



An
Bord
Pleanála

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

Inspector's Report ABP-311199-21

Strategic Housing Development

132 no. residential units (60 no. houses, 72 no. of apartments), creche and associated site works.

Location

Trim Road, Balreask Old, Navan, Co. Meath. (www.trimroadnavanshd.ie)

Planning Authority

Meath County Council

Applicant

ES Corella Creek Limited

Prescribed Bodies

1. Department of Housing, Local Government and Heritage (Development Applications Unit (DAU)).
2. Irish Water
3. Transport Infrastructure Ireland

Observers

Thomas & Vera Mulhall

Date of Site Inspection

18th & 25th November 2021.

Inspector

Daire McDevitt

1.0 Introduction

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

2.0 Site Location and Description

The site, with a stated area of 4.2 hectares is located on the eastern side of the Trim Road (R161) in the townland of Balreask Old on the southern side of Navan town in Co. Meath within the 50kph speed limit. The area is a mix of commercial and residential uses.

Beechmont Garden Centre and shopping centre are on the opposite side of the R161 to the northwest. Opposite the site is Canterbrook and Beechmont housing estates. To the south are two dwellings on individual plots directly accessed off the R161. To the east and south the site is bounded by undeveloped lands in agricultural use which are under the applicant's control. A small section of the southern boundary extends to the Swan River to the south.

The site is irregular in shape and is comprised of three fields currently in agricultural use and defined by hedgerows. The site is relatively flat, sloping west to east across the site and the wider master plan area. ESB lines traverse the site at present. Existing field boundaries include ditches, most of which appear dry.

There is an existing agricultural access off the Trim Road located on the southwestern corner of the site beside the observer property. There is no footpath along the eastern side of R161 (site roadside frontage), there is a footpath on the western side. The site includes a section of the public road, letter of consent from Meath County Council is submitted and a portion of lands to the north associated with Circle K service station, letter of consent submitted for their inclusion as well.

The site forms part of a larger plot of lands identified in the Meath County Development Plan 2021-2027 as M8 Masterplan lands.

3.0 Proposed Strategic Housing Development

Proposed Development:

The proposed development will consist the construction of 132 no. residential units, comprising:

60 no. houses comprising:

- 8 no. two-storey three-bedroom terraced houses measuring 113.3 sqm GFA (House Type A)
- 30 no. two-storey three-bedroom semi-detached houses measuring 113.3 sqm GFA (House Type B)
- 11 no. two-storey three-bedroom, wide fronted semi-detached houses measuring 117.9 sqm GFA (House Type C)
- 11 no. three-storey four-bedroom, wide fronted semi-detached houses measuring 143.9 sqm GFA (House Type D)

36 no. apartments arranged in 1 no. four-storey apartment building comprising:

- 17 no. one-bedroom apartments measuring 49.8 sqm – 57.3 sqm GFA
- 19 no. two-bedroom apartments measuring 79.4 sqm – 88.1 sqm GFA

36 no. own door duplex units comprising:

- 4 no. one-bedroom duplex units measuring 54.7 sqm GFA
- 4 no. two-bedroom (3 person) duplex units measuring 91.8 sqm GFA
- 14 no. two bedroom (4 person) duplex units measuring 107.8 sqm – 109.7 sqm GFA
- 14 no. 3 bedroom duplex units measuring 111.1 – 115.9 sqm GFA

A childcare facility (325.5 sqm) is also proposed to serve the development.

The proposed development also includes:

- 2 no. new vehicular access including 1 no. access onto the Trim Road to the south west of the site with left and right hand turning lanes provided for vehicles entering at this location, and 1 no. access to the north of the site onto the North South Link Street;
- Upgrades to pedestrian and cycling infrastructure on the Trim Road including the provision of a footpath, cycle tracks in both directions, and public lighting; a total of 184 no. car parking spaces and 212 no. bicycle parking spaces;

- 1 no. ESB substation (8.2 sqm GFA);
- 1 no. temporary wastewater pumping station and emergency overflow storage tank (60m³); all site and infrastructural works including foul and surface water drainage, attenuation area,
- open space, boundary walls and fences, bin stores, landscaping (including 4,651 sqm of public open space), lighting, and internal roads, cycle paths, footpaths, cycle and pedestrian connections to the Trim Road and North South Link Street.
- The development also provides for street connections to the adjoining lands to lands to the south and east of the site.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Meath County Development Plan 2013 – 2019 (as extended) and the Navan Town Development Plan 2009 – 2015 (as extended).

The application contains a statement (Material Contravention Statement) indicating why permission should be granted for the proposed Development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed Development materially contravenes a relevant Development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed Development and submitted.

Letters of consent submitted as follows:

- Dundrennan Ltd for lodging an application on their lands (same ownership as ES Corella Creek Ltd)
- Meath County Council for works to the Trim Road
- Circle K letter of consent for including lands as part of the planning application for upgrading of a pavement and cycle route. The lands owned by Circle K comprise part of the front elevation to the Trim Road abutting the filling station forecourt.

Appendix 1 contains a list of the documentation submitted with the application.

4.0 Planning History

There are no records of recent application on the subject site as per the Meath County Council Planning Register.

PA Reg. Ref. 94753 refers to a 1995 grant of permission for a new entrance off the Trim Road.

Lands to the south:

PA Reg. Ref. NA900208 refers to a 2010 decision to refuse permission for 174 residential units

Lands to North:

Former Greyhound track, part of the MP8 Lands.

PA Reg. Ref. NA803318 refers to a grant of permission for a discount store. Under **Reg. Ref. NT140014** this was extend in 2014 to June 2019.

PA Reg. Ref. NA803317 and subsequently extended under **PA Reg. Ref. NT100098** with signage permitted under **PA Reg. Ref. NT130018**. This refers to the Lidl store.

SHD Applications:

ABP Ref. 306021-19 refers to a 2020 grant pf permission for 542 residential units and childcare on lands at Limekinhill, Belmont, Academy Street. (This is located to the east of Baeufort College and the current application site along Academy Street.

5.0 Section 5 Pre Application Consultation

A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP-306556-20 (on the 14th May 2020) in respect of a proposed development of 126 no. residential units (80 no. houses and 46 no. apartments), childcare facility and associated site works.

Notification of Opinion

An Bord Pleanála issued a notification that it was of the opinion that the that the documentation submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development which should have regard to the following issues:

1. Density

Further consideration/justification of the documents as they relate to the density in the proposed Development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such edge of centre/ Greenfield sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Navan town centre, with its established social and community services and potential rail station. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

2. Development Strategy, Masterplan Requirement and Layout

Further consideration of the documents as they relate to the Meath County Development Plan requirement for a Masterplan to be agreed with the planning authority in advance of any application. Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above-mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the creation of a defined urban edge along the new link road; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas within a high-quality scheme should be given further consideration. Two-metre-high walls facing the proposed access roadway, perpendicular car parking along the main link street, oversized turning bays and long cul de sac should be minimised (or eliminated). Residential units set back from and siding onto the Trim Road should be further considered, or design rationale justified at application stage should this layout be maintained. The development should provide for a positive contribution to the public realm along the Trim Road frontage and the new proposed link road or design rationale justified at application stage should the current proposals for the interface along the Trim Road and link road be maintained. In addition, further consideration/justification of the documents as they relate to the proposed housing mix, having regard to the proportion of two and three bed units within the overall proposed scheme. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted

3. Site Access and Roads Layout

Further consideration of the documents as they relate to vehicular, pedestrian and cycle access, the desire line connectivity with Navan town to the north west of the site, the main link street access and its connection with the LDR1A distributor road proposed, future connection with the southern and eastern portion of the MP8 lands and the creche access road. This consideration and justification should have regard to the County Development Plan requirement for a Masterplan for the overall MP8 lands and DMURS. The layout should prioritise pedestrian and cycle access in compliance with DMURS. The revised strategy should clearly demonstrate that regard was had to the 12 criteria as contained in the 'Urban Design Manual – A best practice guide' that accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). The further consideration of this issue may require amendments to the documents and/or design proposals submitted.

4. Infrastructure

Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed Development. In particular, the need to satisfy all issues, consent processes and 3rd Party consents as raised in Irish Water submission dated 10/03/20.

The documentation at application stage should clearly indicate the proposals to address the constraints relative to the construction and completion of the proposed development have been fully agreed with Irish Water. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to any infrastructure upgrades and third-party consents which may be required).

