



An  
Bord  
Pleanála

## Inspector's Report ABP-310884-21

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<b>Development</b>	Amendments to residential development permitted under NA/181326. Replacement of 4-storey apartment block with 23 dwellings and all associated works.
<b>Location</b>	Lands to the North of the Windtown / Proudstown link road, Clonmagadden, Navan, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	21304.
<b>Applicant</b>	Glenveagh Homes Ltd.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	Denis Leavy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> day of October, 2021.

**Inspector**

Patricia-Marie Young

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## 1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.17ha site area and it is situated on the northern fringes of Navan, in County Meath, c2km to the north of its historic town centre. Its southern boundary aligns with the recently constructed Windtown/Proudstown Link Road and its western side aligns with the recently constructed access road that currently provides connection between the Cluain Adáin residential scheme. The entrance serving the Cluain Adáin residential scheme and the yet to be developed Masterplan MP 4 lands under the Meath County Development Plan, 2021-2027, is located c554m to the west of the R162 and c650m to the north east of Ratholdren Road.
- 1.2. The site at the time of my inspection was overgrown and unkempt. Its last apparent use appears to be arable land, but it is evident that it is being used as additional open space amenity and shortcut by residents in this area.
- 1.3. Mature hedgerows run along the southern and northern boundary of the site. A timber post fence runs along the western boundary which aligns with the recently constructed access road serving the Cluain Adáin residential scheme with part of the completed scheme adjoining the north westernmost boundary of the site. To the north the site is bound by an arable field and to the south the predominant land use is residential.
- 1.4. The site setting has an edge of settlement character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for amendments to the south-eastern portion (0.7ha) of a residential development permitted under P.A. Ref. NA/181326 and currently under construction. The proposed development seeks to replace a permitted 4-storey apartment block containing 40 no. units (consisting of 17 no. 1 bed units, 20 no. 2 bed units and 3 no. 3 bed units) with 23 no. dwellings. The proposed dwellings consist of 20 no. two storey houses (17 no. 3 bed units and 3 no. 2 bed units) and a three-storey triple block of 3 no. 1 bed apartments. The proposed development includes ancillary car parking, open space provision, landscaping, public lighting, and pedestrian connections, together with internal access roads, footpaths and site services that integrate with the permitted Phase 1 development (known as Cluain Adáin) under P.A.

Ref. No. NA/151046 to the west and all associated and ancillary site and development works.

**Table 1**

**Accommodation Schedule**

<b>Dwelling</b>	<b>Units</b>	<b>Unit Area</b>	<b>Mix</b>
Triplex Type T1 (1-Bed)	1	66	4%
Triplex Type T2 (1-Bed)	1	58	4%
Triplex Type T3 (1-Bed)	1	66	4%
House Type A, A1 (3-Bed)	5	120	22%
House Type B1, B2, B4 (4-Bed)	7	114	31%
House Type B3 & B5 (3-Bed)	5	114	22%
House Type C (2-Bed)	3	88	13%
<b>Total of Units:</b>	<b>23</b>		

**Table 2**

**Unit Mix**

<b>Mix</b>	<b>Units</b>	<b>Split</b>
3-Bed	17	74%
2-Bed	3	13%
1-Bed	3	13%

2.2. Further information was submitted to the Planning Authority on the 28<sup>th</sup> day of May, 2021. This response was not deemed to be significant and therefore the applicant

was not sought to provide new public notices. The applicant's response is accompanied by:

- A cover letter and Further Information Response prepared by the applicant's agent.
- A revised landscaping plan.
- Outdoor Lighting Report and Lighting Drawings.
- Bin Store Location Map.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On the 23<sup>rd</sup> day of June, 2021, the Planning Authority decided to grant planning permission for the development set out under Section 2 above subject to 29 no. conditions including:

Condition No. 1: Sets out the development permitted is as amended by the further information received on the 28<sup>th</sup> day of May, 2021, subject to safeguards.

Condition No. 2: Requires compliance with the parent grant of permission (P.A. Ref. No. NA181326); sets out its expiry date and clarifies the development permitted.

Condition No. 5: Requires the applicant to enter into a Section 96(3) agreement.

Condition No. 6: Restricts the first occupation of the houses and duplex units.

Condition No. 7: Sets out the requirements of the Transportation Section of the Council which includes but is not limited to a programme for the completion of the signalised junction with Clonmagadden Lane and the L34094.

Condition No. 8: Requires compliance with Irish Water requirements.

Condition No. 9: Deals with Public Lighting Scheme and seeks that this has regard to the Landscaping Scheme permitted.

- Condition No.11(a): Requires the preparation and approval of a Construction and Demolition Waste Management Plan (WMP).
- Condition No. 11(b): Requires the construction of the development to be managed in accordance with a Construction and Environmental Management Plan (CEMP).
- Condition No. 12: Sets out tree protection measures.
- Condition No. 13(a): Requires public open space and landscaping to be completed prior to occupation of any residential unit.
- Condition No. 13(b) & (c): Sets out hard and soft landscaping requirements.
- Condition No. 14: Sets out broadband service requirements for this residential development.
- Condition No. 16: Deals with the matter of Taking-in-Charge.
- Condition No. 18: Requires open spaces to be maintained free from development and that they and the roads are vested to the Planning Authority as part of the Taking-in-Charge process.
- Condition No. 21: Deals with the matter of construction parking.
- Condition No. 23: Requires that all waste to be dealt with in accordance with the Waste Management Acts, 1996 to 2008.
- Condition No. 24: Requires payment of Section 48 contribution towards roads and public transport infrastructure.
- Condition No. 25: Requires payment of Section 48 contribution towards social infrastructure, recreational and community facilities, amenities, and landscaping works.
- Condition No. 26: Requires payment of Section 48 contribution towards drainage infrastructure.
- Condition No. 27: Requires payment of a cash deposit security to the Planning Authority for the satisfactory completion and maintenance until taken in charge.



Condition No. 28: Requires payment of a monitoring sum of monies per dwelling.

Condition No. 29: Requires payment of a special contribution towards expenditure that is proposed to be incurred by the Planning Authority in respect of costs completing necessary infrastructure to facilitate this development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report** dated the 22<sup>nd</sup> day of June, 2021, is the basis of the Planning Authority's decision. This report considered that the applicant had satisfactorily addressed the Planning Authority's further information request that related to surface water, public lighting, bin storage and also provides a response to the Third-Party submissions received.

The **initial Planning Officer's report** dated the 13<sup>th</sup> day of April, 2021, considered that the proposed development is a permitted use and is in line with the zoning objectives of the Development Plan. The design and mix of dwellings proposed was deemed to be acceptable. The density of the proposed development was deemed to be consistent with local through to national guidance including the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. This report concludes with a request for further information. The items in the further information response can be summarised as follows:

*Item No. 1:* Requires clarity on a number of surface water drainage concerns raised by the Planning Authority's Water Services Section.

*Item No. 2:* Requires the applicant to provide a revised public lighting design in accordance with the following document: '*Meath County Councils: Public Lighting Technical Specification & Requirements*'. It also sets out that the design should not conflict with existing and/or new trees planted as part of the proposed development.

*Item No. 3:* Requires a revised site layout plan showing the location of the bin storage provision.

*Item No. 4:* Seeks a response to the Third-Party submission received.

### 3.2.2. Other Technical Reports

**Transportation:** No objection, subject to safeguards.

**Transportation (Public Lighting):** No objection, subject to safeguards.

**Water Services:** No objection, subject to safeguards.

**Housing Section:** No objection, subject to safeguards.

### 3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection.

### 3.4. Third Party Observations

3.4.1. During the Planning Authority's determination of this application, it received one Third Party observation. This was submitted by the Appellant in this Third-Party Appeal case. The substantive concerns raised in this submission correlate with those raised in their appeal submission to the Board. These are summarised under Section 6.1 of this report below.

