existing building line (Section 11.1.2).
- The separation distance (Section 11.2.2.2 of the CDP) is not complied with.
- The inclusion of the walkway will have a negative impact by way of antisocial behaviour.
- The hours of construction are inappropriate and the length and scale of the works are excessive.
- There will be an increase in noise and emissions.
- The FFL of those residents to the rear of Limekilm hall is excessive and the proposed treatment is inappropriate.
- The landscaping plans do not indicate all the boundary treatments.

Natural Heritage

- The submitted EIAR notes the environmental impact as temporary and residual which is considered to be an underestimation of the impact.

Transport

- The bus stop is not designed to accommodate the additional demand from the proposed development.
- The proposed pedestrian/cycle connection to the east of Limekiln Hall should be removed from the development as this is not a right of way.
- There is insufficient access into the development for 544 no dwellings and there will be parking overflow.

- There is no planned cycle routes or any plan for large vehicles or emergency vehicles/ electric charging points.

8.0 Planning Authority (PA) Submission

8.1. Introduction

The submission from the planning authority provides a background to the site, preplanning consultation and polices from the development plan, site description and overview of the proposed development. There is no objection to the overall development on the site subject to alterations to protect the existing residential amenity, further detailed below.

8.2. Summary of Elected Members

- A housing need existing in the area.
- There are concerns in relation to the scale and density of the proposed development particularly the duplex apartments and the 2 four bed houses.
- The balconies overlook existing dwellings along the Dublin Road
- The quality of fencing at Limekiln is queried and requires 2m high walls.
- 2 no parking spaces per house required to comply with development plan standards.
- The duplex apartments are in line with the bungalows at the bottom of the hill and require assessment of impact on residential amenity.
- There should be more allowance for landscaping between the site and Limekiln.
- Concern raised over flood risk.
- Concern raised in relation to the Management Company and green spaces.
- Pedestrian access will lead to antisocial behaviour.
- There is no formal residential amenity areas.
- Concern in relation to the impact of traffic on Academy Street.

8.3. Chief Executive Views

Principle of Development

- Part of the site is identified as Phase I residential and part is Phase II.
- The PA is precluded from granting permission on Phase II lands.
- The entire site is designated as Phase I in the draft plan.
- The entire site is ranked 1st in the order of priority for the Core Strategy.

Design, Urban Design, Layout & Phasing

- The overall scheme is acceptable in terms of unit type and design.
- The apartment development are of an acceptable design and location along Academy Street.
- There are concerns in relation to the pedestrian links to the south of the site
- There are concerns in relation to the duplex block to the rear of the existing dwellings that front onto the Dublin Road and the impact of these units on residential amenity.
- Part V is located within Phase 3 & 4 although the concerns of the Housing Section should be considered.

Open space, landscaping & Boundary Treatment.

- An open space provision of 15% is provided and includes the main woodland park, apartment blocks.
- The Board is advised to consider the suitability of the open space provision.
- The separation distance of 22m is not always met.
- The boundary treatment along the west and southern boundary should be 2m high block wall.

Access, Traffic, Parking & Public Lighting

- The overall junction design and internal layout is acceptable
- The proposed gradient along the southern access road (8% over 150m) should be altered to include a suitable gradient.

- Full design of the roads should be submitted before commencement of development.
- The steps in the path will be a barrier for elderly and mobility impaired.
- Car parking is considered acceptable.
- Sheffield standards are acceptable for visitor space.

Surface Water

- Attenuation design should be amended to reduce the attenuation tanks and increase in SuDS.
- Integration of the existing surface water drainage system to the north of the site.
- Submission of a new surface water outfall and not use of the existing surface water connection.
- Each dwelling to have individual surface water connections to the public system.

Waste Water

- Irish Water response is referred to.

Flood Risk

- A small section of the site is in Flood Zone A.
- Minimum floor levels at 35.20 AOD are acceptable.
- The FRA does not indicate that the proposed development would not increase flood risk elsewhere.
- Works (increase in road levels by 250m) to Entrance 3 will allow for emergency vehicles although the overall depths going towards the R147 decrease so there will be flood depths in excess of 250m, therefore not be used for emergency vehicles.
- Entrance 2 will not be accessible by emergency vehicles during a flood event because flood water depths will be in excess of 500m.

- It is recommended the proposal is refused as Part (i) and (ii) of the justification test could not be granted.

Habitat loss & fragmentation

- The proposed tree removal on the site is acceptable.

Waste

- Neither the WMP nor the CWMP outline pollution control for the surface waters, ground waters or biodiversity or control of emissions of dust and noise onsite.
- The applicant should submit a CEMP.
- The management of the site should be linked to compliance with the Waste Management Act.

Taking in charge

- Those areas not proposed to be taking in charge should be the subject of a management company.

Childcare

- The childcare provision is sufficient.

Schools

- The applicant has submitted a schools assessment in compliance with SS OBJ 6 & SOC POL 5.

Art Work

- SOC POL 53 and Section 11.2.5 require the provision of public art into the overall scheme or a financial contribution towards the same.

Estate Name

- The applicant shall submit the proposed estate name as a condition of any permission.

Heritage Impact

- Implementation of the EIAR mitigation.

Archaeology

- Acknowledge the report of the Department.

Architectural Conservation

- The overall design is acceptable with regard impact on the protected structure.

Natural & Cultural Heritage

- Inclusion of mitigation measures for tree removal from the EIAR to the CEMP.
- The submission from the Department raised concerns in relation to the statement in the NIS and those emissions limits standards of the Navan WWTP.
- The comments of the Department should be considered having regard to conclusion of the AA.

8.4. S 247 Consultations

Appendix 1 contains details of an S 247 meeting held on 25th of January 2019 as summarised below:

- Part V details,
- Allocation of public open space,
- Letters of consent required from the council.
- Topography and treatment of the site.
- Site ownership and allocation of the site for a school.
- Provision of three entrances into the site.
- The assessment of social infrastructure.
- Infrastructural constraints.
- Traffic impacts, gradient of the road and pedestrian/cycle connectivity throughout the site.
- Submission of a Flood Risk Assessment.
- Waste and management of the site.

8.5. Interdepartmental Submissions

Roads Department- No objection subject to conditions.

Drainage Department- No objection subject to conditions.

Environmental Section- Recommendation to refuse permission based on the absence of information in the justification test.

Conservation Officer- No objection subject to conditions.

8.6. Recommendation of Conditions

Roads

- The design of the junction at R147/ Dublin Road/ Academy Road should be DMURS compliant and the junction layout shall be agreed prior to the occupation of Phase 2.
- The wall along Academy Street shall be set back to accommodate the bus lane as per Navan 2030 Plan and a cycle feeder route from the Navan Cycle Network Plan.
- Details of the northern access route shall provide connections with Academy Street, Beaufort College and future school access for cyclists.
- Road Quality Audits should be submitted for difference stages.
- Detailed design for the internal road network should be submitted prior to development.
- Submission of a Construction Management Plan.
- Submission of details for the proposed bund located along the southern access road
- Public Lighting

Waste

- Submission of a Construction Environmental Management Plan.
- Submission of a Waste Management Plan.
- Implementation of mitigation measures in the EIAR.

Conservation Officer

- Submission of details of works to the rear drive of Belmont House
- Inclusion of additional planting in the proposed amenity area to supplement additional planting.