5. Surface Water Management and Flood Risk Assessment

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 3rd March 2020. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the Development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

The opinion notification pursuant to article 285(5)(b) referred to the following specific information should be submitted with any application for permission:

1. Cross sections and other drawings, as necessary, at an appropriate scale, which detail the interface between the proposed development with the Trim Road to the west and the proposed development with the new link road/street and its connection with Roads Objective LDR1A to the south and east.
2. A detailed phasing plan for the proposed development.
3. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal.
4. A detailed Habitat survey and Bat survey, with survey work carried out at optimum time for such species / habitat.
5. Construction and Demolition Waste Management Plan
6. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.

Applicant's Statement

The Applicant has submitted response to the Opinion. This is summarised as follows:

1. Density of Development.

- Navan is classified as a Large Growth Town I in the Meath County Development Plan.
- Chapter 5 of the Sustainable Residential Density Development in Urban Area Guidelines provide for densities of 35-50 units per hectare.
- Table 2.4 'Housing Allocation & Zoned Land Requirements' of the Meath County Development Plan 2013-2019 states an average net density applicable to Navan is 45 units per hectare.

- Section 2A3 of the Navan Development Plan states that the residential density of 45 units per hectare used in the County Development Plan for the allocation of housing in Navan is not realistic given the locations of available lands and that only the MP3 lands could accommodate residential densities of 50 units per hectare due to their proximity to the train station. It is stated that other residential lands should accommodate residential densities of between 30 to 35 units per hectare.
- Under Table 2A2 and 2A4 the subject site forms part of Site L 'Trim Road North' that has a stated area of 17.68 hectares and capacity to accommodate 300 units in Phase I up to 2019 and 54 units in Phase II, at a residential density of 20 units per hectare. This density has regard to the mixed status of the zoning on the MP8 Lands.
- The proposed density of 41.1 units per hectares increased from 35 units per hectare following the tripartite consultation stage. This is consistent with the 35-50 range set out in the 2009 Guidelines.
- The Design Standards for New Apartments – Guidelines for Planning Authorities (2020) provide benchmark densities to be achieved on site, depending on their proximity to town centre, public transport and other amenities. The site is considered to be between an 'intermediate urban location' suitable for densities in excess of 45 units per hectare and a 'peripheral and/or less accessible area' which are suitable for densities less than 45 units per hectare.
- A development of 20 units per hectare would be poor inefficient use of these MP8 lands.
- It is submitted that the proposed density of 41.1 units per hectare is appropriate given the sites size, location, connection to public and zoning objectives.

2. Development Strategy, Masterplan requirement and Layout.

- A Masterplan was prepared by the applicant and approved by Meath County Council on the 27th April 2021.
- Copy submitted with the Application and letter from MCC Planning Department.

- The Urban Design & Architectural Statement and the MP8 Masterplan detail the manner in which the 12 criteria of the Urban Design Manual have informed the design of the Masterplan and the proposed development, and how the development is consistent with the criteria.
- The internal street network of the proposed development has been designed in accordance with DMURS. As detailed in the Urban Design Statement and the MP8 Masterplan, the internal road layout provides a defined hierarchy of primary and secondary streets and allowing for the organic evolution of the development and the formulation of defined zones that will assist in way finding and creating a sense of place.
- A detailed street hierarchy has been revised in consultation with Meath County Council. The strategic context of the area has changed since the adoption of the Navan Development Plan as the Part 8 scheme for the LDR 1(b) distributor road has been adopted in 2019. With the LDR 1(b) in place, the LDR 1 (a) is no longer strategic in function, serving instead as an internal link between the south of Navan and the Johnstown area on the other side of the River Boyne. As such the delivery of the LDR1(b) and not the LDR1(a) is key to the Development of the phases of the MP8 following the first phase while the delivery of the LDR 1(a) is not necessary for the operation of phase 1 of the MP8 lands and will occur in a later phase in the development of the overall masterplan.
- The DMURS hierarchy has been changed to reflect this. MCC agreed that a north-south aligned link street would be more appropriate for the MP8 lands than an East West link street.
- A defined Urban edge has been created along the new link road, with semi-detached and terraced houses fronting the street, with the proposed 4 storey apartment building and creche providing notable destinations along the link street to the west and east respectively.
- Future connections to adjoining lands have been considered in the design of the overall masterplan for the MP8 lands. The proposed development allows for future pedestrian, cyclist and vehicular connections to lands to the east and south of the site.
- A high quality landscaping masterplan has been prepared and submitted. The design provides for ample greenery along public roadways and paths to create attractive streets. Existing trees and hedgerows are retained where possible to create a sense of maturity within the site.

- No specific character areas are proposed within the subject scheme as this will ultimately form part of a larger masterplan for a significant number of dwellings, with each subsequent application being designed as unique character areas.
- A sense of place is provided within the scheme through the use of home zones which provide character zones.
- How the scheme addresses access roadways been amended to ensure all accesses and internal streets are addressed by active frontage, providing active streets and passive surveillance.
- Perpendicular parking along the main street has been interspersed with parallel parking near key entrances and corners.
- The internal layout has been reconfigured to address concerns regarding turning bays and cul-de-sacs. To the north of the site a secondary access has been included, eliminating previous cul-de-sac and facilitating improved permeability and access to and from the site.
- Amendments to the site layout ensure the creation of a strong urban edge fronting the Trim Road, with apartments, duplexes and wide fronted houses all fronting onto the road. It is submitted that the mix of unit types fronting the Trim Road will assist in providing street level activity and passive surveillance, while also providing an appropriate transition from the town centre.
- Housing mix has been amended to provide a greater range of unit types and sizes. Revised mix is 16% 1 bed, 51% 2 bed and 8% 4 bed. Range includes apartments, own door duplex, terraced and semi-detached houses.
- Apartments and Duplex comply with the 2020 Guidelines.

3. Site Access and Roads Layout.

- The submitted TIA includes a DMURS compliance statement.
- The Urban Design Statement details consistency with the 12 criteria contained within the Urban Design Manual.

- Connectivity and permeability have been prioritised in the design of the site's street layout, with provision of new access point to the north of the site, and futureproofing connections to MP8 development lands to the south and east of the site. Pedestrian links have been maximised with 7 no. connections onto the Trim Road and 2 no. links to the north, connecting the site with nearby amenities in the commercial section of the MP8 lands and the town centre.
- Pedestrian and cycle movement is prioritised through the provision of new cycle lanes and footpath on the Trim Road and traffic calming measures within the development to reduce vehicular speeds and encourage cycling. 4 no. pedestrian and cyclist only accesses are provided onto the Trim Road with future connections incorporated into the design of the internal road layout.
- A requirement in the Navan Development Plan that Phase I of the MP8 lands 'shall provide for the provision of the extent of LDR 1(a) contained within the Master Plan boundary', The Strategic transport context of Navan has changed since then. Revised proposal agreed with Meath County Council (summarised above under item no. 1)
- The DMURS Street hierarchy has been amended having regard to the change in the status of the LRD 1 (a) and it was agreed with MCC that a north-south aligned link street would be more appropriate for the MP8 lands than an east-west link street. The north-south link will be provided in Phases 1 and 2 includes an extension of the existing link street provided by the LIDL access road from the Trim Road into the Phase A Commercial area to facilitate development on those lands and to facilitate pedestrian and cyclist connectivity northward from phase 1 toward the town centre. The balance of the Link Street, linking to Phase 1 element of LDR 1(a) will be provided in Phase 2. LDR1 (a) will be delivered in Phases 3 and 4 of the Development of the MP8 lands.

4. Infrastructure

- In consultation with Irish Water proposals for the wastewater infrastructure with the proposed development has been amended.
- IW issued a Confirmation of Feasibility (CoF) in June 2021 for 132 units and creche.

5. Surface Water Management and Flood Risk Assessment

- Surface water proposals have been amended.

- A Strategic Flood Risk Assessment has been prepared and submitted with the application.

The applicant has submitted a response to items no. 1 to 6 of the detailed Specific Information required in an attempt to address these matters.

6.0 Relevant Planning Policy

6.1 National

Project Ireland 2040: National Planning Framework

Chapter 6 'People Homes and Communities' includes 12 objectives among which include:

Objective 27 which seeks to ensure the integration of safe and convenient alternatives to the car 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 which seeks to prioritise the provision of new homes at locations that can support sustainable development at an appropriated scale of provision relative to location.

Objective 35 which seeks to increase 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.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016.

The Plan contains five key pillars of which Pillar 3 and 4 are of note:

Pillar 3 to build more houses: Increase the output of private housing to meet demand at affordable prices.