## 4.0 Planning History (Recent & Relevant)

### 4.1. Site

4.2. **P.A. Ref. No. NA/181326:** Planning permission was **granted** for the construction of 99 no. residential units together with all associated site works and services. This development included 40 no. apartment units (comprising 17 no. 1-bedroom units; 20 no. 2 bedroom units; and 3 no. 3 bedroom units) contained within a 4-storey apartment block and 59 no. two storey houses (comprising 31 no. 2 bedroom units; 26 no. 3 bedroom units and 2 no. 4 bedroom units).

With these houses consisting of a mix of 43 no. terrace and 16 no. semi-detached built forms and Table 3 below setting out the unit mix for the apartment block which is of particular relevance to this Third-Party Appeal.

Decision Date: 26<sup>th</sup> day of February, 2019.

**Table 3**

**Apartment Schedule**

Type	No. Units	Unit Area	Mix
1-Bed Apartment	17	50	43%
2-Bed Apartment	20	80	50%
3-Bed Apartment	3	95	7%

**4.3. Setting**

**P.A. Ref. No. NA/151046:** Planning permission was **granted** subject to conditions for the construction of 106 2-storey dwellings on land to the north of the Windtown/Proudstown Link Road at Clonmagadden, Navan, Co. Meath, together with all associated works and services.

Of note this proposal relates to Phase 1 of the Cluain Adáin residential scheme and consisted of 9 no. 4 bedroomed detached units; 22 no. 4 bedroom semi-detached units; 44 no. 3 bedroomed semi-detached units; 23 no. 3 bedroom terrace units; and 8 no. 2 bedroomed terrace units.

Decision Date: 1<sup>st</sup> day of April, 2016.

**ABP Ref. No. PL17.246510 (P.A. Ref. No. NA/151044):** On appeal to the Board planning permission was **granted** for a convenience store (464m<sup>2</sup> gross floor area) on the opposite side of the access road serving Cluain Adáin residential scheme (Opposite the western boundary of the appeal site).

Decision Date: 31<sup>st</sup> day of August, 2016.

**5.0 Policy & Context**

**5.1. National Policy Context**

- **The National Planning Framework – Project Ireland 2040, (2018).**

This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040. Of note National

Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35.

Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which:

- Objective 27 seeks to: *“ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages”*.
- Objective 33 seeks to: *“prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*; and,
- Objective 35 seeks to: *“increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”*.
- **Climate Action Plan, 2019.**
- **National Development Plan, 2021 to 2030.**
- **Housing for All – A New Housing Plan for Ireland to 2030, 2021.** Like other national policy provisions this targets settlement centre growth first and seeks regeneration of cities, towns, and villages.

## 5.2. National - Section 28 Ministerial Guidelines

- 5.2.1. Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- **Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009).**

Of note Chapter 6 of the said Guidelines sets out key planning principles to guide the preparation and assessment of planning applications for residential development in small town locations. With Section 6.8 setting out that the primary consideration for the design and layout of residential developments in settlements is that new development should relate successfully to the structure of the town or village.

It sets out that new development should contribute towards achieving compact settlements alongside offering an alternative to urban generated housing in un-serviced rural areas.

It indicates that the scale should be proportionate to the pattern and grain of existing development.

In terms of densities, it indicates that centrally located development in small towns and villages could achieved densities of up to 30 to 40 units per hectare. Whereas edge of centre sites should achieve densities of between 20 to 35 units per hectare.

In order to offer effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of between 15 to 20 dwelling units per hectare at the edge of a town or village, provided that it does not represent more than 20% of the housing stock.

- **Design Manual for Urban Roads and Streets (DMURS), 2013.**
- **Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.**
- **Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.**
- **The Planning System and Flood Risk Management (including associated Technical Appendices).**
- **Urban Development and Building Height Guidelines, 2018.**
- **Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.**

### 5.3. Regional

- 5.3.1. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect on June 28th, 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City and suburbs, Regional Growth Centres (Drogheda, Athlone, and Dundalk) at the top of the settlement hierarchy and identifies Key Town's in each area with the highest potential to accommodate growth. Other centres lower in the settlement hierarchy including Self-Sustaining Growth Towns, Self-Sustaining Towns, Towns & Villages, and Rural Areas are not specifically identified, and remain to be defined by the development plan.

This strategic plan seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans. These include:

- RSO 2 Compact Growth and Urban Regeneration - Which seeks to promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.
- RSO 4 Integrated Transport and Land Use – Which seeks to promote best use of Transport Infrastructure, both existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning.

Of note the settlement of Navan is identified under this document as a 'Key Town' and that it is the primary retail and employment centre of County Meath with 20% of all jobs in Meath in 2016 located in Navan.

### 5.4. Local Planning Context

- 5.4.1. **Development Plan**

The Meath County Development Plan, 2021 – 2027, came into effect on the 3<sup>rd</sup> day of November, 2021.

Section 2.4.2.2 of the Development Plan indicates that Navan is located within its identified Core Area and that future growth in this area is to be focused on consolidated, compact growth in key employment and service centres.

Section 2.4.3 of the Development Plan has regard to the Regional Strategy which identifies Navan as a Key Town and that these areas contain a level and range of services and amenities available in them with potential to continue their development as important residential, employment and service centres in the County and within the wider region. It is also set out in relation to the delivery of a rail line to Navan that as integral to the development strategy for Navan is that it demonstrates the capacity to support the population increase associated with a rail-based settlement.

Development Plan objective CS OBJ 9 indicates that a new local area plan will be prepared for Navan during its lifetime.

Section 3 of the Development Plan deals with settlement and housing. It sets out that the Municipal District of Navan had a population of 34,931 in 2016 with a growth of 5.5% in comparison to 5 years prior.

Section 3.4.3 sets out that future settlement growths primary focus will be towards settlements including but not limited to the Key Town of Navan and that the concentration of development at these locations will strengthen the urban structure of the County. Alongside assisting in creating economies of scale for businesses, investors and infrastructure service providers whilst also providing opportunities to improve the level of community facilities available.

The following Development Plan policies and objectives are relevant:

DM POL 5: *“To promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged”.*

DM OBJ 14: When considering densities of residential densities for Key Towns a density of between 35 to 45 units per hectare is encouraged. It is further noted that SPPR 1 of the Urban Development and

Building Heights Guidelines for Planning Authorities December 2018 shall be considered in the implementation of the above densities.

DM OBJ 15: Sets out that as a general rule the indicative maximum plot ratio standard shall be 1.0 for housing at the edge of town locations.

Section 11.5.7 of the Development Plan sets out the separation distances between dwellings.

Section 11.5.8 of the Development Plan sets out that all residential schemes should ensure an appropriate mix of housing typologies and unit sizes to support the variety of household types and tenures that accord with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The accompanying policies are relevant:

DM POL 6: *“To require that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends”.*

DM OBJ 25: Requires development within increased building heights at locations including Navan.

DM POL 12: Apartment schemes shall generally be encouraged in appropriate, sustainable, locations, accessible to public transport in settlements including but not limited to Navan.

Section 11.15 sets out a list of Masterplans which includes MP 4 which is located in Clonmagaden and is situated to the north of the link road between Proudstown Road and Ratholdren Road and south of Kilsarin Lane.

Volume 2 of the Development Plan sets out the written statements and maps for settlements including Navan.