9.0 Prescribed Bodies

Transport Infrastructure Ireland (TII)- No observations.

Department of Culture, Heritage and the Gaeltacht.-

- No objection to archaeological works subject to condition for monitoring.
- The impact of works required for the upgrade of water infrastructure is not included in the NIS and clarity is required if these form part of the NIS.
- Page 15 of the screening for AA states that the Navan WWTP was non-compliant in 2017. The Board should ensure the WWTP is compliant with EPA Discharge Licence.
- The clearance of vegetation should only be carried out outside the breeding bird season.
- Mitigation measures outlined in Section 5.1 of the Bat Assessment should be implemented.

Irish Water- No objection subject to a valid connection agreement.

10.0 Appropriate Assessment (AA)

- 10.1. The site is located c. 17m from the edge of the River Boyne and River Blackwater SAC (002299) and c. 26m from the edge of the River Boyne and River Blackwater SPA (004232). The proposed development for 544 no. dwellings will connect to the Navan WWTP which discharges to the River Boyne and River Blackwater SAC and the surface water outfall discharges also. Therefore, a hydrological source-pathway-receptor is present.
- 10.2. The applicant has submitted an AA Screening report and a Natura Impact Statement (NIS). The AA Screening Assessment considered all Natura 2000 site and

concluded that the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) where the only possible Natura 2000 site with a potential pathway, which I consider reasonable.

European Sites

River Boyne and River Blackwater SAC (002299)

10.3. The features of interest listed for this SAC includes:

| Feature of Interest | Status | Threats |
|--|--------------|---|
| Alluvial forest (91E0) | Bad | Groundwater abstractions, Land reclamation, Diffuse groundwater pollution, Land abandonment/under grazing. |
| Alkaline fens (7230) | Bad | Alien invasive species, Under grazing, Overgrazing. |
| Atlantic salmon <i>Salmo salar</i> (1106) | Intermediate | Water Pollution |
| River lamprey <i>Lampetra fluviatilis</i> (1099) | Good | Water Pollution Sedimentation |
| Otter <i>Lutra lutra</i> (1355) | Good | Water Pollution incidents Illegal Fishing. |

River Boyne and River Black Water SPA (04232)

10.4. The Kingfisher *Alcedo atthis* is listed as a feature of interest for this SPA. The Kingfisher is considered to be of medium (amber) conservation concern and is listed in Annex I of the Birds Directive.

Potential Impact

River Boyne and River Blackwater SAC (002299).

- 10.5. The proposal for 544 no. dwellings includes works for the treatment of surface water and foul water. The foul water will connect with an existing public sewer along the front of the site at Academy Street and discharge to the Navan Town WWTP.
- 10.6. The submission from the Department of Culture, Heritage and the Gaeltacht notes the works required for the upgrade of the water infrastructure is not included in the NIS and notes the screening for AA references the WWTP for Navan as non-compliant.
- 10.7. The NIS noted there remains capacity at this WWTP and it is operating within the confines of the EPA discharge license. I note the information in the NIS and the relevant information on the EPA website and I am satisfied the WWTP is operating at capacity and is not included on any list for remedial works.
- 10.8. The surface water will pass to the River Boyne via an existing sewer and outfall point. Other diffuse points were considered in the NIS for the in combination impact on the water quality of the River Boyne and River Blackwater.
- 10.9. The potential impact for a reduction in the water quality from the operation of the site and/or any incidental accidents from construction will have a negative impact on the Salmon, Lamprey and Otter species in the SAC.

River Boyne and River Black Water SPA (04232)

- 10.10. No direct habitat removal is proposed which would affect the Kingfisher. The NIS notes construction pollution is unlikely to affect the Kingfisher and therefore any impact is ruled out.

Mitigation Measures

- 10.11. Mitigation measures to prevent water pollution and sedimentation in the River Boyne and River Blackwater are included in the NIS and reiterated throughout other documentation which accompanied the application. Correspondence to the applicant from Inland Fisheries Ireland (IFI) integrated into the NIS refers to the requirement for petrol interceptor within the surface water treatment, ensuring capacity at the WWTP and the appropriate treatment of hydrocarbons.

- 10.12. A detailed construction method statement has been prepared which incorporates pollution prevention measures in accordance with guidance from Inland Fisheries Ireland (2016). This will include the installation sediment traps and culverting of drainage ditches 'in the dry'.
- 10.13. The new surface water drainage system will be constructed in accordance with Greater Dublin Regional Code of Practice for Drainage Works. An attenuation storage tank will hold peak flows from a 1 in 100 year storm event. SUDS methods to be ancillary to the attenuation tanks, although permeable paving and soak ways are incorporated. These measures will ensure that the quantity and quality of rain run-off will be maintained at the 'greenfield' rate. Discharge will be via a flow control device to the River Boyne. The public foul sewer connects along Academy Street along the north east of the site and whilst I note the submission from the Dept considered the water connection should be included in the NIS I do not consider these works would have a significant negative impact on the qualifying criteria of any European Sites.

Conclusion

- 10.14. The proposed strategic housing development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it would be likely to have a significant effect on the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA.
- 10.15. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the 2 no. European sites listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

(i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The development would provide 544 no dwellings on a site of c. 15.1ha in a town. The proposal exceeds the 500 dwellings and although below the threshold of 20 ha stated in b (iv) an EIA is mandatory.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out at previously this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR provides a non-technical summary of its content.
- Volume 2 includes the Written Statement of the EIAR, and
- Volume 3 includes the Technical Appendices (Archaeological Assessment, Excavation details, test trench results, photographic record and geophysical surveys).
- Table 1.4 describes the expertise of those involved in the preparation of the report.

- Mitigation measures described throughout the report are summarised in Chapter 16.
- The Screening for Appropriate Assessment is detailed above, as a separate assessment.

11.2. The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.3. **Alternatives.**

Chapter 2 of the EIAR includes a background of the overall development and the construction management employed within the term of development. It is envisaged the timescale for construction works will range from between 3 years and up to 5 years.

Three reasonable alternative solutions have been assessed as summarised below:

1. Alternative locations for residential development

The zoning for the site as residential use and the “do-nothing” approach is not considered and the alternative for appropriate design where investigated.

2. Alternative uses for the site

The provision of a school site to the north of the site is considered appropriate although the use of the entire site for another use would not result in the best use of

the site, Having regard to SOCOBJ3, the site is one of three sites identified as suitable for a hospital.

3. Alternative Designs

The layout of the design considered polices of the development plan and is determined by the consideration of three alternative which have regard to the environmental considerations on the site. The final preferred option has a positive or neutral impact on the environmental considerations.

The proposed preferred alternative is deemed the most appropriate having regard to the environmental issues, as further detailed below.

11.4. **Population and human health**

Chapter 3 includes an analysis of the impact on population and human health as prescribed in the new EIA Directive. An analysis of the receiving environment indicates an increase in the **economic and employment** levels and growth in Navan is slighter higher than the national average. The provision of housing at this location is deemed compliant with the planning policy for the site.