Pillar 4 – Improve the rental sector: Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Design Manual for Urban Roads and Street (2013).
- The Planning System and Flood Risk Management' (including the associated Technical Appendices) (2009).
- Childcare Facilities- Guidelines for Planning Authorities (2001).

6.2 Regional

Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

Section 4.2 Settlement Strategy identifies Navan as a Key Town within the Core Region of the wider Eastern and Midlands area. Key towns are identified as large towns which are economically active and provide employment to their surrounding areas. They have high-quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.

Section 4.6 Navan has a compact and walkable town centre surrounded by residential areas. The consolidation of residential development proximate to social and community infrastructure will be promoted. The sustainable Development of vacant residential and regeneration sites in the town centre in conjunction with the implementation of the public realm and movement plan 'Navan 2030' will assist in reinvigorating the urban core of the town and making it a location of choice to live and do business. Navan has a number of strategic sites including the former County Council Offices at Railway Street, which are located in a key position between the cultural quarter, the town centre to the north, which has potential for mixed use Development, and the town expansion area to the south, which has also been identified as the preferred location for a future train station.

The following RPOs are of relevance:

- **RPO 3.1** Growth Strategy.
- **RPO 4.26** Key Towns
- **RPO 4.27** Key Towns.
- **RPO 4.42 to 4.47** Navan Key Town. Support the delivery and release of lands for residential and employment generated activity in Navan whilst also promoting public realm.
- **RPO 8.8** Rail Infrastructure.

6.3 Local

Meath County Development Plan

Since the application was lodged with An Bord Pleanála on the 23rd August 2021. The Meath County Development Plan 2021-2027 was adopted on the 22nd September 2021 and subsequently came into effect on the 3rd November 2021.

The Statement of Consistency and the Material Contravention Statements submitted with the application refer to the Meath County Development Plan 2013-2019 (as extended) and the Navan Development Plan 2009-2015 (as extended) as these were the statutory plans in place at the time the application was lodged,

My assessment is based on the statutory plan currently in place, the Meath County Development Plan 2021-2027 which has superseded the two Plans referenced by the applicant in their documentation.

Meath County Development Plan 2021-2027

The site is located on lands zoned under two land use zoning objectives:

- **A2 New Residential.** With an objective *‘To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate’.*
- The south western portion of the site is A2 Phasing– Residential Land not available for Development until post 2027.
- **C1 Mixed Use.** With an objective *‘To provide for and facilitate mixed residential and employment generating uses’.*

Residential is a ‘permitted use’ under both land use zoning objectives.

The site forms part of a larger tract of land identified for Masterplan under **MP8** - Lands at Balreask Old/Limekilnhill, between Trim Road and former Navan-Dublin Rail line. More detail regarding MP8 is contained in the Volume 2 (Settlement Plans).

Core Strategy figures taken from Table 2.12:

- Navan population 2016 – 30173
- Navan Projected population 2027 –36 073 (increase of 5900).
- Extant permissions not built – 924
- Household allocation 2020-2027 – 3204
- Quantum of land zoned for residential use (ha) – 79.84
- Quantum of land zoned for Existing Residential Use (ha) – 570.83
- Quantum of land zoned for Mixed Use (ha) – 96.03

3.4.3 Future Settlement Growth

The primary focus of growth in this Settlement Strategy will be towards the Metropolitan Settlements (Dunboyne and Maynooth Environs), the Regional Growth Centre (Southern Environs of Drogheda), and the Key Town of Navan. The concentration of Development in these locations will strengthen the urban structure of the County and support the creation of a critical mass of population in key locations which will assist in creating economies of scale for businesses, investors and infrastructure service providers whilst also providing opportunities to improve the level of community facilities available.

3.4.7 Key Towns

Key Towns are settlements with a strong employment base and a broad range of services that serve a wide catchment area. Navan has been identified as the Key Town in Meath in the RSES. It is the County town and primary retail and employment centre. In 2016 over 20% of all jobs in Meath were located in Navan.

One of the key objectives of this Plan is to attract further economic investment to Navan in order to strengthen its position as a primary centre for employment in the County. It is recognised that ‘Placemaking’ can make a significant contribution to attracting investment by enhancing the urban environment and improving the interaction people have with the local environment.

SH OBJ 4 sets out that an Order of Priority for the release and Development of residential lands with any lands identified as being ‘Post 2027’ not being available for residential development during the lifetime of the subject Development Plan and no permission for dwellings will be granted on these lands by Meath County Council.

SH OBJ 5 sets out that a new local area plan will be prepared for a number of settlements, including Navan. As part of the preparation of these plans, a detailed

infrastructure assessment, consistent with the methodology for a tiered approach to zoning under Appendix F of the NPF will be undertaken for each settlement.

SH OBJ 9 sets out that Navan and the Southern Environs of Drogheda to be developed as primary Development centres in Meath and to continue to promote Dunboyne as a key settlement in the Metropolitan Area of Dublin. The long term growth of these settlements shall be based on principles of balances and sustainable development that support a compact urban form and the integration of land use and transport.

SH OBJ 15 refers to the 10% social housing requirements to land zoned for residential use of for a mixture of residential and other uses, except where the development would be exempted from this requirement.

3.8.9 Design Criteria for Residential Development

It is an objective of this Plan to require a density of 45 units/ha on more centrally located and strategic lands in Regional Growth Centres and Key Towns. This density is also a requirement on lands adjacent to existing and future and rail stations in the County.

On the remaining, more edge of centre lands in the Regional Growth Centre and Key Towns a density of 35 units/ha will normally be required.

SH POL 9 To promote higher densities in appropriate locations and in particular close to town centres and along public transport corridors, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

Objectives include inter alia:

SH OBJ 22 To require that, where relevant, all new residential Developments shall be in accordance with SSPR1 to SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities, December 2018 as well as SPPR1 to SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments for Planning Authorities, March 2018. All new residential Development should comply with the densities outlined in Chapter 11 of this plan.

SH OBJ 23 refers to new residential development on zoned lands in excess of 20 residential units seek to provide a minimum of 5 % universally designed units in accordance with the requirements of the ' Building for Everyone: A Universal Design' developed by the Centre for Excellence in Universal Design (National Disability Authority).

SH OBJ 24 refers to the requirement that all new residential development applications of 50 units or more are accompanied by a Social Infrastructure Assessment (SIA) to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents in accordance with the requirements of policy SOC POL 6 in the 'Community Building Strategy' (Chapter 7).

MOV OBJ 46 to require provision of parking standards in accordance with the standards set out in Chapter 11 Development Management for all Developments.

MOV OBJ 53 to promote the delivery of key strategic roads in the key town of Navan to include but not limited to: 1) link road from Dublin Road to Trim Road, 2) distributor road from 153 Farganstown and future bridge across the River Boyne to N51 and North Navan, 3) link road from Rathaldron road to R147 inclusive of bridge across the Blackwater 4) Trim Road to N3 Kilcarn Road, 5) Commons Road to N51 Athboy Road, 6) N51 Athboy Road to Rathaldron Road. Each of these projects will subject to the outcome of the Appropriate Assessment process.

MOV OBJ 55 to promote the delivery of the following key strategic roads included but not limited to: Ratoath Outer Relief Road, Bryanstown Link Road (Drogheda), Navan Road-Dublin Road, Trim, M3 Junction 6/R125 to R147 distributor road. Each of these projects will be subject to the outcome of the Appropriate Assessment process.

Chapter 11 Development Management Standards and Land Use Zoning Objectives.

This chapter contains the Development Management Standards and Land Use Zoning Objectives.

The list is extensive and I do not propose to set them all out in detail. Below is a summary of ones of note, these include inter alia:

Public Lighting:

DM POL 3: All public lighting proposals shall be in accordance with the Councils Public Lighting Technical Specification & Requirements, June 2017, and the Council's Public Lighting Policy, December 2017, (or any updates thereof).

DM OBJ 9: A separation distance of 5 metres between the lighting column and the outside of the crown is required for the lighting to work as designed. Trees or vegetation shall not be planted within 7 metres of a public light column.

DM OBJ 10: The design of all new developments shall take into consideration the layout of the proposed public lighting column locations and the proposed landscape design. Both layouts should achieve the 7 metres separation between all trees and public lighting columns.

DM OBJ 11: Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible.

11.5.1 Residential Development

DM OBJ 13: A detailed Design Statement shall accompany all planning applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units.