The vision for Navan seeks for it *“to continue to function and develop as a multi-modal key town in Meath; and important employment centre for administrative, retail, health, and education services, where development in the town centre is balanced by*



*investment in the business and industrial parks, which will enhance its attractiveness as a place to work, live, and invest and thereby support the creation of a sustainable community”.*

In relation to residential Section 5 sets out that residential growth will focus on the delivery of high quality developments rather than the ‘household target’ as specified in the Core Strategy.

Section 5.1 notes that the northern part of the town including at Clonmagaddan that a steady supply of housing is being delivered.

Section 5.1.1 sets out that the Clonmagaddan Valley SDZ that was approved by the Board in 2004 covers approximately 38ha between Kingscourt Road and the Slane Road. It notes that this land is zoned for residential development and has potential to deliver up to 1,400units.

Section 5.1.3 deals with residential design and scale. It indicates that these shall support the creation of high quality living environments with higher densities concentrated along public transport corridors and in proximity to the town centre. It states that “as part of the strategy of delivering more compact growth, any development in town centre or strategic locations in the towns will be required to deliver high density development of up to 45 units/ha”.

It further states that “*this includes town centre and mixed-use lands and the residential lands to the west of Academy Street and residential lands adjacent to future rail stations in the town*” and that “*these lands would be the most appropriate locations for apartment developments and should be considered as part of the household mix in these locations*”. In relation to remaining lands within the settlement it sets out that these “*should be development at a density of up to 35 units/ha*”.

Section 6 sets out that Master Plan 4 was agreed in 2018 and that it includes lands between Clonmagadden Road and Kilsaran Lane with an area of c27.5ha. It indicates that this land is zoned for residential, community, open space and notes that a residential development ‘Cluain Adáin’ is under construction in this area.

#### 5.4.2. **Other**

The Meath County Development Contribution Scheme, 2016-2021, as amended, is applicable.

## 5.5. Natural Heritage Designations

- 5.5.1. The appeal site is situated c1.2km to the north of the River Boyne & River Blackwater SAC (Site Code: 002299) and c1.3km to the north of the River Boyne and River Blackwater SPA (Site Code: 004232) at its nearest point.

## 5.6. EIA Screening

- 5.6.1. An Environmental Impact Assessment Screening report was not submitted with this application.
- 5.6.2. Alterations to a previously permitted residential scheme is not listed in Schedule 5 and therefore a mandatory EIA is not required.
- 5.6.3. Class (10)(b) of Schedule 5 Part 2 of the Planning & Development Regulations, 2001, as amended, provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units.
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10ha in the case of other parts of a built-up area and 2ha elsewhere. (In this paragraph, 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.).
- 5.6.4. Under this application it is proposed to construct 23 units. This number of residential units falls significantly below the threshold of the 500 dwelling units noted above. The site though forming part of a larger parcel of land which has been residentially developed by the applicant has a given 0.7ha and is located within the settlement boundaries of Navan and neighbours existing development to the south, west, and north west.
- 5.6.5. The site itself can be described as an existing greenfield site which has become unkempt in recent years. The introduction of the proposed 23 residential units would not have an adverse impact in environmental terms on surrounding land uses, which are predominantly residential in their nature, nor would it have an adverse impact in environmental terms on adjoining and neighbouring zoned land which is zoned for development.

5.6.6. The site and its setting are not designated for any cultural and/or built heritage merit.

5.6.7. The proposed development is not likely to have a significant effect on any Natura 2000 site, including those indicated in Section 5.5.1 above and there is no hydrological connection visible such as would give rise to significant impact on existing watercourses nearby (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisance that differ significantly from that arising from other developments in this landscape/urbanscape context. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, with no objections or capacity issues raised as a concern. Therefore, its effects on water and drainage would not be significant or such that would raise any substantive concern.

5.6.8. Having regard to:

- The nature, scale and extent of the proposed development sought under this application which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning & Development Regulations, 2001, as amended.
- The location of the site on lands that are zoned ‘C1 – Mixed Use’ with the land use objective of providing and facilitating mixed residential and businesses uses where ‘residential’ development is permitted in principle under the provisions of the Meath County Development Plan, 2021-2027, which is unchanged from the previous Development Plan, and the results of their accompanying strategic environmental assessment undertaken in accordance with the SEA Directive (2001/42/EC).
- The planning history of the site.
- The location of the site within an area that is served by public infrastructure and the existing pattern of residential development in the vicinity.
- The location of the site remote from any sensitive locations specified under Article 109 of the Planning & Development Regulations, 2001, as amended, the built-up nature of the landscape in between and the mitigation measures proposed to ensure no connectivity to any sensitive location.

- The guidance set out in the ‘Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development’ issued by the DoEHLG, 2003.

5.6.9. I have concluded that by reason of the nature, scale, extent, location, and site context of the subject site that the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not deemed necessary in this case.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of this Third-Party Appeal can be summarised as follows:

- The proposed development would materially contravene planning condition no. 2 of the grant of permission P.A. Ref. No. NA/181326 that states a total of 99 units shall be built on site. This proposal would reduce the total number of units to be built on site from 99 permitted to 82.
- As the scheme’s density would be below 35 units per hectare it would not be compliant with the provisions of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities.
- This proposal would materially contravene the core strategy for the Navan Development Plan, 2009-2015, as varied and extended as it seeks to consolidate Navan as the primary growth area of the County. The Core Strategy population projections are predicated on an average density of 45 units per hectare. The maximum density on ‘C1’ zoned land should be disregarded as unsustainable and contrary to National Policy and Ministerial Guidelines.
- The proposed development would materially contravene objectives NAV OBJ 1 and NAV OBJ 2 of the Navan Town Plan as the density of P.A. Ref. No. NA/181326 as amended by being below the minimum density of 45 units per hectare.
- The omission of the approved apartment scheme reduces the mix of units within the overall development and reduces options for potential purchasers.

- There is no planning justification to deviate from the provision of apartments on these lands.
- The provision of a 4-storey apartment building would create a greater sense of place and a gateway to the overall development at Clonmagadden Road.
- A strong architectural statement or focal point is required on the appeal site to counter balance the future retail development on Phase 3 thus creating a landmark entrance to the overall MP4 lands.
- The appellant is concerned in terms of the impact the proposed development would have on the reservoir and associated archaeology. This concern has been dismissed by the Planning Authority in their determination of this application and the grant of permission does not include an archaeological condition as a precaution.
- No further amendments of permitted development on MP 4 zoned lands should be permitted until the applicant provides some of the necessary social infrastructure and amenities to support the overall residential development.
- Concern is raised that the applicant is building houses without any of the complementary and essential services to support their future residential population.
- P.A. Ref. No. NA151044 is due to expire in the next few months and there is no sign of the approved convenience store being provided.
- The Board is requested to overturn the decision of the Planning Authority.

## 6.2. Applicant Response

6.2.1. On the 16<sup>th</sup> day of August, 2021, the applicant submitted their response to the Third-Party Appeal. This response can be summarised as follows:

- The Board is noted that this response is accompanied by a letter from the applicant's selling agent Raymond Potterton Auctioneers.
- This site is situated on Master Plan MP4 lands under the Navan Development Plan, 2009 to 2015, with this proposed development seeking to amend the south-eastern 0.7ha portion of a larger residential development permitted by the Planning

Authority under P.A. Ref. No. NA/181326. This parent permission granted a 4-storey apartment block with 23 no. dwellings (consisting of 20 no. two storey houses (17 no. 3 bed units and 3 no. 2 bed units) and a 3-storey triplex block of 3 no. 1 bed apartments. With the original scheme permitting 99 no. residential dwellings comprising of 40 no. apartments within a 4-storey block and 59 no. two storey houses. This permitted development forms the second phase of the development of the MP4 lands.