The potential impact from the development on the population and human health will in the most part come from the construction phase with positive impacts on the economy and slight negative short term impacts from traffic, associated nuisance, dust and noise. Mitigation measures detailed throughout the EIAR including the Traffic and Transportation Assessment (TTA) and Construction & Waste Management Plan (C&WMP) will mitigate against negative impacts. Appendix A of the C&WMP includes a full list of the EIA mitigation and monitoring measures.

Third party observations are concerned the impacts from the construction phase will have a significant negative impact on their amenity and the submission from the PA notes the absence of any reference to the construction impacts from noise and dust emissions.

The EIAR makes reference to the TTA and C&WMP as the documents which provides sufficient information to restrict any adverse impact on the human health and other mitigation measures for noise and vibration (Chp 9) and Air quality (ChP 7). Chapter 15 includes a summary of the interactions.

I note the information contained in Chp 5 (land and soils) in relation to the excavation of the soils from the site, the mitigation measures to prevent any negative impact on the surrounding area and the proposal to undertake a Construction Environmental Management Plan CEMP for the site, which I consider should be included as a condition on any grant of permission. I consider all proposed mitigation measures for the works to the site, waste removal, and protection of air quality are sufficient for my assessment. I consider these short term indirect impacts and not significant. The impact from noise is dealt with separately below, as per Chapter 8. I consider a restriction on construction activities Monday-Friday (07.00- 18.00) and Sat (09.00- 13.00) reasonable to reduction any significant negative impact from the noise generated from construction activity.

I note the long term benefits from the proposed development, in particular the quantum of open space and provision of crèche, on the residential amenity is deemed a long-term permanent positive benefit which I consider acceptable.

11.5. **Biodiversity**, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

Chapter 4 details the impact on biodiversity with the location of the Natura 2000 sites, national site and protected species listed. The River Boyne & River Blackwater SAC & SPA are location within close proximity to the site. The Boyne Woods p NHA is almost entirely within the site of SAC.

A detailed **Bat Assessment**, accompanied the application and the findings were incorporated into the EIAR. I note the information contained in both, the absence of any identified roosts, the trees and hedgerows to be removed, retained and planted. The loss of foraging is considered a moderate negative impact 21 trees to be removed which have the roosting potential is also likely to be moderate negative impact. Mitigation measures include planting of c. 1,250m of hedgerow and linear woodland and specific public lighting restrictions for certain areas throughout the site. I consider the inclusion of bat boxes within the landscaping plan could further help to mitigate any potential impact on bats during construction which could be reasonably included on any grant of permission.

As detailed above a Screening for Appropriate Assessment and NIS has been carried out as a separate assessment above. It concludes that the proposed

development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, is referred to in this instance.

I note submission from the DAU referencing information in the NIS relating to capacity issues is the Navan WWTP and the PA submission referring to this submission. The Appropriate Assessment is a standalone assessment, detailed above, although I note the capacity of the Navan WWTP and discharge reports by the Environmental Protection Agency (EPA), detailed below in Section 11.7, which do not highlight any issue with treating the foul water from the site. Inland Fisheries Ireland (IFI) have not formally responded to the application although information contained in the EIAR, as correspondence, notes the proposed works and considers the inclusion of normal mitigation measures to prevent any water pollution sufficient to protect the water on the River Boyne.

Map no. 2 of the Navan Development plan includes a list of map-based objectives, which illustrate a “stand of trees to be preserved” within the subject site, on lands to the immediate east and south of Belmont House. A Tree Survey report accompanied the applicant, which the applicant states informed the landscaping design. 36 no trees are proposed for removal of which 5 no. are A (high value). I note there are no specific Tree Protection Orders (TPO) on the site and the overall “stand” of trees is to be retained, which I consider will retain the features and visual amenity of the site. I consider the replacement of those trees should be conditioned with planting to ensure the protection of the biodiversity within the site and should consist of semi mature at a ratio of 1:2 for new trees.

I note the detailed surveys which support the EIAR and the enhancement and mitigation measures and I do not consider the proposal will have a significant negative direct or indirect impact on the biodiversity, in particular any protected species or habitats.

11.6. Land and Soils,

Chapter 5 assesses the geological and hydrogeological impacts of the proposed development and relies on desk top analysis and ground investigations carried out on the site (Appendix 13.5 & Appendix C). The site is classified as a locally important aquifer with moderate groundwater vulnerability.

Approximately 39,000m³ of topsoil will be excavated from the site to accommodate the development. Approximately 20,000m³ of fill is required (normal stone) is required for the road, footpath and buildings. 23,000m³ of the soil will be reused for open space etc.

Third Party observations refer to the extent of level change across the site and the impact of dwellings with higher FFL at the rear of Limekiln estate. The submission from the PA recommends a condition on any grant of permission for boundary treatment. Composite elevation drawings which accompanied the application illustrate the comparisons in overall height, design and layout of the site. The highest apartments (4-5 storeys) are located along Academy Street and the lowest point of the site. The site currently has a steep incline at the centre of the site and although there is a substantial amount of cut and fill, the overall characteristics will remain and therefore there will be dwellings at higher ground than those existing properties located along the edge of Academy Street. I consider the overall works on site will not have a significant impact on the lands and the impact on visual and residential enmity is further discussed below.

Mitigation measures proposed in the TTA and Construction Waste & Management Plan, as previously noted, are considered appropriate. I consider the surveys contained in the EIAR and accompanying plans and particulars present sufficient information to undertake an assessment on the land and soils and having regard to the reuse of excavated soils within the site and the design of the development I consider any significant negative impacts will be mitigated.

11.7. **Water and Flood Risk,**

Chapter 6 includes an assessment of the hydrological impacts of the proposed construction and operation with the likely hydrological impacts listed as erosion from subsoil and surface water during construction leading to negative impacts. Other impacts on surface water include pollution from construction activities. During operational phase contamination of surface and groundwater is listed as a potential of risk.

The proposal will connect to the **public sewerage/ water connections** along the public road at the front of the site R147 and includes the upgrade of pipelines (300m foul sewer for c. 470m and 300mm trunk water main for c. 1.5km). Irish Water have

no objection to the proposal. A submission from the Department references information in the NIS and upgrades required. I note Navan Wastewater treatment plant has a design treatment capacity of 50,000 pe. The current use of the treatment plant is 37,286 pe. Therefore there is 12,714 pe capacity. Navan is not listed as one of those 120 urban areas identified as priority areas, where improvements are needed to resolve any environmental issues or identified as a non-compliant waste water treatment plant¹. Therefore, having regard to the serving of the site I do not consider the proposal will have any significant negative impact on the receiving waters in the vicinity.

A list of mitigation measures have been included for the construction phase and reiterated in the C&WMP including the use of good site management. The site has a low permeability and therefore impacts from groundwater are reduced. The **surface water** system will be designed to include petrol interceptors, flow controls and attenuation storage facilities. During construction the run-off will be monitored including pumping/ dewatering. Sedimentation control methods during construction include retention pond and surface water inlet protection etc. A dust management programme is recommended, which I consider reasonable to include as a condition. During operation the surface water treatment will be directed to attenuation tanks. The response from the PA has no objection to the treatment of the surface water subject to additional details relating to the connection and design of the attenuation tanks. The PA also notes existing records indicating a surface water connection from the north through the site, which I consider may be reasonably included as a condition on any grant of permission.