- The Design Statement shall:
 - Provide a Site Analysis
 - Outline the design concept;
 - Clearly demonstrate how the 12 Urban Design Criteria have been taken into account when designing schemes in urban area (as per the 'Urban Design Manual - A Best Practice Guide (2009)');
 - Set out how the development meets the relevant Development Plan Objectives, Local Area Plan, Masterplan, Public Realm Strategy, etc;
 - Provide site photographs;
 - Provide an open space/landscape strategy which identifies any areas of ecological interest and sets out proposals for same; and
 - Set out how energy efficiency measures have been incorporated into the project design process (Refer to DM POL 2).

11.5.3 Density

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: The following densities shall be encouraged when considering planning applications for residential Development:

- Residential Development Beside Rail Stations: 50 uph or above
- **Regional Growth Centres/Key Towns: (Navan/Drogheda) - 35-45 uph**
- Self-Sustaining Growth Towns: (Dunboyne, Ashbourne, Trim, Kells): greater than 35uph
- Self-Sustaining Towns: 25uph - 35uph
- Smaller Towns and Villages: 25uph - 35 uph
- Outer locations: 15uph – 25uph

It should be 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.

11.5.4 Plot Ratio

DM OBJ 15: As a general rule, the indicative maximum plot ratio standard shall be 1.0 for housing at edge of town locations with an indicative maximum plot ratio of 2.0 in town centre/core locations.

11.5.5 Site Coverage

DM OBJ 16: Site coverage shall generally not exceed 80%. Higher site coverage may be permissible in certain limited circumstances such as adjacent to public transport corridors; to facilitate areas identified for regeneration purposes; and areas where an appropriate mix of both residential and commercial uses is proposed.

11.5.7 Separation Distances

DM OBJ 18: A minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi-detached, terraced units shall generally be observed.

DM OBJ 19: A minimum of 22 metres separation distance between opposing windows will apply in the case of apartments/duplex units up to three storeys in height.

DM OBJ 20: Any residential development proposal which exceeds three or more storeys in height shall demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity.

DM OBJ 21: A minimum distance of 2.3 metres shall be provided between dwellings for the full length of the flanks in all developments of detached, semi-detached and end of terrace houses.

The relaxation of any of the standards set out at DM OBJ 18-21 will be assessed on a case-by-case basis and should not be accepted as the Council setting a precedent for future development.

11.5.8 Dwelling Design, Size & Mix

DM POL 6: To require that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends. The design statement required at DM OBJ 13 shall set out how the proposed scheme is compliant with same.

DM OBJ 22: The design of any housing scheme shall have regard to the requirement for connectivity between residential areas, community facilities etc. The design of any walkways, lanes or paths connecting housing estates or within housing estates shall be of sufficient width to allow for the safe movement of pedestrians and cyclists. They shall be adequately overlooked and lit and not be excessive in length.

DM OBJ 23: To require that all applications for residential development shall be accompanied by a detailed phasing plan which demonstrates the early delivery of key infrastructure associated with that scheme.

DM OBJ 24: To require the provision of EV charging points to serve residential development.

11.5.11 Public Open Space

DM OBJ 26: Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the 15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.

DM OBJ 27: Standalone residential developments comprising of 9 residential units or less shall be exempt from the requirement to provide 15% open space. In all such cases the private amenity space serving each dwelling shall exceed the minimum requirement.

11.5.12 Private Open Space

DM POL 7: Residential development shall provide private open space. Apartment schemes shall in accordance with the requirements set out in Table 11.1. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with the requirements set out in Table 11.1.

| House Type | Minimum Area of Private Open Space to be Provided |
|------------------------------|--|
| One/two bedroom | 55sq.m. |
| Three Bedroom | 60sq.m. |
| Four bedrooms or more | 75sq.m. |

Table 11.1 Minimum Private Open Space Standards for Houses

11.5.13 Boundary Treatments

DM POL 8: To require the provision of high quality, durable, appropriately designed and secure boundary treatments in all developments.

DM POL 9: To support the retention of field boundaries for their ecological/habitat significance, as demonstrated by a suitably qualified professional. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same boundary type will be required.

DM OBJ 28: To require that boundaries between the rear of existing and proposed dwellings shall be a minimum of 1.8 metres high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency. Alternative durable materials will be considered.

DM OBJ 29: To require that all rear boundaries within the development shall be a minimum of 1.8 metres high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency. Alternative durable materials will be considered.

DM OBJ 30: Open plan front gardens will generally be discouraged and will only be acceptable in innovative layouts and where a high level of safety is achieved and services can be accommodated at a location which meets the needs of service providers. Open plan gardens will not be permitted on main access roads. In general, front boundaries shall be defined by walls or fences at least 0.5 metres high in keeping with the house design and to a uniform scheme design.

DM OBJ 31: In the case of residential development where the layout does not provide for front boundaries, there will be a general prohibition against the erection of front boundaries.

DM OBJ 32: To encourage the use of measures specifically designed to enhance wildlife in residential schemes such as gaps/holes, should be considered and incorporated into boundary treatments to allow for passage of all wildlife including hedgehogs, bat boxes and swift bricks/boxes.

11.5.15 Art Work

DM OBJ 38: All proposals for residential developments above 75 units shall incorporate works of public art into the overall scheme or make a financial contribution to the Council to provide the piece of public art in order to enhance the amenities of the local environment (Refer to Chapter 7, Community Building Strategy).

11.5.16 Light and Overshadowing

Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof.

DM POL 11: New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources will be encouraged.

11.5.17 Apartments

Please note this section must be considered in conjunction with Sections 4, 9 and 14 of this chapter.

DM POL 12: Apartment schemes shall generally be encouraged in appropriate, sustainable, locations, accessible to public transport in the following settlements: Drogheda, Navan, Dunboyne, Kilcock, Maynooth, Ashbourne and Dunshaughlin.

DM POL 14: All planning applications for apartments are required to demonstrate compliance with 'Sustainable Urban Housing; Design Standards for New Apartments', Guidelines for Planning Authorities (2018) and any updates thereof. While these Guidelines set out minimum design standards, the Council strongly encourage the provision of apartments above these standards, in the interest of creating attractive living environments and sustainable communities.

DM OBJ 39: An appropriate mix of units shall be provided to cater for a variety of household types and tenures. Apartment development proposals will be assessed having regard to the following requirements:

- Aspect-dual aspect units are encouraged;
- Mix of units- to cater for different size households;
- Floor areas and room widths;
- Private and communal amenity space;
- Floor to ceiling height;
- Car and bicycle parking;
- EV Charging points;
- Lift/ stair core access;

- Storage provision;
- Adaptability.

All planning applications for apartment development shall be accompanied by a statement which sets out how the scheme complies with this objective.

DM OBJ 40: A Design Statement is required to be submitted with any planning application for apartment Development

11.7.3 Childcare

There is a continuing demand for suitable high-quality childcare facilities in the County, (Refer to Chapter 7 Community Building for the grounding policies in respect of childcare Development).

Applicants are encouraged to seek the advice and support of the County's Childcare Committee, Tulsa, HSE and other relevant bodies in the design and layout of proposed childcare facilities prior to the submission of a planning application.

DM POL 25: To facilitate the provision of childcare facilities in appropriate locations as set out in accordance with the provisions of the DoEHLG 'Childcare Facilities Guidelines for Planning Authorities' (2001).

DM POL 26: Development of childcare facilities at the following locations will normally be encouraged;

- Areas of concentrated employment and business parks;
- Within new and existing residential Developments;
- Neighbourhood Centres;
- Large retail Developments;
- Schools or major educational facilities;
- Adjacent to public transportation; and
- Villages and Rural Nodes.

DM OBJ 68: Planning applications for childcare facilities shall be assessed for compliance with the following criteria:

- Suitability of the site for the type and size of facility proposed.
- Impact on residential amenity of surrounding residential development;
- Adequate availability of indoor and outdoor play space;
- Convenience to public transport nodes, pedestrian and cycling facilities;
- Local traffic conditions;
- Safe access and sufficient convenient off-street car parking and/or suitable drop-off and collection points for customers and staff;
- Number of such facilities in the area. In this regard, the applicant shall submit a map showing the locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location.

DM OBJ 69: All applications for childcare facilities shall comprehensively set out the following as part of a pre-application discussion and/or planning application proposal:

- The type of childcare facility proposed – Full day care; sessional service including playgroups, preschools and Montessori; Child minding;
- No. of children;
- No. of employees;
- Proposed hours of operation;
- Car-parking provision; (please refer to Section 11.9.1)
- Location of secure external play area including secure site boundaries.

11.9.1 Parking Standards

DM OBJ 89: Car parking shall be provided in accordance with Table 11.2 and associated guidance notes.