- Phase 1 of the development was granted under P.A. Ref. No. NA/151046 and consisted of 106 no. two storey houses.
- Phase 1 has been completed and 59 of the houses permitted under Phase 2 have been completed and are occupied. It is the permitted apartment block under Phase 2 that is the subject of this application.
- Following the applicant's further information response, the Planning Officer was satisfied that all items set out in the Planning Authority's further information request has been dealt with.
- The appellant contends the omission of the apartment block would reduce the mix of units within the wider development and reduce the options for potential purchasers and contend that a robust justification for the reduced number of apartments on the overall MP4 lands has not been provided.
- As set out in the further information response the rationale for the revised scheme has been informed by the CSO Census data of the demographic profile in this settlement with 33% of the population comprising of the age group of between 25 to 44. This is higher than the county which has a figure of 29%. In addition, the household composition of both Navan and Meath has a significantly high proportion of families with children (60%). Navan has also a substantially lower proportion of couples without children when compared to the County and State. In addition, it has a lower proportion of single person households. Overall, this indicates the attractiveness of Navan for couples with children and also first-time buyers.
- Extensive engagement has been had with potential buyers for residential units at their Clonmagadden site and throughout the county.

- There is an ongoing strong market demand for affordable family type houses. This was very evident in the sales of Phase 1 and 2 of the units constructed.
- It was found that there was limited demand in this area for apartment type developments. In this regard reference is had to the accompanying letter provided by the applicant's auctioneers.
- The perception of apartment living has been adversely impacted by the pandemic and has further pushed buyers' preferences and demand towards own door properties. In addition, such properties can more easily be augmented to suit changing life circumstances.
- The surrounding area is defined by 2-storey, detached, semi-detached and terraced houses served by social and community facilities that primarily cater for families.
- The applicant is providing a mix of 1, 2 and 3 bed units within the scheme to provide residential units for a wider demographic albeit focusing on the dominant market demand.
- The appellant considers that the apartment block creates a greater sense of place and a gateway to the overall development with this being required to counter future retail and commercial type developments on the opposite side of the constructed access to MP 4 lands.
- The proposed layout and unit design provides significantly enhanced frontage.
- The 3-storey triplex provides height and variation to the development and emphasises the importance of the access junction.
- This design has increased pedestrian activity, surveillance, and permeability onto the entrance of the MP 4 lands and the public domain more so than the apartment block.
- Overall, the proposed layout provides an enhanced urban edge to the development site boundaries.
- The proposed development would result in the scheme at this site providing a density of 32.4 units per hectare and in terms of the overall Phase 2 development permitted would give rise to a net development density of 32 units per hectare.

- The Sustainable Residential Density Guidelines encourage net densities of between 35 to 50 dwellings per hectare within cities and larger towns and net densities of less than 30 dwellings per hectare although discouraged are not precluded in large town locations. These Guidelines place emphasis on the importance of qualitative standards in relation to design and layout in order to ensure that the highest quality of residential environment is achieved.
- The proposed development puts forward a typology of residential unit and density that is appropriate to its context on the edge of a larger town.
- The density and urban design quality of the proposed development is consistent local, regional through to national planning provisions.
- The Meath Development Plan recognises that a choice of residential densities appropriate to a given area needs to have regard to other factors other than numeric density considerations.
- A residential density of 45 units per hectare across the entire development plan area is not realistic.
- DM POL 5 seeks to promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged.
- The Office of the Planning Regulator seeks the omission of NAV OBJ 2 from the Draft Development Plan.
- The density of 32.4 units per hectare provides an appropriate balance between local and national guidance.
- The archaeological impact of development on the subject site has been previously assessed and the proposed development gives rise to no additional archaeological matters of concern.
- Detailed examination of C1 and G1 zoned land future development has been undertaken with this informing the master plan for these lands including the proposed future provision of a childcare facility of 450m<sup>2</sup>; neighbourhood retail unit 465m<sup>2</sup>; communal plaza; 36 no. sheltered accommodation units and a community building/centre. The layout and mix will be subject to future amendments. It is



anticipated that an application for the lands to the west of the subject site will be submitted to the Council in December, 2021.

- This development expedites the delivery of homes; design, unit mix, and consequential density are appropriate in this site's context.
- The Board is requested to uphold the Planning Authority's decision.
- A letter dated the 12<sup>th</sup> day of August, 2021, from Raymond Potterton, is attached to this First Party Appeal response and it includes the following comments:
  - They are specialists in property sales, acquisitions, valuations, and marketing of residential and commercial developments, particularly in the eastern and north-eastern region of the country.
  - They were assigned as the selling agents for Phase 1 and 2 of the Cluain Adáin residential development.
  - The housing market and unit type demand in Navan and in similar growth towns in the region is for 2-, 3- and 4-bedroom own door units.
  - Demand is strong for dwellings for existing or new families in the outer suburban areas of such settlements which are seen as being more affordable.
  - There was a rapid sale of 3 bed units in Phase 1 and 2 of the Cluain Adáin development. This is where the strongest demand is in terms of housing mix and typology.
  - In quarter two of 2021 fifty percent of mortgages drawn down were first time buyers. From their experience with Cluain Adáin 80% of buyers are first time buyers and almost all are couples with 75% being families of three or more persons.
  - The pattern and demand for 2, 3 and 4 bed own door developments is replicated in both large centres/growth towns and slightly smaller settlements in the Greater Dublin Area.
  - There is a perception that there is a demand for apartments from people trading down or first-time buyers. This is not however the case from their experience. Apartments are predominantly purchased by residential investors to rent out and these types of buyers are in short supply with the attractiveness predicated

on a range of factors such as proximity to town and employment centres, and the availability of frequent high quality public transport.

- There is a low demand in Navan for apartments.
- The effect of the Covid 19 pandemic on the housing market has intensified the demand for own door properties.
- The requirement for a home office space and a good garden has been accentuated during the pandemic. Apartments do not enjoy these attractions and the buyers are willing to travel further afield to obtain these.
- We cannot sell apartments for more than their build cost.
- The demand for own door housing is acute and there are not enough homes to meet the demand.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority's response seeks the Board to have regard to the Planner's Reports dated the 9<sup>th</sup> day of April, 2021, and the 22<sup>nd</sup> day of June, 2021, in the determination of this Third-Party appeal case. It raises no new issues.

### **6.4. Referrals**

- 6.4.1. The Board referred this appeal case to An Taisce, Development Applications Unit and The Heritage Council. No responses were received.

### **6.5. Observations**

- 6.5.1. None.

### **6.6. Further Responses**

- 6.6.1. On the 15<sup>th</sup> day of September, 2021, a further response was received from the Planning Authority which raised no new issues. This response seeks the Board to have regard to the Planner's Reports dated the 9<sup>th</sup> day of April, 2021, and the 22<sup>nd</sup> day of June, 2021, as well as their previous submission to this appeal dated the 17<sup>th</sup> day of August, 2021, in the determination of this Third-Party appeal case.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. The main issues in this appeal case are those raised by the Third Party in their grounds of appeal submission. I am satisfied that no other substantive issues arise. I proposed to address these issues under the following broad headings:

- Appropriateness of the Proposed Density
- Material Contravention
- Visual Amenity Impact
- Archaeology
- Appropriate Assessment
- Other Matters Arising

7.1.2. Prior to commencing my main assessment below, I firstly note, that the proposed development sought under this application was subject to a request for further information. The applicant's response was received by the Planning Authority on the 28<sup>th</sup> day of May, 2021. Having examined the applicant's further information response I concur with the Planning Authority in that it did not include any significant amendments or alterations to the proposed development as originally submitted to the Planning Authority on the 18<sup>th</sup> day of February, 2021. It did, however, provide improvements to the surface water drainage design as well as a revised more qualitative landscaping plan, an outdoor lighting scheme that included provisions for it not to conflict with the landscaping plan as revised as well as provided clarity on the bin store location that would serve the residential units proposed. My assessment below, is therefore based on, the proposed development as revised by the applicant's further information response.