The entrance to the proposed development, along Academy Street, is located within Flood Zone A. The car parking from the apartments along Academy Street are located within Flood Zone B. Chpt 6 of the EIAR states the majority of the site is within Flood Zone C, with a small percentage in Flood Zone B. I have undertaken an in-depth analysis of the flood risk assessment on the site and I have concluded that there is insufficient information submitted within the application to undertake a full

¹ Urban Waste Water Treatment in 2018 (Environmental Protection Agency EPA, 2018)
https://www.epa.ie/pubs/reports/water/wastewater/Urban%20Waste%20Water%20Treatment%20in%202018_Web.pdf

justification test as per the national flood risk guidance. Having regard to this assessment I cannot conclude that the EIAR is complete nor have the full impact on water been fully assessed.

I note the detailed surveys which support the EIAR and the mitigation and monitoring measures related to the protection of water quality and I do not consider the proposal has been fully assessed, in particular the potential for a negative direct or indirect impact on the flood risk on the site or the surrounding area.

11.8. **Air Quality and Climate;**

Chapter 7 provides a background on the air quality and climatic impacts from the proposed development. The current air quality is within applicable standards and Nitrogen Dioxide levels are below the national average.

The potential impacts from construction relate to the short term dust emissions. As mentioned previously, the applicant proposed to undertake a dust management strategy, which I consider reasonable and should be conditioned on any grant of permission.

The standards for national **air quality standards** are to be retained and monitored during the construction. Mitigation measures include the use of appropriate equipment during construction. In relation to **operational** activities the buildings will comply with the new Building Control Standards and will be thermally efficient buildings and a mechanical ventilation and recovery system incorporated into the design of the apartments. The provision of climate impact mitigation measures in the form of site location, proximity to public transport routes and the provision of electric charging points. The absence of any charging points on submitted documentation is voiced as a concern in the third party submissions. Having regard to the provision of 544 residential units, including duplex and apartments, I consider the inclusion of charging points within the scheme should be provided which can be reasonably included as a condition on any grant of permission.

Having regard to national policy, the location/n of the site and those mitigation measures in the EIAR, I do not consider the proposed development will have any long term negative impacts on the Air or Climate.

11.9. Noise and Vibration,

Chapter 8 deals with the impact of noise and vibration on the site and the surrounding area. The **construction impact** assessment is based on the use of Noise Limit Criteria during different times of the day with the highest at 75d B(A), $L_{Aeq,1hr}$ and 55 d B(A), $L_{Aeq,1hr}$ during the night, Sundays and Public Holidays.

In terms of operation impact assessment the EIAR concludes that noise levels over 60 d B(A), $L_{Aeq,1hr}$ can be potentially intrusive. The noise map submitted indicate noise exposure highest along the R147 and the associated junction with Academy Street. The operation of the site will not increase the noise levels of greater than existing recorded levels adjoining the site. The significance of the noise levels is considered to be imperceptible. Noise monitoring will be undertaken at sensitive locations during the construction stage.

Based on the phased nature of the works, development is to occur over a 3-5 year period. With regard to **vibration**, seven locations around the site were chosen for the assessment of baseline noise. The use of pneumatic rock breaker is one of the mitigation measures listed to prevent any significant negative impact from ground borne vibrations. The nearest residential receptors are noted at c. 10m from proposed construction works. Mitigation measures relating to noise also include acoustic blanket screening around piling and excavations, to name a few. Vibration monitoring will be conducted at properties within 50m and it is recommended that a full CMP include all those mitigation measures listed in Chpt 8 of the EIAR. Operational impacts will be limited to additional traffic movements which will be designed appropriately.

The impact on the surrounding area from both noise and vibration has been sufficiently addressed in the EIAR. The greatest impact on the receiving environment will be from the construction activities in particular vibration of any rock breaking which will be short term. As stated above, a CMP will be required to include those mitigation measures in the EIAR and having regard to the existing residential properties in the vicinity I consider a restriction on the hours of construction reasonable and included within any grant of permission.

11.10. Landscape & Visual Impact,

Chapter 9 detail the landscape and visual impact and categorises the sensitivity of the landscape. The site slopes steeply from east to west away from the Academy Road. Belmont House, a protected structure, site centre to the site and is surrounded by a mature stand of trees. The site is located within Landscape Character Area 5 “Boyne Valley” in the Meath County Development Plan. The landscape value and importance in this character area is high with restrictions placed on rural dwellings and inclusion of buffer areas around urban centres. There are no protected views on the site.

The EIAR defines the sensitivity of the landscape as moderate-light, having regard to the existing characteristics. Photomontages and visual assessment are provided from 26 representative viewpoints notes visibility from points close to the site although it is not considered problematic. The visual impact on Belmont House, and any other features of cultural or heritage importance, is assessed. It is concluded that during construction the impact will be adverse although only temporary and the operational phase will have a high significant short term impact although in the long-term will be neutral.

The visual impact is mitigated by the location of higher apartment blocks (4 storeys) along the front of the site, the retention of trees along the centre of the site and the design of the road, sweeping into the site along the contours. The magnitude of impact on the surrounding area will be mitigated by the design, layout, significant planting scheme and having regard to the site zoned for residential development in an urban area and adjoining a residential the impact will be short term.

11.11. Traffic and Transportation,

Chapter 10 deals with the impact on Traffic and Transportation.

Academy Street runs along the front, north east, of the site and is a local access road which radiates off the R147 Dublin Road. The upgrade of the Academy Street/ Dublin Road junction is proposed to be changed from a priority junction to a signal controlled junction, detailed drawings accompanied the application. The report from the Roads Department has no objection to the overall proposals or works to the roads.

The applicant proposes to offset development control levies in lieu of these works.

Three vehicular access routes are proposed from Academy Street into the development as summarised below:

1. Academy Street North- Link Road providing access to the future school site and the north of the development.
2. Academy Street South- Link Road providing access to the apartments along the front of the site, residential units to the south and loops around lining with the access above.
3. Academy Street (centre) - Access to the apartments only.

The Engineering Services Report which accompanied the application makes reference to the challenges in designing the proposed Access 3, integration with a right of way for Belmont House, tree protection and the current gradient of the site. The proposal for this route includes an 8% gradient at the centre, footpath provided separate to the road and high friction surface treatment and bunds integrated into the road to the rear of the apartment development.

A DMURS Statement of consistency accompanied the application indicating the hierarchy of roads within the scheme, links, and mews and local of which the mews will consist of shared surface and home zones. Traffic calming measures are integrated into the overall scheme.

Pedestrian connectivity to the south, south west, Limekiln Wood, and North West close to Wood view. Third party submissions have concerns in relation to the proposed pedestrian access onto the R147 and the proposed boundary treatment to the rear of existing and proposed dwellings, which I have addressed below under residential amenity.

The findings of the TTA and the proposals relating to **Car parking and Cycle Parking** are integrated into the Chpt 10. The cycle provision is in line with the National Transport Authority's Cycle Network Plan for the Greater Dublin Area. Peak hour trip generation was used to assess the impact on the junction and surrounding area and the additional of development traffic will have a minimal impact on any junction capacity at peak hours. Car parking standards of 2 no. per dwellings and 1 per house type N7 (2 no bed). Parking for the apartments is based on the standards

of the national apartment guidance with dual usage for the crèche parking, which I consider reasonable. Cycle lanes are integrated into the main link road, Access 1, which provides both connectivity into the site and also the reserved school site to the north. Cycle parking provided for the apartment and duplex units complies with the apartments standards.