Table 11.2 Car Parking

| Land Use – Residential | Car Spaces |
|--|--|
| Dwellings | 2 per conventional dwelling |
| Flats/ Apartments (Refer to the Design Standards for New Apartments in relation to reduced car parking requirements for Development adjacent to existing and future rail stations and minimum requirements in peripheral/or less accessible urban locations) | 2 per unit In all cases, 1 visitor space per 4 apartments |
| Crèches | 1 per employee & dedicated set down area and 1 per 4 children plus dedicated set down area |

- The standards set out in Table 11.2 shall apply to all new Developments, be it new construction or a new extension or a material change of use of existing buildings;
- Residential car parking can be reduced at the discretion of the Council, where Development is proposed in areas with good access to services and strong public transport links;
- Non-residential car parking standards are set down as “maxima” standards;

DM OBJ 93: New residential development should take account of the following regarding car parking:

- Vehicular parking for detached and semi-detached housing should be within the curtilage of the house;

- Vehicular parking for apartments, where appropriate, should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in small scale informal groups overlooked by residential units;
- The visual impact of large areas of parking should be reduced by the use of screen planting, low walls and the use of different textured or coloured paving for car parking bays;
- Consideration needs to be given to parking for visitors and people with disabilities; and
- Provision of EV Charging points.

11.9.3 Cycling Parking

DM OBJ 96: To require the provision of cycle parking facilities in accordance with the Design Standards for New Apartments (March 2018) and Table 11.4 Cycle Parking Standards.

DM OBJ 97: Cycle parking facilities shall be conveniently located, secure, easy to use, adequately lit and well sign posted. All long-term (more than three hours) cycle racks shall be protected from the weather.

DM OBJ 98: To establish and implement Cycle Parking Standards for new Developments in the County.

DM OBJ 99: In residential developments without private gardens or wholly dependent on balconies for private open space, covered secure bicycle stands should be provided in private communal areas.

Table 11.4 Cycle Parking Standards

| Type of Development | Cycle Parking Standard |
|---------------------------|---|
| Apartments | 1 private secure bicycle space per bed space (note – design should not require bicycle access via living area), minimum 2 spaces 1 visitor bicycle space per two housing units |
| Other Developments | 1 bike space per car space, or 10% of employee numbers in general |

Volume 2 Written Statement & Maps for Settlements

This contains the written statements and maps for identified settlements in the County.

Navan

The written statement provides a brief description and development strategy for Navan. A detailed Local Area Plan for the town will be prepared during the life of this Plan (see SH OBJ 5).

Vision:

For Navan to continue to function and develop as a multi-modal key town in Meath; an important employment centre for administrative, retail, health and education services, where Development in the town is balanced by investment in the business and industrial parks, which will enhance its attractiveness as a place to live , work, invest and thereby support the creation of a sustainable community.

The development strategy for Navan is to support population and economic growth consistent with its designation as a 'Key Town' in the RSES. There will be a focus on broadening the employment base to facilitate job creation in order to improve the job: workforce ratio and reduce the volume of commuting. This will be achieved by supporting business and enterprise Development and identifying the infrastructural improvements required to make Navan a more attractive location to invest.

Delivering compact growth through the redevelopment of infill and brownfield sites in addition to the development of greenfield sites in proximity to the town centre will assist in creating a more sustainable settlement where there are opportunities for people to use more sustainable modes of transport.

Whilst sustainable transport and Smarter Travel will be at the core of the development strategy for Navan, there are a number of strategic roads that are critical in the long term growth of the town. The construction of these distributor roads would improve connectivity and accessibility within the town and would allow for significant volumes of through traffic to be removed from the town centre thereby providing opportunities to improve pedestrian and cyclist infrastructure in the town centre.

The development of the remaining residential lands in the town is closely linked to the delivery of distributor roads. As part of the growth strategy for the town some of these lands have been phased based on a residential evaluation and prioritisation of lands.

Opposite the proposed town centre expansion area to the east of the Trim Road there is a parcel of land zoned for mixed use development. These lands (Master Plan 8) have the potential to deliver significant development within walking distance of the town centre and adjacent to a future rail link (long term). Given the strategic location of these lands within walking distance of a future rail station such a use would assist in the development of a sustainable live work community in this location. The development of these lands are dependent on the delivery of distributor road LDR1(b) linking the Trim Road and the Dublin Road.

Master Plans

There are 13 Master Plan areas identified in Navan. The purpose of a Master Plan is to ensure an integrated approach is taken to the phasing, management, and development of lands within the Master Plan Area. A planning application will not be considered in the absence of the Master Plan being agreed in writing with the Executive of the Planning Authority.

The Council reserves the right to revisit completed Master Plans in the event of a change in circumstances which would merit such a reappraisal. Same is a matter for the Executive as all Master Plans are non-statutory plans.

| | |
|-----------------------------|---|
| <p>Master Plan 8</p> | <p>Master Plan 8 relates to a triangle of land formed by the Trim Road, the former Navan-Dublin Rail Alignment and lands adjoining the Swan River. This area has been identified for mixed uses, new residential and an open space/amenity area. The design and delivery of local distributor road LDR 1(a) will be a fundamental part of any Master Plan. The Master Plan shall include details of the proposed phasing for the Development of the lands which shall include the delivery of the Distributor Road.</p> |
|-----------------------------|---|

Town Development Policies and Objectives

NAV OBJ 1 to secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Navan as set out in Table 2.12 of the Core Strategy of not exceeded.

NAV OBJ 2 to support and encourage residential development on under-utilised land and/or vacant lands including ‘infill’ and ‘brownfield sites, subject to a high standard of design and layout being achieved.

NAV OBJ 6 to operate an Order of Priority for the release and development of residential lands with any lands identified as being ‘post 2027’ not available for development until after 2027.

NAV OBJ 20

To support the delivery of the following key road projects:

- i. Distributor Road LDR1a) Trim Road to Dublin Road
- ii. Distributor Road LDR 1b) Kilcarn Link Road
- iii. Distributor Road LDR 2a) Commons Road to Trim Road
- iv. Distributor Road LDR 2b) Commons Road and Athboy Road
- v. Distributor Road LDR 4 Ratholdron Road to Kells Road
- vi. Distributor Road LDR 6 Kentstown Road to Boyne Road

Development of these road projects will be subject to the outcome of the Appropriate Assessment process. Where adverse effects on European site integrity are identified, alternative routes or designs will be developed to ensure that the project will not adversely affect the integrity of any European Sites, either alone or in-combination with any other plans or projects. If, despite the implementation of mitigation measures, there remains a risk that the proposals will adversely affect the integrity of any European Site(s), the project will not be progressed unless an alternative solution can be implemented which avoids/ reduces the impact to a level that the integrity of the European Site(s) is(are) unaffected.

NAV OBJ 34 To promote the preservation of individual trees or groups of trees or woodlands identified on the Heritage Map for Navan (Map no. 22b) and manage these trees in line with arboricultural best practice.

6.4 Material Contravention Statement

The proposed development has been advertised as a material contravention of the Meath County Development Plan 2013-2019 (as extended) and the Navan Development Plan 2009-2015 (as extended) and the statement submitted includes justification for the contravention. The report has been summarised as follows:

The Material Contravention Statement refers to:

Car Parking:

TRAN OBJ 13 of the Meath County Development Plan states that it is council policy to accord with the parking standards provided in Table 11.9 stipulating that car parking standards which vary from 1.25 to 2 spaces per unit, depending on the type and size with an additional requirement for visitor parking for apartments.

INF POL 31 of the Navan Development Plan states it is Council policy to apply the car parking standards of the Development Management Guidelines and Standards section of the Meath Development Plan.

184 car parking spaces proposed, 259 required as per Plan.

Separation Distances:

Section 11.2.2.2 of the Meath County Development Plan states ' a minimum of 22 metres between directly opposing windows shall be observed'

Provision of LDR1 (a)

Section 3.2 provides guidance on the phasing of Development Settlement Strategy OBJ 16 of the Navan Development Plan requires the provision of Local Distributor Road 1 LDR1 (a) in Phase 1 of the Development of the MP8 lands.

The applicant contends that the proposed development does not include the extent of the LDR 1(a) within the MP8 lands. The 132 no. units is below the 150 no. of units referenced in Phase 1, and as such does not trigger the requirement for the provision of the LDR 1(a) within the Masterplan boundary. Notwithstanding, the omission of the LDR1 (a) from this phase could be considered to represent a material contravention of the Settlement Objective OBJ16.