7.1.3. Of further note on this matter, I also concur with the Planning Authority that the surface water drainage design, the landscaping scheme through to the public lighting design as revised are satisfactory and that they give rise to no substantive concerns. Any issues that do arise can be dealt with by way of conditions as has been done by the Planning Authority in their notification to grant permission. I therefore do not propose to make any comments on them in my assessment below and should the Board be

minded to grant permission I recommend that they include similar conditions to Planning Authority to deal with any outstanding issue.

- 7.1.4. Secondly, prior to commencement of my main assessment I wish to make comment in respect of the site's recent and relevant planning history. On this matter, I note that the 0.7ha appeal site area subject of this application previously formed part of a larger 3.34ha parcel of greenfield land that was granted planning permission for its development under P.A. Ref. No. NA/181326 (Note: 26<sup>th</sup> day of February, 2021). Under this grant of permission 99 no. residential units was permitted together with their associated works and services, subject to conditions. Of relevance to the grounds of this appeal is that the permitted development included but was not limited to a 40-unit 4-storey apartment block. This apartment block, the applicant by way of this current application, seeks to replace with 23 residential units. In the documentation accompanying this application before the Board it is indicated that this apartment block was located on 0.5ha of the land parcel that was subject to the planning application P.A. Ref. No. NA/181326.
- 7.1.5. The appeal site subject of this application relates to 0.7ha of the land that falls within the site area of P.A. Ref. No. NA/181326. The site area comprises the area around the 4-storey apartment block permitted under this grant of permission. It therefore includes the western boundary of the site which aligns with the recently constructed access road that currently serves Phase 1 and 2 of the Cluain Adáin residential scheme. It extends eastwards bounding agricultural land to the north and the Windtown/Proudstown Link Road that provides connection to the R162 regional road to the east and Ratholdren Road to the west. It comprises the western part of the green field that it forms part of and under the recently adopted Meath County Development Plan, 2021-2027 it forms part of a larger parcel of 'C1 – Mixed Use' and Master Plan 4 lands.
- 7.1.6. The stated zoning objective for 'C1' lands is: "*to provide and facilitate mixed residential and businesses uses*" under which residential developments are generally permitted, subject to safeguards. In addition, residential development is also deemed to be permissible on Master Plan 4 lands. Both remaining unchanged from the previous Development Plan.

- 7.1.7. Despite the site being located close to the northern fringes of the settlement boundaries of Navan it nonetheless forms part of a landscape setting that has been subject to rapid urbanisation changes in recent years. Particularly in terms of the completion of the Link Road through to Phase 1 and 2 of the Cluain Adáin residential scheme. These recent developments are compatible with the more mature residential developments that are situated to the immediate south of the Link Road. These include the residential schemes of Tara Court, Clonmagadden Park and Nangle Court.
- 7.1.8. In addition, they also harmonise with the residential nature of the lands to the east and west of the Master Plan 4 lands.
- 7.1.9. These include the residential schemes of The Paddocks to the east and Winetown Crescent, Dunloe and Tailteann to the west. Whereas the landscape to north of the Master Plan 4 lands and the aforementioned residential schemes to its east as well as west could be described as having a stronger agricultural character whilst containing a strong proliferation of one-off dwellings.
- 7.1.10. Given the planning history of the site, the zoning objective of the site under which residential land use is permissible, having regard to the site context and the character of this area I concur with the Planning Authority that in this case that the principle of the proposed development which essentially seeks amendments to the previously permitted residential development granted under P.A. Ref. No. NA/181326, primarily the replacement of the 4-storey apartment block containing 40 residential units, with 23 no. dwelling units, is generally acceptable, subject to safeguards.
- 7.1.11. Thirdly, having regard to the information on file including the Planning Authority's interdepartmental reports, submission from Irish Water and publicly available information I concur with the Planning Authority in that the public infrastructure in terms of potable water and foul drainage has capacity to absorb the proposed 23 residential units without giving rise to any substantive issues, subject to safeguards. Including the improvements proposed to surface water drainage management within the site itself. I therefore do not propose to examine this matter in my main assessment below. I also recommend that the Board include all or similar worded conditions set out in the Planning Authority's notification to grant permission that deal directly with these matters should it be minded to grant permission for the proposed development sought under this application in the interest of public health and orderly development.

- 7.1.12. Fourthly, having examined the accompanying documentation submitted with this application I also concur with the Planning Authority in respect to the proposed development satisfying local through to national planning provisions as well as guidance. Particularly in terms of meeting required qualitative and quantitative standards for the type of residential units proposed through to the public and private open space provision for this type of residential scheme.
- 7.1.13. The documentation submitted also demonstrates that there is adaptability in the design, built form and layout for most of the residential units to accommodate future potential expansion in floor area at ground or at attic level. This is important in terms of future proofing residential units to provide a potential for increased habitable area should that be required by occupants in future.
- 7.1.14. Alongside this the residential units design has responded to the demands that have arisen from residential units during the Pandemic. With this being reflected in the provision of all of the proposed units having their own door access. In addition to adequate levels of internal space or external space in the case of the housing units to expand into the garden area to accommodate home working should that need arise.
- 7.1.15. Moreover, the design has had regard to Universal Design Principles so that the residential housing units can accommodate people with moderate difficulties as well as older persons.
- 7.1.16. In terms of open space provision, the majority of units have private open space provision above the required standards and also have the required 22m lateral separation distance between opposing first floor windows. The documentation submitted with this application indicates that the proposed development would have 18.4% overall public open space. This is in excess of the Development Plan standards which requires 15% public open space to be provided for this type of development.
- 7.1.17. The overall design and layout of the Cluain Adáin residential scheme as well as that of the lands contained within the Master Plan 4 include a hierarchy of public open space included in this proposed development and these are served by good permeability and connectivity within the scheme. In addition, the permeability and connectivity between the Master Plan 4 lands and the adjoining Link Road is generally satisfactory.

- 7.1.18. Added to this is the orientation, layout, built forms through to the lateral separation distances between buildings is such that the private amenity space as well as the internal residential amenity of each of the residential units proposed is of good quality with future amenities of occupants not being diminished in any significant manner by way of overshadowing, diminished daylighting and sun lighting through to a level of overlooking that would be out of character with this type of residential suburban setting.
- 7.1.19. There is also increased passive surveillance of public open spaces and communal areas in general when compared to the previously permitted apartment scheme. In addition, the design provides for more active street frontages by moving the residential units closer to the public domains, semi-private domains through to communal area.
- 7.1.20. Based on these considerations I concur with the Planning Authority that the design and layout of the proposed residential units sought under this application for a greenfield site that is not in any apparent functional use nor contributes to the attractiveness of the visual amenities of its setting gives rise to any significant substantive adverse issues.
- 7.1.21. I therefore do not propose to deal with these particular matters in my assessment below. I also recommend that the Board should it be minded to grant permission for the proposed development sought under this application to attach the Planning Authority's conditions contained in their notification to grant permission or similarly worded conditions for the reasons of ensuring a qualitative residential amenity outcome.