Having regard to the zoning objective on the site, the location within Navan town centre and the traffic flow, scale of proposal and mitigation measures proposed during construction I do not consider any significant negative direct or in-direct impacts on from the traffic or transportation proposals.

11.12. Material Assets (Waste Management & Utilities),

Chapter 11 -12 of the EIAR deals with the topic of waste management and utilities respectively. A Construction Phase Waste Management Plan, Construction Waste Disposal Management and on-site reuse and recycling management proposed will enable compliance will all necessary waste permit. It is estimated c. 42,000 m³ of soil will be excavated to facilitate the development with c. 20,000m³ being used to fill the site and c. 22,000m³ being exported off the site.

In addition to the water main and sewers in the vicinity of the site, gas and broadband. Connections to those utilities is to be agreed with the relevant providers. The proposed development would not be likely to have a significant adverse effect on these material assets. The proposed development would substantially increase the housing stock of the town and the additional stock would be on zoned and serviced land, therefore the proposal would have a significant positive impact on the material assets available in the area. I consider that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of material assets.

11.13. Archaeology, Architecture and Cultural Heritage

Chapter 13 addresses the impact Archaeology, Architecture and Cultural Heritage. An Archaeological Test Trenching Report accompanied the EIAR and the finding are integrated into the main report. A There are no recorded archaeological sites on the subject site and c. 15 within a 500m radius of the site. There was no archaeological features of significance uncovered in the initial test trenches. A submission from the

11.14. The Navan Town Development Plan lists 15 Protected Structures located within the study area and, three examples, Belmont House (PS NT025-177), Belmont House entrance gateway (PS NT025-178) and Russell's B & B (PS NT025-179), are located in adjacent properties. The proposed development site is not located within an ACA. The subject site encompasses a number of tillage fields surrounding Belmont House, which is outside, but directly adjacent to the boundary of the proposed development area. The entrance into Belmont House will be integrated into the proposed development.

11.15. The report from the PA note the documents which accompany the application including the Archaeological Impact Assessment and the Tree Survey. The report of the Conservation Officer notes no objection subject to the inclusion of additional planting beside Belmont House to supplement the existing mature Stand of Trees and require the submission of details to illustrate the rear drive connecting the front of Belmont House.

11.16. I note the closest proposed dwelling to the north west of Belmont House is over c.60m from the edge of Belmont House and the expanse of open space provision to the south of the protected structure in the form of a public park "Belmont Woodland Gardens". In relation to the additional tree planting along the south of the site I note the landscaping design proposed ornamental grasses and planting along a section with no trees to be retained and I consider it reasonable to include the integration of mature planting along this boundary to further protect Belmont House, as a condition on any grant of permission. The impact on the visual amenity on Belmont House will be mitigated by the overall design and layout, in particular the location of the apartment scheme lower than the protected structure and along Academy Street.

11.17. The recording of any features of interest will be a positive impact. The submission from the Department of Culture, Heritage and the Gaeltacht had no objection to the proposal subject to archaeological monitoring, which I consider reasonable. I consider that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of built heritage.

11.18. **The interactions between those factors,**

Chapter 15 of the submitted EIAR deals with significant interactions and interrelationship between environmental factors and states that interactions between

various disciplines have been taken into consideration in the preparation of the document with likely interactions between effects predicted as a result of the proposed development during the preparation stage and ensured that appropriate mitigation measures are incorporated into the design process. A specific section on interactions has been included in each of the environmental topic chapters. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

The primary interactions are summarised within Table 15.1 of the submitted EIAR and are as follows:

- Population and Human Health & Climate/ Noise Visual/ Lands and Soils;
- Air Quality & Soils;
- Material Assets & Air Quality/ Biodiversity,
- Water & Biodiversity,
- Material Assets Waste & Water/ Biodiversity/ Human Beings/ Landscape/ Traffic,
- Air, Population and Human Health & Biodiversity,
- Air and Climate & Surface Water/ ground water/ Biodiversity,
- Noise & Population and Human health/ Biodiversity,
- Landscape & Population and Human Health/ Biodiversity,
- Material Assets & Population and Human Health,
- Land and Soils & Material Assets/ Water and Groundwater/ Waste Management,

I have considered the inter-relationships between the factors and whether these might as a whole affect the environment, even though effects may be acceptable when considered on an individual basis. Most inter-relationships are negligible in impact when the mitigation measures proposed are incorporated into the design, construction or operation of the proposed development.

In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development and

suitable conditions. Adequate information has been submitted to allow these interactions and cumulative impact of all proposals to be properly considered in the environmental impact assessment. I do not consider there are any significant environmental considerations which would prevent the proposed development and I consider those mitigation and monitoring measures summarised in Chapter 16.0 will ensure appropriate treatment of the site and surrounding environment during construction and the operation of the site.

11.19. Cumulative Impacts

The main cumulative impacts relate to the impact in conjunction with other developments in the vicinity, as detailed in Chapter 2 of the EIAR. The proposal will be undertaken on a phased base and will be subject to the necessary environmental mitigation. In addition, each individual section includes an assessment of the cumulative impact which I have noted and I do not consider the residual cumulative impact is significant.

11.20. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information in the EIAR, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the area,
- Biodiversity impacts, which will be mitigated by construction management measures, the significant provision of active and passive open space, protection of a stand of trees to be retained, landscaping, invasive species management and measures to avoid disturbance to bats,
- Land and soils impacts, which will be mitigated by appropriate excavation on the site, re-use of soil and sub-soil in the development, measures to control sediment in surface runoff, and construction management measures.
- Ground and Surface Water impacts, which will be mitigated by the use of specialised construction management measures and the storage of waste

fuels and the protection of the existing watercourses, flood risk and displacement of water has the potential to lead to long term negative impact on the adjoining lands.

- Impacts on air quality and climate during construction which will be mitigated by a construction management, air quality monitoring and the provision of highly efficient buildings.
- Noise and vibration impacts during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts will be medium to high in the short term during construction and neutral for the long term. Adverse impacts will be mitigated by the use of the landscape features, the protection of Stand of Trees, control of excavation, the design height of the dwellings, in particular the apartments along the lower section of the site adjoining Academy Street and the overall landscape and tree/planting plans,
- Traffic and transportation impacts, which will be mitigated by the phasing of the development , the delivery of a n upgrade junction onto the R1476, Dublin Road and associated connectivity package of local road improvement measures,
- Built Heritage Impact, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.

11.21. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

12.0 Assessment of Other Issues

The main issues of the appeal not already dealt with in the above EIAR assessment are dealt with under the following headings:

- Principle of development
- Design and Layout
- Residential Amenity
- Flooding

Principle of Development

12.1. The proposed development of 544 no. residential units and 2 no. crèches on lands located within the town of Navan, Co. Meath. The lands are zoned as A2, New Residential, where it is an objective to *'provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy'*. A substantial part of the lands contain a specific objective for Phase II (Post 2019) development, whilst the northern part and a site set aside for school reservation are located within phase I lands.