It is not proposed to provide any part of the LDR1 (a) as part of this application. This has been agreed in principle with MCC and incorporated into the agreed MP8 Masterplan. Furthermore, the proposed Development is for the construction of 132 no. units, less than the maximum of 150 no. units envisaged prior to the provision of the extent of LDR1(a) within the Masterplan boundary. Out of abundance of caution, the Material Contravention Statement address those matters related to the delivery of LDR 1(a).

Justification:

The applicant has set out with regard to the requirements of section 37(2)(b) of the Planning and Development Act that:

It is considered that the proposed SHD for 132 no, residential units and associated development is of strategic importance.

It is further considered that there are conflicting policies and objectives in the Development Plan, requiring minimum parking standards while also promoting design that encourage reduced reliance on private vehicles, in favour of walking and cycling, while the proposed parking also accords with the SPPRs of the relevant Section 28 and 29 Guidelines.

It is considered that the proposed development is consistent with The Sustainable Residential Development in Urban Areas

In addition, in relation to the provision of LDR1(a) as part of Phase 1 of the development of the MP8 lands, it is considered that variation no. 3 of the Navan Development Plan and the approval of the Part 8 permission for LDR 1(b) in 2019 represents a material change with regard to the pattern of Development and permissions granted in the area since the making of the Development plan, as provided under section 37(2)(b)(iv).

7.0 Third Party Submissions

One Third party submission has been received from Thomas & Vera Mulhall, Trim Road, Navan, Co. Meath, owners of properties adjoining the site to the south. The following points of concern were raised:

Invalid Application:

- The application includes lands owned by Thomas Mulhall and no consent has been given for their inclusion in the application site boundaries. Thomas Mulhall has stated that he is the registered owner for half the road (public) that immediately fronts his property. Details of Folio submitted. The Council do not own the land (i.e. public road in front of house) and only have a right of way over it. Therefore cannot give consent for its inclusion as part of the application or for works to be carried out on it. Reference to High Court decision on this matter.
- The lands in question would facilitate the provision of a ghost island as part of the housing estate junction with the Trim Road (See ARUP drawing reference NVTR-0100-01).

- Works to the Trim Road also includes other third party lands for which no consents have been submitted (Silverbrook Estate, Balreask Village and Beechmont Estate).

Legal, Planning & Technical Issues:

Traffic Hazard:

- Traffic conflict between proposed junction, works to road and existing bus bay.
- Inadequate sightlines. Operational speed of the road at this location is over 70kph, therefore minimum sightlines of 120m are required.
- Right turning movements at observers' entrance is already dangerous, this will be made worse by the proposed works/new junction.
- Request that permission be refused on the grounds of traffic hazard.

Property Devaluation:

- The construction of a substandard and dangerous junction will result in properties being devalued.
- The impact of the apartments will also devalue property.
- Overlooking from balconies.
- Separation distances from Mulhall residence to proposed block is 13 to 16m, this does not comply with Development Plan standards.

Planning History:

- In 2009 permission was refused by Meath County Council for 174 residential units and demolition of derelict house for 3 reasons relating to 1) traffic, 2) delivery of STI and 3) design/layout.
- Outstanding technical issues raised in the 2009 Planners report have not been addressed.

M8 Lands:

- STI (LDR1(a) was to be developer driven, yet the current proposal no section of the LDR1(a) or LDR1(b) will be developed as part of the SHD Scheme.
- The current layout resembles the 2009 layout that was refused permission.
- All Development shall demonstrate full compliance with the completed CFRAMS for the Swan River.
- Surface water proposal are stands alone and do not take account of the remainder of the M8 lands.
- The provision of a trunk mains should be an integral requirement for any initial Development of the M8 lands.
- Current storm water calculations are inadequate.
- There is no agreed schematic layout between the various stakeholders of the M8 lands and the Local Authority with regard to an acceptable master plan for the area.
- LDR1(a) is required to be completed in line with the construction of 150 dwellings. The applicant is now seeking to provide 132 dwellings without making any provision for the LDR1(a) road or part thereof. This is a material variation of the Development Plan and is contrary to a key objective of the MP8 framework plan.

Material Variations of the Development Plans:

- The site is suburban and at the lower end of the 35-50 units per hectare as it does not have a good public transport service and is not close to the town centre.
- Reduction in carparking from 259 to 184 where public transport is minimal.
- Layout of parking within the estate does not comply with best practice with many spaces provided along the main access routes and perpendicular to the kerb.
- Parking does not comply with the Development Plan requirements.

- Does not comply with minimum requirements for 22m separation distances between units. This could have been avoided by altering the layout design.
- The provision of the LDR1(a) is essential and should be given priority as part of any Development of the M8 lands
- The junction onto the R161 does not comply with TII requirements.

Other:

- The proposed row of dwellings running parallel to the Trim Road breaks the building line along the Trim Road.
- The scope, scale and mix of the Development is contrary to the prevailing building patterns on the Trim Road. There are no apartment buildings in the existing estates.
- The front façade of the apartments is poor and at odds with elevations fronting onto the R161.
- A second access to the Development is by way of an extension to the LIDL access road. Appropriate consents have not been included with the application.
- Traffic will exacerbate existing build up on the Trim Road.
- The TTA does not address the traffic impact of the junction for the fully developed MP8 area. It does not address impact on existing bus stop or impact on traffic waiting to turn into Silverbrook.
- More detailed TTA is required.
- Access/consent/capacity issues regarding road network, surface water and wastewater.
- Overlooking, Noise disturbance and light intrusion of Mulhall property.
- Passive Open Space close to the boundary has capacity to be used for anti-social activity.
- Net result of poor design will be significant loss of privacy in garden.

- There is a 3-phase supply running through the development, no proposal for re-routing this submitted.
- Despite both Mulhall properties being located in the M8 Masterplan lands, they have not been invited to contribute their views.

SHD Process:

- SHD and Court rulings, many of which relate to non-compliance with the Development Plan.
- There is also a case against the constitutionality of the SHD process.
- SHD is to be scrapped shortly.
- It would be prudent therefore to refuse permission.

Would have no objection in principle to the development of the lands provided they had an input and were consulted as part of an approved Masterplan for the area. It is felt that if they had been consulted issues that form the basis of their submission could have been addressed to the satisfaction of all.

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Meath County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 18th October 2021. The planning authority has not raised any serious concerns with regard to the proposed development submitted. The report may be summarised as follows:

Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description of proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views of Elected Representatives - Meeting of the Navan Municipal District (no date provided for meeting).

A synopsis of the comments/views in respect of the proposed Development is set out as follows:

- Expressed the view that the Part V units should be dispersed throughout the development – the recently launched Housing for All Plan may impact on the Part V provision but the Housing Department will advise on the type and location of units required.
- Queried the appropriateness of the scale of the development, i.e. four storeys in that area – compliance will be assessed against S28 guidelines, appropriate urban design and national planning policy.
- Queried whether a flood risk assessment would be carried out – a flood risk assessment will be carried out and all requirements will be satisfied.
- Queried whether any objections had been made to date – the local authority will be advised of the submissions made 3 to 4 days after the closing date for submissions.
- Referred to the existing traffic volumes on the road and suggested that the construction of the Development phases be linked with the advancement of the link road – the Transportation Section had a significant input during the pre-planning stages and will advise regarding the phasing of the Development and the capacity of the existing road network. The phasing of the Development will be linked with the progress of key road infrastructure upgrades including the LDR1A and LDR1B.
- Queried whether the design standards now being applied include the apartments being constructed on the road frontage – urban design standards now consider taller buildings closer to the road to be best practice, in terms of quality urban design and impact on traffic speeds.

8.3 Planning Assessment

The assessment carried out by MCC Planning Department was on the basis of the statutory plan in place at the time of writing, i.e. the 2016-2019 County Development Plan and the 2009-2015 Navan Development Plan. The Report also refers to the Draft Meath County Development Plan 2021-2027 and Material Amendments to the Draft Plan.