## **7.2. Appropriateness of Density**

- 7.2.1. The appellant in this case argues that the proposed development should be refused as it would result in a reduction in the density of the development previously permitted for this site under P.A. Ref. No. NA/181326.
- 7.2.2. They also argue that it would be more appropriate at this location for the applicant to be providing an increased density of that permitted of 45 units per hectare with this being the density encouraged for Key Towns like Navan under local planning provisions with this unit per hectare density corresponding with national guidance which advocates achieving compact and higher densities within settlements in general.

- 7.2.3. The applicant in their response to the grounds of this appeal indicate that their rationale for seeking the replacement of the 40 unit 4-storey residential building permitted under P.A. Ref. No. NA/181326 is driven by a number of factors.
- 7.2.4. The factors that they set out include market reality, demographics of this settlement, the changed demands from potential buyers arising from the pandemic, through unviability of apartments to build at such an edge of settlement location.
- 7.2.5. They set out that during the sales of their Phase 1 and 2 residential units that they have had much engagement with potential buyers with the current situation being at this location there is a strong demand for own door properties from first time buyers and young families.
- 7.2.6. They have also noted that buyers are willing to travel further from places of employment like Dublin to achieve a larger property and with this becoming more attractive due to the changes to working practices that have arisen during the pandemic. Whereby during this and current time working from home is becoming more of a reality for more workers going forward.
- 7.2.7. They have also noted that there is extremely limited interest from individual buyers for apartment type developments in this area of Navan.
- 7.2.8. These conclusions are supported by their appointed auctioneer, Raymond Potterton Auctioneers, who is purported to have knowledge and experience in Navan as well as the wider region. With this auctioneer being noted to be the largest seller of second hand and new residential properties of all types and sizes in this locality.
- 7.2.9. In their accompanying letter attached to the applicant's response to the grounds of appeal they set out the strong demand for own door 2-, 3- and 4-bedroom units in the outer suburban areas of settlements like this. They indicate that 80% of occupants of Cluain Adáin are first time buyers, comprising of 75% families of 3 or more persons. In 2021 they indicated that during the second quarter that 50% of mortgages drawn down were by first time buyers.
- 7.2.10. In respect of apartment type developments, they contend that these types of units are generally bought by investors and from recent experience these type of investors are in short supply due to rent becoming less attractive.



- 7.2.11. In addition, these types of residential units are more desirable in town and employment centres as well as in closer proximity to high frequency and well-connected public transport provision which this location is not.
- 7.2.12. The applicant argues that the replacement of the permitted 40 no. apartment units from the 99 residential units permitted under Phase 2 of the development gives rise to a density per hectare of 32.5 units per hectare. In terms of the overall development permitted for Phase 2 they contend that this would give rise to a net residential density of 32 units per hectare.
- 7.2.13. They note that the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities advocate on Outer Suburban/Greenfield sites that densities below 30 units per hectare are discouraged and a general net density range of between 35 to 50 units per hectare is encouraged. With these guidelines indicating that regard in the consideration has to also be given to the character and context of the area alongside achieving qualitative standards in relation to the design and layout in order to ensure that the highest quality of residential environment is achieved.
- 7.2.14. In addition, reference is made to Circular NRUP, dated the 21<sup>st</sup> day of April, 2021, which clarifies the position of the aforementioned guidelines.
- 7.2.15. I note that this states that: *“while the Sustainable Residential Development Guidelines clearly encourages net densities in the 35-50 dwellings per hectare range, within cities and larger towns, net densities of 30-50 dwellings per hectare may be regarded as acceptable in certain large town contexts and net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations”*.
- 7.2.16. In relation to the recently adopted Development Plan Section 11.5.3 sets out that: *“in general the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on ‘Sustainable Residential Development in Urban Areas’ (2009) or any update thereof”*.
- 7.2.17. It also sets out that it acknowledged that there may be instances where specified densities cannot be achieved due to specific circumstances and site constraints. However, it indicates that all developments should strive to achieve the prescribed density in order to support the delivery of more compact development and to ensure a maximum return on investment in social and physical infrastructure.

- 7.2.18. In a manner consistent with Section 11.5.3 policy DM POL 4 of the Development Plan requires all that all proposals for residential development demonstrate compliance with the Sustainable Development in Urban Areas – Cities, Towns & Villages, 2009 and its accompanying Urban Design Manual.
- 7.2.19. In addition, DM POL 5 of the Development Plan sets out that the Planning Authority will seek: “*to promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged*”; and, DM OBJ 14 of the Development Plan sets out a density of between 35 to 45 units per hectare for key towns and 15 to 25 units per hectare at outer locations when considering planning applications for residential developments.
- 7.2.20. The location of the subject site is situated c2km to the north of Navan’s town centre at a location that could be described as edge of settlements with it bounding rural land to the north that is visually apparent has been subject to a proliferation of one-off rural dwellings.
- 7.2.21. In addition, the site though in an area of rapid urban change is one that is predominantly residential in terms of the land uses that are present with other uses that are present consisting of and not being limited to educational through to community type synergistic uses.
- 7.2.22. Whilst many services and amenities are within walking and cycling distance the site is nonetheless remote from a qualitative and well-connected transportation hub. It is also remote from the main employment generators with many occupants within the settlement of Navan commuting to Dublin and other places of employment in the wider region by car. Phase 1 and 2 of the Cluain Adáin residential scheme whilst respecting the pattern of residential development present on neighbouring land to the east, west and south does provide a higher density and more compact form of suburban residential development served by a hierarchy of open spaces than the more established and mature estates in the vicinity.
- 7.2.23. In time Master Plan 4 provides for a wider of synergy of uses to be provided in this locality with for example the Board under PL17.246510 permitting a retail convenience store on the land to the west of the access road serving the Cluain Adáin residential scheme with Phase 1 and 2 being largely completed and occupied.

- 7.2.24. The proposed development seeks permission for the replacement of a permitted 4-storey 40-unit apartment scheme with 23 no. dwellings at a density of 32.4 units per ha. This density in my view is appropriate in this site context. In addition, the scheme shows a level of quality of the design in term of its overall architectural design, layout, mixture of own door bedroom units, use of materials through to how it responds to its adjoining public domain. With the scheme also including 3-storey built insertions which breaks the two-storey homogeneity of development in this area.
- 7.2.25. Moreover, the configuration of the 23 dwellings proposed together with the nature and extent of development that has occurred to date on the Phase 1 and 2 lands of the Cluain Adáin residential scheme together with the improvements to the landscaping scheme would further settle this development into its location.
- 7.2.26. In conclusion, having regard to the following factors: the local through to national planning provisions; the nature of the proposed development; the location of the site relative to Navan's town centre and transportation hubs; the limited market demand for apartment units and the increased demand for own door units; the demographics of this settlement; the character of the site setting, I consider that the proposed density of 32.5 units per hectare is an appropriate density for this site. I also consider that the proposed development puts forward an acceptable response to its site context whilst still achieving compact qualitative residential development and a development that would, if permitted, harmonise in a respectful manner with existing as well as future planned development at this locality. Moreover, it does not represent under development of these lands in a manner that would be inconsistent with the proper planning and sustainable development of the area.