Core Strategy

12.2. Strategic Policy SP1 of the CDP requires the release of residential lands in compliance with the Order of Priority of the requirements of the plan and states that those lands identified with an A2 "New Residential" land use zoning objective but not qualified as "Residential Phase II (Post 2019) are not available for residential development within the life of the Development Plan. Table 2.4 of the CDP illustrates the household allocations for the various urban centres as integrated into Table 2A1 of the Navan Development Plan (DP). There is a household allocation of 3,984 units for Navan over the 2014-2019 period.

12.3. Table 2A2 of the Navan DP identifies residential sites for development with the subject site forming part of a wider 19 ha site identified as Site K. A maximum density of 45 dwellings per hectare is envisaged at this location with an estimated residential capacity of 860 units. The Phase 1 lands in the northern section of the site have an estimated residential capacity of 460 no. units. A review undertaken to

inform Variation No.1 of the Development Plan ranked site K as 1 out of 19 sites in terms of its suitability for residential development. A large portion of the phase I lands have been set aside for a school reservation, further discussed below.

- 12.4. The proposed development of 544 no. dwellings is not considered as a significant deviation from the residential allocation of 460 no units in the Core Strategy and the entire site has been ranked highest in the Order of Priority for development in the town.

Material Contravention

- 12.5. The proposed development has been advertised as a material contravention. The justification for the contravention of the plan and grant of permission on Phase II lands is summarised as follows:

- Part of the lands are identified as Phase II residential.
- The entire site is listed as “Site K” (Table 2, Appendix 7) in the Navan DP and ranked 1st in the evaluation of priority lands for residential development.
- The Phase II lands have been included in the draft plan as Phase I.
- The site is considered an appropriate infill site for the town.
- Navan is located high in the settlement hierarchy.
- The quantum of development is considered strategic.
- Conflicting objectives in the development plan the phasing strategy conflicts with the delivery of housing as Phase I has failed to deliver the allocation of housing and there remains a deficit of c. 3,095 units.
- The proposal is in compliance with the National Planning Framework and regional guidelines.

- 12.6. The site is located within the urban area of Navan, contiguous to existing residential development and accessible from a road network currently served by public infrastructure. The site is currently ranked highly on the phasing and release of residential zoned lands in the CDP and therefore indicates a favourable intention for the delivery of housing at this site. As stated above in the EIAR assessment, the site is currently serviced and not reliant on any the delivery of essential infrastructure. I note the allocation of part of the applicant’s lands, to the north of the site, for the

reservation of a school site which is currently located on phase I lands. As stated above the site is not at a significant variance from the Core Strategy allocation of the site.

- 12.7. The terms of the Eastern Midlands Regional Authority RSES, Navan is top tier town in the settlement hierarchy. The proposed development is a Strategic Housing application for 544 no. dwellings on lands identified high in the Order of Priority for the release of housing in the CDP. The site is almost entirely surrounded by residential development and therefore the proposal will be contiguous to the growth of Navan town and in accordance with the criteria in section 37(2) (b)(iii) of the planning act.

School

- 12.8. A specific zoning objective SOC OBJ 3, as indicated on Map 2 objectives map, requires the following “*To investigate and reserve in consultation with the Health Service Executive - Dublin North East a suitable site for a Regional Hospital in Navan (possible suitable locations include Nevinstown, Limekilnhill and Balreask Old & Limekilnhill (part))*”. The site is one of three sites identified as having the potential for a Regional Hospital. The Statement of Consistency submitted with the application makes reference to the delivery of this objective. Hospital is open for consideration rather than permissible on the lands. The applicant states that the Department of Education and Skills have agreed to purchase the lands to the north of the site for the provision of a Primary School. The provision of this infrastructure and the necessity to provide housing in the town centre makes this site undesirable for a hospital site. I note the site was one of three identified and I do not consider the proposed development would prevent the delivery of a Regional Hospital in Navan.
- 12.9. Having regard to the location of the site contiguous to the town of Navan, adjoining a regional road with public transport connectivity, the identification of the site for development in the core strategy and the allocation of lands in phase I for a school reservation, I am satisfied that the housing development is suitable and justifiable at this location. I consider the principle of development, on this site acceptable, subject to other planning considerations, further detailed below.

Design and Layout

12.10. The proposed development includes 544 no. residential units on a site c 15.10ha to include the junction onto the Dublin Road from Academy St.

Mix

12.11. The proposed development includes 260 houses (48%), 86 no duplex/ corner building (16%) and 198 no apartments (36%). The overall mix of unit types includes 62 no. 1 bed (11.4%), 209 no. 2 bed (38.4%), 223 no. 3 bed (41%) and 50 no. 4 bed (9.2%). I consider the mix and typology complies with the requirements of the sustainable residential guidelines.

Density

12.12. The gross density of the overall development is 44.5 ha and takes into consideration the removal of the works to the Dublin Road junction, access road for the school site to the north and the public park in the centre of the site adjoining Belmont House, giving a net site area of 12.23ha rather than 15.10ha included in the red line boundary. Section 2 of the national apartment guidance requires the provision of density broadly greater than 45 per hectare for intermediate urban locations. I consider the removal of the large public park and the school access road from the density calculation reasonable and having regard the gradient and set back provided from Belmont House the density is considered acceptable.

Character Areas.

12.13. An Architect & Urban Designers Report accompanied the application which details compliance with the 12 criteria in the Urban Design Manual. 7 no. character areas are proposed each with its own identity, open space facilities and palate of materials, which I consider reasonable. I consider the overall design responds well to the characteristics of the site, high quality public realm and the integration of DMURS and good layout ensures there are no desire. A number of third party submissions note the character of the overall development as inappropriate at this location. I note the dwelling mix, the gradients on the site and the inclusion of the two storey dwellings along the rear of existing dwellings and I consider the overall character of the proposal appropriate at this location.

Apartments & Duplex

12.14. 198 no. apartments are located in 3 no. blocks along the front of the site, along Academy Street. 86 no duplex buildings located throughout the remainder of the site as corner buildings provide variation to the layout:

- SPPR 1- not more than 50% are one bedroom.
- SPPR 3- the floor sizes are greater than standards in Appendix 1.
- SPPR 4- over 50% of dual aspect are provided.
- SPPR 5- floor to ceiling heights are 2.7m.
- SPPR 6- Less than 12 apartments per core are provided.

Open Space Provision

12.15. The proposed development includes one large park to the south of Belmont House (1.3ha), and 6 pockets parks throughout the remaining development (0.07ha to 0.13ha). Communal open space is provided around the 3 no apartment blocks to the front of the site (0.65ha). Table 11.2 of the CDP requires the provision of 15% public open space with a minimum requirement for 3.2ha per 1,000 persons for developments in excess of 350 dwellings. The proposed development includes 544 no. residential units where only 290 of these are conventional dwellings, therefore I do not consider the requirements of Table 11.2 and a minimum of 3.2ha of open space applicable to this development. I note the location and quality of the open space provision including the communal areas adjacent to the apartments and duplex units and I consider the layout and design of the open space in compliance with the requirements of the criteria in the Urban Design Manual. As discussed in the EIAR, the inclusion of additional tree planting along the southern boundary of Belmont House will ensure both the enhancement of biodiversity and the protection of the visual and residential amenity on the site.