Principle of Development:

Zoning:

- The site is zoned C1 Mixed Use in the Navan Town Development Plan 2009¹-2015.
- The site is zoned A2 New Residential with a portion zoned C1 Mixed Use in the Draft Plan. Modifications then to the Material Amendment.
- The Planning Authority consider that all proposed units included in this application are included and available for release as part of the Core Strategy of the Meath County Development Plan 2021-2027 on majority of subject A2 zoned lands. There are also further A2 lands that available for Development to the east of the site and within the developer's ownership/control

Masterplan:

- Navan Development Plan 2009-2015 Settlement Objective OBJ 16 sets out the requirements for the Development of the MP8 lands at this location. This includes 150 units and LDR1(a) in Phase 1.
- The Written Statement for Navan in the Draft County Development Plan 2021-2027 includes the following objective:
“Master Plan 8 relates to a triangle of land formed by the Trim Road, the former Navan-Dublin Rail Alignment and lands adjoining the Swan River. This area has been identified for mixed uses and an open space/amenity area. The design and delivery of local distributor road LDR 1(a) will be a fundamental part of any Master Plan. The Master Plan shall include details of the proposed phasing for the Development of the lands which shall include the delivery of the Distributor Road.”
- A Master plan was prepared and formally agreed with the Executive of Meath County Council in April 2021.

Density, Design & Layout:

A stated density of 41.1 units per hectare is proposed. The issue of density is a matter for An Bord Pleanála in the determination of its opinion on this application. The Planning Authority are of the view that the proposed density is consistent with the County Development Plan and the character of the surrounding area.

The applicant has submitted a schedule of the residential units which identifies a breakdown for the proposed units. The Meath County Development Plan advocates a mix of unit types and sizes in developments containing more than 15 units with a variety in design, within a unified concept. The variety should be achieved through appropriate scale and massing, roof profiles, materials and decorative details.

In relation to the proposed site layout, the applicant was advised to consider that the proposed layout should be revised to incorporate more frontage onto the Trim Road for the development to better address the public roadway and footpath and to facilitate passive surveillance in order to promote a sense of personal security to pedestrians and cyclists using the future cycling facilities along the Trim Road.

It is proposed to provide a mix of 3-storey wide fronted houses, 2 and 3 storey duplex units and the proposed 4-storey apartment building along the Trim Road which is considered acceptable.

¹ I note the report refers to 2019 -2015 which is a typo.

It is considered the size, scale and massing and finishes of the proposed development would generally be in keeping and appropriate with its urban context. The submitted Design Statement is noted and it is considered the overall design, appearance and layout is generally in accordance with the headings/principles outlined in the Urban Design Manual A best practice guide (2009).

The layout and design of the scheme has evolved from the physical and planning context of the site and seeks to facilitate permeability across the site and into the wider masterplan area. The overall objective is to place new residential development within a cohesive landscape that responds to and integrates the proposed Development within the wider context.

Transportation objectives including the LDR 1 (a) & (b) and the need to provide a linking road from the Trim Road and the Dublin Road guided the proposed road layout and hierarchy. The layout of the Part VIII proposal Ref. P8/1814 for the cycle tracks on the Trim Road has been continued into the proposed Development, and pedestrian and cyclist movements have been prioritised throughout.

Open space, Landscaping & Boundary Treatment

It is proposed to provide 4,651sqm of public open space across the subject site (over 15%) of the total site area as stated in Planning Report submitted.

Landscaping plans for the different areas have been prepared. The open space provides pathways and planting to mirror the existing hedgerow to be maintained in that area. The proposed playground is located in this large open space. Both areas of public open space are overlooked and supervised by residential units to all sides.

An Bord Pleanála should assess the quality and quantity of useable public open space within the red line site boundary.

Private Open Space:

The proposed dwellings would be required to comply with the requirements of the plan in relation to private open space provision.

The Sustainable Urban Housing: Design Standards for New Apartments (2020) sets out minimum standards for private open space. The application also includes a design for each apartment type. The apartments will be required to comply with all standards set out in the 2020 Apartment Guidelines.

Section 11.2.2.2 of the Meath County Development Plan 2013-2019 also sets out a minimum requirement of 22m between directly opposing windows.

Section 3.3 of the Material Contravention Statement submitted by the applicant outlines that some of the proposed units falls short of the minimum requirements. The Board however, should satisfy itself that the proposed units meet the minimum requisite standards of the CDP and the private residential amenity of future occupiers of the units is maintained.

The Planning Authority would encourage the retention of existing hedgerow boundaries where possible. Existing hedgerows along the eastern boundary are be retained where a park area with playground is proposed.

A Stone Butt wall and railing would be installed along the length of the proposed apartments. Front garden boundaries will comprise of small hedge and parkland railing. Typical boundary treatments are detailed as being 2 metre rendered/dashed block wall to rear dwelling boundaries and 1.8 metre concrete post and timber panel fence to party boundaries. A natural stone wall ranging in height from 1.2 metre to 2 metres is proposed to the roadside boundary. The Planning Authority would encourage a durable material to all boundary treatments.

A Landscaping Plan and a Landscaping Report prepared by Ronan Mac Diarmada & Associates have been submitted and should be further addressed by condition if permitted. An Bord Pleanála is invited to consider the Landscape Masterplan/ Arboricultural Report in their assessment of the application.

Traffic Impact, Access and Parking

It is unlikely that the proposed residential Development will have a significant impact on the nearby national road network (M3).

The development will have a direct impact on the R161 (Trim Road) and, as such, is seen as a critical road link. The Trim Road is a Regional Road and locally forms a priority-controlled junction with the Dan Shaw Road and a roundabout junction at Circular Road which has recently been redesigned. Both junctions are deemed to be critical junctions. Contained within the Navan Transport Plan 2014 – 2019 (NTP) associated with the Navan Development Plan 2009 – 2015 (NDP) are objectives for Local Distributor Roads, LDR 1, within the vicinity of the proposed Development and LDR 2 to the west. The LDR 1 is split into LDR 1(a) which will connect the Dublin Road at Springfield Glen to LDR1 (b) at the Trim road. The proposed access to the subject Development site will also connect with LDR1 (a). LDR 1(b) will provide a wider connection between the Trim Road and the Kilcarn Interchange on the M3 Motorway. These committed proposals will provide future relief for the local road network and will provide effective access to the site.

The Greater Dublin Area (GDA) Cycle Network Plan proposes to introduce a number of dedicated cycle routes to the area.

It is noted, as per Engineers Drawing NVTR-01000-01, that the Applicant proposes to

construct a section of the Main Link Street along the northern boundary of the proposed site. This is appropriate for the proposed Development and is expected to link with LDR 1(a) in the future.

TIA submitted with the application has been reviewed

Car Parking

In terms of residential units, the Applicant is providing 176 spaces. This represents a significant shortfall of 45 spaces when compared to the MCC County Development Plan standards. The applicant should be requested to provide additional car parking to accommodate the anticipated demand.

In terms of the parking associated with the crèche, the Applicant proposes to provide Staff parking only and has included 6 parking spaces. The applicant has not provided parking or set down for parents and the layout should be amended to include 8 additional parking spaces to accommodate same in line with the requirements of the Meath County Development Plan.

The Applicant has not provided adequate car parking to meet the anticipated demand With an additional c.53 spaces being required to comply with the Meath County Development Plan standards. The applicant should be requested to submit for agreement an amended layout which provides adequate parking to facilitate the Development.

Cycle Parking Facilities

The Meath County Development Plan 2013-2019 outlines that cycling parking should account for a third of car parking proposed. The Applicant has provided a total of 212 bicycle parking spaces for the proposed Development. The 'Design Standards for New Apartments' guidance indicates a provision of 1 no. space per bedroom. The proposed provision appears to exceed both standards and thus is consistent with the national and local policy to promote sustainable travel.

Residents of semi-detached units will have adequate space in rear gardens of their properties to store bicycles and will have access via private side lanes.

Water Services: The submission and recommended conditions from Irish Water are noted.

The surface water treatment and disposal broadly reached the requirements of the planning authority's water services section. However, it is recommended that conditions be attached that the final attenuation details to be agreed with the planning authority.

The report from the planning authority's Environmental Section is noted which includes standard conditions.

Taking in Charge: Details regarding Taking in Charge should be carried out in accordance with Meath County Council's 'Taking in Charge' policy document.

Childcare:

A crèche with a floor area of 325.5sqm is indicated to the eastern portion of the application site. adjoining the entrance to the masterplan lands and will cater for circa 40 children.

An Bord Pleanála is invited to consider the requirements of Section 11.9 of the Meath County Development Plan 2013-2019 which sets out the car-parking standards for childcare facilities.

Given the scale of the existing and proposed residential schemes in Navan, An Bord Pleanála is invited to consider the Educational requirements (National and Secondary Schools) as a result of the this proposed residential scheme in order to ensure that adequate facilities are in place to cater for future educational needs of Navan's population.

Art Work: Policy SOC POL 53 requires that public art be incorporate public into new residential schemes. Therefore, it is recommended that a condition be attached in this regard.