### 7.3. **Material Contravention**

- 7.3.1. The appellant in their submission to the Board sets out a number of reasons as to why they consider that the grant of permission materially contravenes local through to national planning policy in terms of residential development with the main issue in this regard being reduction in density of the scheme proposed when compared to the apartment scheme.
- 7.3.2. On this concern I note that Section 37(2)(b) of the Planning and Development Act, 2000, as amended, states:

*“(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:*

- (i) the proposed development is of strategic or national importance*
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan”.*

7.3.3. Having considered the Planning Authority decision to grant permission and the following factors:

- Planning history, as previously discussed in my assessment of the proposed development sought under this application.
- Land use compatibility of the site and site context.
- Compatibility of the scheme with the prevailing pattern of development characterising this area.
- Location of the Site & what density is appropriateness: This site is not located within the town centre of Navan, and it is remote from it at the edge of this settlement. Further it is not located at a location that has been deemed to have any strategic importance or otherwise. It is at a location where densities nationally are encouraged of between 20 to 35 units per hectare under the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009).
- Market Analysis provided with the documentation on file. This indicates that apartment block of the type permitted is not viable at this location. This conclusion is based upon a variety of factors including an examination of the residential market in Navan with particular emphasis on Phase 1 and 2 of the Cluain Adáin residential

scheme; the sales of apartments in Navan; the location of this parcel of land which is remote from the centre of this settlement and remote from qualitative transportation; the demographics and growth trends in Navan in recent years; through to the emphasis on ensuring that there is a qualitative supply of family own door homes with private amenity spaces with this requirement being amplified by the pandemic.

- Density of 32.4 units per hectare of the proposed scheme. This density is permissible under local through to national planning guidance at this location. In particular it accords with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities at outer edge settlement locations like this and it accords with the National Planning Framework that seeks to provide qualitative homes within settlements as opposed to in urban generated one-off dwellings in rural areas. Both local through to national guidance seeks increased density which this application does achieve, yet a lesser density to the apartment scheme which is unviable under current market and construction constraints. And it seeks developments that can harmonise with their setting. In this case this proposal, alongside the permitted developments on the Master Plan 4 lands have included an increase in residential density when compared to the more established residential developments in their locality and they have also introduced additional height by way of adding 3-storey buildings into the design and layout of the residential scheme proposed. This is in accordance with Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

- Typology: As set out this proposal still provides a mix in terms of bedroom number in the 23 units proposed with this mix reflecting the market demand for this settlement but including 13% 1-bedroom units and 13% 2-bedroom units.

- Sustainability: This residential scheme on zoned land due to its proximity to wide variety of educational, community, infrastructure, retail through to other services within walking or cycling distance of the site. In addition, the site is served by a local bus service that provides connection to the main centre of the settlement which it is also within walking distance of in c20 to 25 minutes and there are plans for this settlement to be served by a rail connection to Dublin in future. Given these factors it is a sustainable location to absorb additional housing growth. With this corresponding with

local, regional, and national planning provisions that seek compact and sustainable future growth whilst having regard to ensuring future development climate resilience.

7.3.4. Having regard to the particular circumstances pertaining to this site together with local through to national planning provisions, I am satisfied that the amended plans are acceptable and that to permit the reduction in density in this instance as opposed to providing an apartment building for which there is insufficient market demand for and is also economically unviable, would not materially contravene the Development Plan and therefore the development in this instance does meet the requirements of a development that is in accordance with the proper planning and sustainable development and is not a development that would, if permitted, by the Board give rise to any material contravention of the Development Plan, or otherwise.

7.3.5. I am satisfied, therefore, that the Board are not precluded from granting planning permission for the scheme.

#### **7.4. Visual Amenity Impact**

7.4.1. The appellant raises concern that the proposed development, if permitted, would result in the loss of a landmark building that would help define entrance to the Master Plan 4 lands and provide a strong architectural statement that is required to counter balance the future retail/commercial development on the opposite side of the entrance road.

7.4.2. This is not accepted by the applicant in their response to the appeal submission. They contend that they have put forward a qualitative architectural response for the proposed 23 no. residential units in terms of their design, layout and how they respond to their immediate setting. They further contend that the proposed development sought under this application, if permitted, would significantly enhance frontage in terms of responding to the access and link road by way of bringing the building lines closer to the public domain. Alongside the design provides more street activation, passive surveillance and has a variety of built forms within it, including 3-storey built element by way of a three-storey triplex unit located in proximity to the south eastern corner of the access roads entrance onto the link road.

7.4.3. Overall, I consider that the design and layout of the proposed development provides an appropriate response to its site context and provides for an improved level of interaction between buildings and the public domain when compared to the approved

apartment block. I also consider that there is an appropriate synergy between the placement of buildings and the hierarchy of public, semi-private and private open spaces through to good levels of connectivity as well as permeability between the scheme and its already developed site context to the south and north west. It also includes potential for linkages to be created for future development to the east and north of it.

- 7.4.4. Moreover, I consider that the revised landscaping scheme has the potential to overtime greatly enhance and soften the urbanscape of this locality as it continues to be developed as it matures. As well as subject to a qualitative palette of materials being agreed for all built features that the proposed buildings would also develop a patina of age that would enhance their appearance when appreciated from the public domain.
- 7.4.5. Having considered the design, the layout, the character of the surrounding area I am satisfied that the proposed development, if permitted, would not detract from the visual amenities at an entry point into Master Plan 4 lands. I am also of the opinion that the proposed development would create an edge with the public domain that has a greater capacity to add to the vitality and vibrancy of the streetscape scene. This is in contrast to the apartment building that is had substantial setbacks from the public domain.
- 7.4.6. In conclusion, I am satisfied that the proposed development, if permitted by the Board would not give rise to any substantive adverse visual impact.

## **7.5. Archaeology**

- 7.5.1. The appellant in this case raises concern that the proposed development sought under this application has the potential to give rise to adverse impact on archaeology of the site. They also raise a concern that the Planning Authority in their determination of this application did not have regard to the matter of archaeology and that the grant of permission did not include an archaeological condition as a precaution.
- 7.5.2. The applicant in their response to the grounds of appeal note that this subject site in its entirety formed part of a larger parcel of land that was permitted under the Phase 2 application P.A. Ref. No. 181326 and that this application was accompanied by an Archaeological Impact Assessment Report.

- 7.5.3. It further notes that this assessment was based on a field survey, examination of cartographic sources, a documentary review and previous archaeological testing and assessments undertaken on the subject site as well as the larger Master Plan 4 lands.
- 7.5.4. Moreover, it notes that this assessment was also informed by a geophysical survey and test trenching and in relation to the location of reservoir which is raised as a particular concern upon field inspection no archaeological features were identified. In addition, 18 no. test trenches were opened up in the field where this site is located. No archaeological features were discovered in these trenches. Neither were any anomalies uncovered by the geophysical survey.
- 7.5.5. The applicant concludes that no further archaeological input is required on this matter as part of this application.
- 7.5.6. Given that the subject site forms part of the location of the former reservoir I consider it reasonable as a precaution that any grant of permission is accompanied by a condition requiring archaeological monitoring of all associated construction ground works. This is consistent with the requirements of the Development Plan including Section 8.2 which sets out the following vision: *“to identify, protect, conserve and manage the cultural and natural heritage of the County and to encourage its sensitive integration into the sustainable development of the County for the benefit of present and future generations”* and HER POL 2 which requires the protection of all sites and features of archaeological interest.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An Appropriate Assessment (and submission of a NIS) is therefore not required in this case.



## 7.7. Other Matters Arising

### 7.7.1. *Sunlight/Daylighting – Potential for Impact on Neighbouring Properties and Future Residential Units within this Residential Scheme.*

On this matter I note that Section 3.2 of the Urban Development and Building Height Guidelines, 2018, indicates that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, to ensure qualitative ventilation through to views. They also seek that overshadowing and loss of light is minimised by way of careful design and layout. In this respect these guidelines indicate that appropriate and reasonable regard should be had to the qualitative performance approaches to daylight provision outlined in guidance documents including BRE 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> Edition); and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. In addition, the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, also state that regard should be had to the foregoing publications in the design and layout of residential schemes.