Residential Amenity

12.16. The site is wrapped around Belmont House, a protected structure. The site is located to the rear of a row of large detached dwellings facing directly onto Academy Street and to the north and east of residential estates, Limekiln Hall and Limekiln Wood. The site slopes steeply from the front of the site, Academy Street, away from

those existing dwellings, west towards the residential estates. The composite elevation drawings illustrate a general retention of site levels in line with the existing contours and whilst the EIAR indicates a significant amount of cut and fill I note almost half of the soil is reused for the grading. Third party submissions, received from the residents in the vicinity of the site and the adjoining residential associations raise concern in relation to the potential for overlooking, the boundary treatment and the anti-social behaviour from the new pedestrian connection onto the Academy Street.

Noise and Disturbance

12.17. The EIAR and my assessment associated with the same, includes a full analysis of the impact of the construction works on those existing residents and whilst there will be a certain level of disruption, the mitigation measures proposed and restriction on hours of operation will reduce any significant adverse impact. The provision of the wide range of open space facilities will enhance the residential amenity of the existing and proposed residents in the vicinity.

Pedestrian Connectivity

12.18. A new pedestrian connectivity is proposed to the south east of the site along house no. 385 and no. 386. The connection allows access from the site, directly to the R147 and the bus stop. Third party submissions are concerned this access will lead to anti-social behaviour and have a negative impact on residential amenity in the vicinity. The PA also raised concerns over these links. DMURS guidelines require the promotion of connectivity and permeability throughout residential developments particularly in higher dense schemes. Section 2.2 of DMURS places emphasis on design for pedestrian connectivity and I consider the inclusion of the footpath a necessity to promote connections to public transport and services. The orientation and location of those proposed houses facing onto the walkway will allow for greater surveillance and prevent any significant anti-social behaviour in the area.

12.19. Two possible pedestrian access points, to the south and north, and west into Limekilm Woods, are illustrated on the submitted plans. No advanced detailed of the provision or design of these access points is included. Having regard to the national guidance, DMURS, and the promotion of connectivity I consider it reasonable that

these access points are provided and further detailed designs agreed as part of a condition on any grant of permission.

Overlooking

12.20. The CDP requires a separation distance of 22m between opposing first floor rear windows. The closest two storey dwellings proposed to the rear of Limekilm Hall is c.20m. I note the orientation of no. 17 Limekilm Hall, which is offset and not directly opposite the proposed dwelling to the rear (E2 332) and I consider the separation distance acceptable. Additional concerns in relation of overlooking are raised by residents of dwellings along the front, east, of the site adjoining the two storey dwellings along the proposed pedestrian access (N8B 385 & N8 386) and those duplex blocks at the rear. I note the location of Duplex Block 1 is higher than the existing dwelling by c. 8m although having regard to the separation distance of c. 46m, I do not consider there will be any significant overlooking on the existing properties. The proposed dwellings N8B 385 & N8 386 are orientated so as not to provide any direct overlooking on any properties.

Sunlight and Daylight.

12.21. A Sunlight and Daylight Assessment report accompanied the application which assessed the sunlight availability into the bedrooms and living rooms of Block A, B, C, D & E. The assessment indicates that all 94% of bedrooms and 10% of living rooms will meet the BRE Threshold targets. Appendix C illustrates sunlight availability to the communal open space for the apartments and having regard to the orientation of the site I consider the amount of sunlight acceptable. Having regard to the distance of the proposed development and the orientation of the site I do not consider the proposed development would cause any significant overshadowing on existing properties which would cause a significant negative impact on any residential amenity.

Boundary treatment

12.22. As stated above the site backs onto Limekiln Woods and Limekiln Hall. A significant number of third party submissions have raised the proposed boundary treatment at the rear of the existing dwellings bounding the south and south west of the site. The CE report refers to the inclusion of post and wire fence and planting along the site boundary, which is considered inappropriate and recommends a 2m high block wall.

The submitted plans do not provide a sufficient amount of detail on the existing boundary treatment around the site and upon site inspection the rear boundary treatment appears to include timber fencing. This aside I do not consider post and wire fencing is not a sufficient boundary treatment at the rear of any dwellings and a condition requiring appropriate boundary treatment would ensure the protection of the existing and proposed residential amenity.

Crèche

12.23. Two crèches are included in the scheme, one standalone along the main loop road, close to the school access (Phase 2) and the second is integrated into the apartment scheme, (Block C Phase 3). The national childcare guidance requires the provision of a crèche for every 75 no dwellings. Phase 1 of the development includes 80 dwellings, therefore the provision of the standalone crèche should be integrated into Phase 1 (443m²). I note the location of the crèche adjacent to Phase 1 and the link road through the site and I consider the delivery of this crèche within Phase 1 can be reasonably conditioned.

Phasing

12.24. Five phases of development are included in the proposal as summarised below:

1. Main spine road, woodland park, 80 no dwellings,
2. Crèche and 139 no dwellings,
3. Crèche open space and 135 no dwellings.
4. Open space and 64 no dwellings,
5. Open space and 126 no dwellings.

12.25. As stated above, I consider the crèche should be integrated into phase 1, which can be reasonably conditioned. The submission from the PA has concerns in relation to the location of the Part V allocation within the third and fourth phase. I consider any grant of permission can include a condition requiring full details of a Part V agreement to be finalised with the PA prior to commencement of any development.

12.26. Having regard to the overall design and layout of the dwellings, in particular the two storey dwellings along the south and west of the site, the separation distance and orientation of existing and proposed dwellings, the provision of residential amenity

facilities, open space and landscaping and considering the information contained in the EAIR and mitigation measures, I do not consider the proposed development would have a significant negative impact on the residential amenity of those residents in the vicinity of the site or future occupation of the residential units.

Flooding

- 12.27. The proposed development includes is for 544 no. residential units, 2 crèches, three new accesses from the site onto Academy Street, and includes for the upgrade of an existing junction between Academy Street and the R147, Dublin Road from a T junction to a signalised junction. The junction from the site onto the R147, the public road, is located within Flood Zone A. The car parking from the apartments along Academy Street are located within Flood Zone B.
- 12.28. Chief Executive Report: The Board should be aware that two CE reports were received on this application, the first being withdrawn. The second CE report was accepted² although contains an updated report from the Environment Section based on, and having regard to, an amended FRA, which was only submitted to the PA by the applicant. The amended FRA accompanied the second CE report. I have not considered the amended FRA nor the PA comments in relation to the updated FRA in my assessment. I consider these amendments are material alterations to the submitted scheme and as such third parties have not been party to this information.
- 12.29. Site Specific Flood Risk Assessment: A Site Specific Flood Risk Assessment (SSFRA) accompanied the application. The Fingal East Meath Flood Risk Assessment and Management mapping (FEM FRAM), undertaken by OPW, is used to map the site relative to all areas prone to flooding. The FEM FRAM maps indicate that the junction between the site access and the R147, along Academy Street are subject to 1% Fluvial event (Flood Zone A) and the lands along the front of the site bounding Academy Street are 0.1% Fluvial event (Flood Zone B). The SSFRA does not make reference to any of the proposed works to the junction within Flood Zone A.