This application is not accompanied by any overshadowing, daylighting and sun-lighting examining the impact of the proposed development on properties in the vicinity nor in terms of the future occupation of the residential units proposed under this application.

Notwithstanding, in light of the site's context on zoned land in an outer edge suburban location that in recent years has become largely characterised by various types of residential schemes; the built form and layout of buildings including their orientation, lateral separation, topography of the site and relationship with mature natural features to be retained, it is my opinion that the proposed development will not give rise to any significant detrimental impact on the established residential amenity of adjoining properties in Cluain Adáin and any other established residential properties in the vicinity.

Similarly, I consider that the proposed design, built form, positioning of the proposed dwellings, the lateral separation distance between buildings and built structures proposed through to the orientation of the proposed residential units as well as their associated private amenity spaces is such that the residential amenity for future

occupants would not be detrimentally impacted upon by reason of any significant undue overshadowing or poor access to sunlight/daylight.

Moreover, should the adjoining lands to the north and east of the site be developed I consider that no significant issues would arise from this development by way of overshadowing and diminished levels of sunlight/daylight.

**7.7.2. Residential Amenity Impact on Properties in the Vicinity – General Comment:**

Given the lateral separation distance between the proposed residential units and residential properties in the vicinity together with the orientation, the nature and type of development proposed. I am satisfied that the proposed development would not give rise to any adverse residential amenity impacts on established residential amenities of property in the vicinity by way of overlooking or any other nuisance. In addition, I consider the short-term nuisances that would arise from the construction phase can be dealt with by way of appropriately worded and in scope conditions.

**7.7.3. Road Safety:** I concur with the Planning Authority in that subject to the compliance with the recommendations set out by their Transportation Department that the proposed development, if permitted, would not give rise to any road safety and/or traffic hazard issue. I therefore recommend the Board should it be minded to grant permission for the proposed development sought under this application to include Condition No. 7 of the Planning Authority's notification to grant permission or a similarly worded condition.

**7.7.4. Condition No. 28 of the Planning Authority notification to grant permission:** This condition requires the developer to pay a sum of €200 per unit as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the construction phases of the development with this payment to be made prior to the commencement of development.

This condition is also indicating that this sum shall apply until the 31<sup>st</sup> day of December, 2021 and shall be subject to review thereafter unless previously paid.

The given reason for this condition is: *"it is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development"*.

Having examined the applicable current adopted Meath Development Contribution Scheme, 2016 to 2021, I cannot find therein a cash sum provision to be made to monitor a permitted development during its construction phases nor is there a definition for such a scenario for the term 'unit'.

I therefore recommend the Board, should they be minded to grant permission for the proposed development to not attach such a condition based on such a contribution not being provided for under the applicable adopted scheme.

## 8.0 Recommendation

8.1. I recommend that planning permission be **granted**.

## 9.0 Reasons and Considerations

9.1. Having regard to the land use zoning of the site as 'C1 – Mixed Use' and the site's location on Master Plan 4 lands, where residential development is deemed to be permissible, the site's location on the northern edge of the settlement of Navan c2km from its centre, the lack of qualitative and accessible to the site by foot or by cycle, established urban area within walking distance of local services, the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, 2009, the scale, design, layout and density of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, it would not have a detrimental impact on archaeological heritage, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further information received on the 28<sup>th</sup> day of May, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The development hereby permitted shall comply with the conditions set out in the governing parent permission P.A. Ref. No. NA/181326, except where departure from those conditions is authorised by virtue of this permission.  
(b) This permission and the governing parent permission P.A. Ref. No. NA/181326 shall expire on the 25<sup>th</sup> day of February, 2024.  
(c) This permission shall contain 23 no. residential units only. Each residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes (including short-term letting) without a separate planning permission.

**Reason:** In the interests of clarity and to ensure the timely completion of the development permitted and the maintenance of a residential community.

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

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

5. Prior to the commencement of the development hereby, permitted, the applicant shall enter into an agreement with the Planning Authority providing

for the requirements of Section 96(3) of the Planning & Development Act, 2000, (as amended), in respect of the proposed development, in accordance with the requirements of the Meath Development Plan and Housing Strategy.

**Reason:** To comply with the requirements of Part V of the Planning & Development Act, 2000, as amended.

6. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning & Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applied for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing including affordable housing, in the common good.

7. The applicant shall submit the following details as required by the Transportation Section of Meath County Council, prior to the commencement of development:
- (a) The applicant shall agree a programme for the completion of the signalised junction with Clonmagadden Lane and the L34094. The signalised junction, including the boundary treatment of the site, should be agreed prior to the commencement of the works on site.
  - (b) The applicant shall complete all the works recommended in the Transportation Report which was issued for the parent planning permission P.A. Ref. No. NA/181326.
  - (c) The applicant shall submit a Road Safety Audit as required by Condition No. 6 of the parent planning permission P.A. Ref. No. NA/181326.
  - (d) The surfacing in the home zone area shall be a coloured macadam (i.e., not black) in accordance with the standards set out in the 'Design Manual for Urban Roads and Streets' (Department of Transport, Tourism and Sport and Department of Environment, Community and Local Government, 2013) and details shall be as agreed with Meath County Council.

**Reason:** In the interest of traffic safety and orderly development.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

11. (a) The revised public lighting scheme received on the 28<sup>th</sup> day of May, 2021, shall be designed and installed as per the document 'Meath County Councils: Public Lighting Technical Specification & Requirements' document and shall have regard to the landscaping scheme hereby permitted.

(b) The final public lighting scheme shall include lighting along pedestrian routes through to open spaces areas details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of public safety.

12. The final comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.

b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.

c) Details of proposed street furniture, including bollards, lighting fixtures and seating.

The landscaping shall be carried out in accordance with the agreed scheme.

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

13. (a) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
- (b) During the construction phase noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours Saturday and 45dB at any other time. Noise exceedance activities must be agreed in writing with the Planning Authority prior to the activity taking place.
- (c) The construction works shall be carried out in accordance with the noise guidance set out by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Road Schemes.

**Reason:** In order to safeguard the amenities of property in the vicinity.

14. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the public open space, external fabric of the buildings, all communal open spaces, landscaping, paths, vehicle set down area, the basement car park, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority before any of the development is made available for occupation and operation.

**Reason:** To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

15. Proposals for the development name and apartment numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the development name and



apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

16. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Prior to the commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the planning authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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

17. The open spaces shall be developed for, and devoted to, public use and shall be kept free of any development. When the development is being taken in charge, the roads and all public areas including open spaces that have been designated for taking in charge shall be vested in the planning authority, at no cost to the planning authority.

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

18. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities

for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and the Mosque shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. The CEMP shall provide details of intended construction practice for the development, including but not limited to operational controls for dust, noise and vibrations, construction traffic management, waste management, protection of soils and groundwaters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The CEMP shall also address extreme weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The CEMP shall be treated as a live document.

**Reason:** In the interest of sustainable waste management, environmental protection, public health and safety, and residential amenity.

22. Prior to the commencement of any other site works all existing trees to be retained shall be fenced off. This must be at a distance of the crown spread (the outer dripline of the tree) or half the tree height, whichever is greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the Planning Authority. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made, or any works carried out, or fires without the prior written consent of the Planning Authority.

**Reason:** To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees.

23. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

24. No muck, dirt, debris, or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

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

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the

security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Patricia-Marie Young

Planning Inspector

17<sup>th</sup> day of January, 2022.