² Article 305 (3) of the Planning and Development (Strategic Housing Development) Regulations 2017 implied that a CE report may be accepted after the 8 weeks stated in Section 8 (5) (a) of the Planning and Development (Housing) and Residential Tenancies Act 2016

12.30. The proposed works within Flood Zone B include Access 3, Access 2 and car parking and open space associated with the apartment scheme along the front of Academy Street. The FFL of apartments along Academy Street is 35.30m AOD, which is above the mid-range 33.07m AOB (including 500mm for flooding). The SSFRA states that the existing road level on Academy Street at the Access 3 will be raised 250mm to allow fire tender vehicle to access in the case of an emergency. Surface water from surrounding lands is currently treated and the attenuation design system for the proposed development is designed for a predicted 1- in-100 year storm event with 10% for climate change and storm water will be restricted to a flow of 2.47 l/sec/ha.

12.31. Flood Guidance: Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

12.32. Section 5 of The Planning System and Flood Risk Management Guidelines for Planning Authorities requires the justification of development in areas defined as Flood Zone A & B. Residential development is classified as a vulnerable use. Section 5 of the SSFRA includes a requirement for the applicant to complete a Justification Test (Box 5.1) for development located within flood risk areas. The proposed development includes the use of the attenuation tank to treat surface water, preventing any impact on flood elsewhere, and the increase in gradient of Access 3 by 250mm to allow fire tender access.

12.33. Justification Test : Section 5.5 of the submitted SSFRA includes a list of compliance with the Justification test criteria as summarised below:

1. The lands are zoned for development.
2. (i) An attenuation system will restrict storm water discharge rates and reduce the volume of surface water entering the public system.

(ii) The FFL along Academy Street and increase in the Access 3 by 250mm are measures to minimise the flood risk.

(iii) Residual risks can be managed in the unlikely event of the River Boyne causing surface flooding by orderly evacuation of the site.

(iv) The overall design of the surface water treatment, the location of the majority of the site within Flood Zone C comply with the wider planning issues.

12.34. Planning Authority: The submission from the PA recommends a refusal as the proposed development cannot accommodate emergency vehicles during a potential flood event. The PA noted that flood levels will be over 250mm at the road overlay between Access 3 and the junction towards the R147. In addition the PA raise concern that the flood depths into Access 2 (apartments along Academy Street) will be over 500mm, therefore preventing emergency access. Having regard to the absence of this information, the PA does not consider the parts (i) or (ii) of the justification test can be satisfied.

12.35. Assessment: I consider point 1 of the justification test and the reasoning for locating development on this site acceptable. Whilst the amount of lands subject to flooding on the applicants lands is relatively low in comparison to the rest of the lands, it is of note that part of the junction works is located within Flood Zone A and these works are not detailed within the FRA. I note the PA comments in relation to the requirement for an increase in road levels at this junction, between Access 3 and the R147, which I consider reasonable. In the absence of this information and the subsequent integration into the proposal and the FRA, the applicant has not provided a complete assessment of the impact of the proposed development and the implications for flooding in the vicinity of the site. The proposed development has the potential to displace flood waters at the junction, causing a significant negative impact on existing properties in the vicinity to the east of Academy Street. The levels into Access 2 are not considered sufficient by the PA to allow for emergency access vehicle into the site at a depth of 250mm. In this regard the proposed development cannot comply with the Justification Test.

12.36. The Technical Appendices (A & B) which accompany the national flood management guidelines provide a list of key outputs to be contained in a site specific FRA, including surveys required and assessments to be completed. The submitted documentation fails to address a number of these requirements, in particular the impact of the flooding, assessment of the safe access and egress of emergency

access and the likely impact of any displaced flood waters on third parties caused by alterations to ground levels (Appendix B section 3.3).

12.37. Conclusion: Having regard to the absence of the detailed information in relation to the upgrade of the junction (Flood Zone A) , appropriate access via Access 2 and the insufficient assessment provided in the SSFRA, I consider the proposed development should be refused. In the event the Board consider an Oral Hearing could appropriately addresses the absence of sufficient information required to assess the application I recommend the following specific information should be sought;

1. Further clarification regarding site specific information in relation to proposals within Flood Zone A and B including topographical surveys, plans and particulars detailing all works necessary to allow for safe access for emergency tender into the site.
2. Further clarification regarding the Site Specific Flood Risk Assessment including compliance with Appendix A and B (Technical Appendices) of The Planning System and Flood Risk Management Guidelines for Planning Authorities. Specific regard shall be given to the likely impact of any displaced flood water on third parties caused by alterations to ground levels and/or any works necessary to comply with the Justification Test.

13.0 **Recommendation and Conclusion**

13.1. Having regard to the sites location within the settlement boundary of Navan, the location on lands zoned New Residential, A2, and those policies and objectives contained in the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015 (as varied and extended), the nature, scale and design of the proposed development, the pattern of existing and proposed development in the area; it is considered that the proposed development subject to compliance with conditions below, would not seriously injure the residential or visual amenities of the area, cause any pedestrian and traffic hazard or have a negative impact on the character or setting of any or protected structures.

13.2. The impact of flooding has not been substantially addressed in the submitted Site Specific Flood Risk Assessment and the applicant has not sufficiently addressed all

works required in flood zones necessary for a coherent development of the site and in a manner which will prevent any significant negative impact on the surrounding properties in the vicinity of the site.

13.3. I recommend that planning permission should be **refused**, subject to conditions, as set out below.

14.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th of November 2019 by Coindale Ltd.

Proposed Development:

The development will consist of the construction of a residential development of 544 dwellings on a site of c. 15.1 ha summarised follows:

- a) 260 no. houses (18 no. 2 bed, 207 no. 3 bed & 35 no. 4 bed),
- b) 198 no. apartments (46 no. 1 bed, 152 no 2 bed),
- c) 30 no. duplex apartments (15 no. 2 bed & 15 no. 3 bed),
- d) 56 no. dwellings in corner blocks (16 no. 1 bed, 24 no. 2 bed & 16 no. 3 bed),
- e) 2 no. crèches (ground floor of apartment building (c. 195 m²) and a two storey crèche in housing area (c. 443m²)).
- f) Open Space of c. 2.63 hectares including playground areas;
- g) all ancillary landscape works with public lighting, planting and boundary treatments including regrading/re-profiling of site where required as well as provision of cycle paths;
- h) Provision of vehicular and pedestrian looped access through the site from 3 no. junctions located on Academy Street as well as pedestrian connection in south east of site to Dublin Road and upgrade works to junction onto the Dublin Road;
- i) 875 no. car parking spaces (including 4 no. car sharing spaces) and 581 cycle spaces;

- j) Surface water attenuation measures and underground attenuation systems as well as all ancillary site development works (reprofiling of site as required) as well as connection to existing public water supply and drainage services;
- k) All site development and landscape works.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

The site is located on lands identified as Flood Zone A and B. The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), and accompanying Appendices, provides guidance in relation to development proposals in areas at risk of flooding. The proposed development fails to include full plans and particulars detailing all works required on the site necessary to comply with Box 5.1 and the Justification Test in this national flood guidance. The Board is not satisfied that adequate site specific information has been presented in relation to proposals for flood risk management, noting the discrepancies in the information submitted. In the absence of the required information, and having regard to the topography of the site and location of portion of the site on flood zones A and B, the Board is not satisfied that the applicant has clearly demonstrated that the flood risk arising from the development can be limited. In the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

04th of March 2020