Estate Name: It is requested that the naming of the scheme be approved by Meath County Council

Broadband: The report of the Broadband Officer is noted and a condition is recommended with regard to infrastructure.

Archaeology: The applicants Archaeological Impact Assessment is noted, which recommends that archaeological testing be carried out.

The planning authority's Conservation Officer has no objection to the proposed Development.

Architectural Heritage: No objection from the Conservation Officer

Natural Heritage: The Heritage Officer is noted.

The Application includes an Ecological Impact Assessment of the site is noted.

The Planning Authority acknowledges the observations/recommendations from the Development Applications Units (DAU) dated 30/09/2021 in respect of Nature Conservation.

An Bord Pleanála is invited to consider the comments of the Development Applications Units (DAU) dated 30/09/2021 and the comments from the Heritage Officer (see appendices) and, where applicable, consider applying a planning condition in relation to the above in the event of permission being granted.

Flood Risk: The report from the planning authority's Environment Section (Flooding) is noted. This application includes for permission for a Strategic Housing Development which can be classified as a 'highly vulnerable Development'.

With reference to Meath County Councils MapInfo flood mapping and the OPW CFRAMS flood mapping for the relevant area, the proposed Development site is predominantly situated in Flood Zone C i.e. the probability of flooding is less than 0.1% and therefore at low risk of flooding. However there is an area at the south of the site which is partially situated in Flood Zone A where the probability of flooding is greater than 1% from fluvial flooding; i.e. it is at high risk of flooding and Flood Zone B where the probability of flooding is between 0.1% and 1% from fluvial flooding; i.e. it is at medium risk of flooding.

The applicant has submitted a Site-Specific Flood Risk Assessment (SSFRA) and I have reviewed same.

The SSFRA has concluded that the proposed Development site is situated in Flood Zone C per the OPW CFRAMS flood mapping. It is noted, however that the proposed surface water network discharges to the Swan River and falls within Flood Zone A and Flood Zone B near the outfall

All works proposed within the flood zones shall ensure that the ground levels remain at grade so there is no loss of floodplain. The proposed headwall shall not impede flood water flows during critical events.

Appropriate Assessment: The application site is not located within or directly adjacent to any Natura 2000 area, and the eastern boundary of the subject site is approximately 900 metres from the River Boyne And River Blackwater SAC and SPA. The applicant's landholding on the Trim Road adjoins the Swan River at its southern boundary, and this watercourse is a tributary to the River Boyne to the east.

This NIS describes potential impacts associated with the proposed Development during the construction and operational phases and the mitigation measures to remove potential for these impacts. The report concludes in stating that following the implementation of mitigation measures the proposed Development will not, by itself or in combination with other plans or projects, have any adverse effect on the integrity of any European sites in view of their conservation objectives.

The Planning Authority acknowledges the observations/recommendations from the Development Applications Units (DAU) dated 30/09/2021 and the Heritage Officer in respect to the submitted Natura Impact Statement. As Competent Authority, An Bord Pleanála is invited to consider the above comments in respect of Appropriate Assessment.

Environmental Impact Assessment: An Environmental Report & Environmental Impact Assessment Screening Report, a Natura Impact Statement, an Extended Phase 1 Habitat Report, and an Outline Construction Environmental Management Plan have been prepared by ARUP in respect of the Development proposed.

The Environmental Report & Environmental Impact Assessment Screening Report seeks to assess the impact of the proposed Development on the following; Population & Human Health, Biodiversity, Land & Soils, Water, Noise & Vibration, Air, Odour& Climate, Traffic & Transportation, Material Assets, Archaeology & Cultural Heritage, and Landscape & Visual.

This report also assesses the interaction between these environmental factors and cumulative effects arising in combination with existing or permitted Developments. This report concludes in stating that significant environmental effects are unlikely to arise from the proposed Development and that EIA should not be required for the proposed Development.

It is recommended that An Bord Pleanála consult with Inland Fisheries Ireland, the National Parks and Wildlife Service (DCHG), the Department of Culture, Heritage and the Gaeltacht (DCHG) and other relevant prescribed bodies in relation to the environmental impact of the proposal.

The planning authority also provided a summary of the third party submission, which in general reiterates the comments outlined above.

The planning authority refer the Board to the comments in their report, however, they do not provide a recommended decision or any recommended conditions.

8.4 Inter-Departmental Reports

Appendix 1 includes Internal Reports from the following:

Transportation Department (28th September 2021). No objection subject to conditions.

Water Services (1st September 2021). No objection subject to conditions.

Environment (General) Section (not dated). No objection subject to conditions.

Environment (Flooding) Section (not dated). No objection subject to conditions.

Heritage Officer (not dated). Queries regarding extended Phase 1 Habitat Survey and dates it was carried out. Requirement for a hedgerow survey, Biodiversity features should be incorporated into the design, query status of Bat report (reference to further bay survey underway). NIS examined. Satisfied no significant effects (direct or indirect) on the QI of the Natura 2000 sites, individually or in combination with other plans or projects. Ecological Clerk of Works (ecologist) should be appointed to advise on implementation of CEMP, ensure works are carried out in strict accordance with best practice guidance and that all mitigation measures outlined in the NIS and Ecological Reports will be undertaken and to liaise with the relevant statutory bodies.

Broadband Officer (not dated). No objection subject to conditions.

Fire Service (1st September 2021). Requirements set out in report.

Planning Department Master Plan Approval Letter (27th April 2021). This notes that ‘ the Master plan sets out indicative proposal for the land. The process is iterative, and the Masterplan may therefore need to be amended in the future. The Draft Meath County Development Plan 2021-2027 Volume 2 contains a written statement and land use zoning map for Navan which, when adopted, will replace the current Navan Development Plan pending the preparation of a Local Area Plan for Navan. It is anticipated that the County Development Plan will be adopted in September 2021. Further iterations of the Masterplan will be required to comply with the relevant policy framework in place at the time of writing.’

8.5 Chief Executive Recommendation

The Chief Executive Report does not contain a Conclusion, Recommendation or reasons for refusal/schedule of conditions.

9.0 Prescribed Bodies

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed at Pre-Application Consultation stage that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016: Irish Water, Department of Culture Heritage and the Gaeltacht, National Parks and Wildlife, Inland Fisheries Ireland, Transport Infrastructure Ireland, An Taisce and The Heritage Council

The following Prescribed Bodies have made a submission on the application:

Development Applications Unit (DAU), Department of Housing, Local Government and Heritage (27th September 2021).

A summary of the heritage related observations/recommendations are as follows:

Archaeology: The Archaeological Assessment submitted has been examined. On the basis of the information in the report, the results of the archaeological geophysical survey and the proposed archaeological mitigation. It is the Departments recommendation that the recommended condition pertaining to pre-Development testing be included in any grant of permission that may issue.

Nature Conservation: The Development proposed requires the removal of 22 of the 25 trees presently existing on the site as well as the total clearance of 6 of the 11 hedgerows on the site and sections of two other hedgerows respectively 75 m and 85 m in length. Various common bird species were recorded on the Development site which mainly nest in shrubs and trees. These bird species will therefore lose most of their existing nesting habitat on the Development site by the vegetation clearance planned; however in the longer term the planting of shrubs and larger numbers of trees as part of the landscaping for the proposed Development will compensate for such detrimental impacts on these species by providing new nesting sites. Vegetation clearance during the bird breeding could on the other hand lead to the direct destruction of eggs and nestlings.

The surface water drainage system for the proposed development is to be routed to an outfall point on the Swan River, discharges to which will be attenuated to green field rates. An otter female and cub were identified as using a holt on the Swan River 50 m from the location of the drainage discharge point for two nights in 2018 but not subsequently. Continued usage of the Swan River by this species, which is one of the Qualifying Interests (QIs) that the River Boyne and River Blackwater SAC has been designated to protect, may however be presumed. The Natura Impact Statement (NIS) supporting this application therefore identifies the possibility that the Development proposed could have an ex-situ impact on the otter, either as a result of disturbance during construction or by causing the deterioration of its habitat along the Swan River by affecting water quality through the mobilisation of polluting materials from the Development site. The NIS also identifies the possibility that polluting materials from the proposed Development transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself. Similarly by causing a deterioration in water quality such pollution could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA. Various mitigating measures are set out in the NIS, and in the Outline Construction Environment Management Plan (CEMP) also supporting this application, to avoid surface water pollution in the course of the construction of the proposed project. These measures include the employment of settling lagoons and sediment traps, the storage of oils and refuelling machinery on impermeable surfaces in bunded areas and attention to the pouring of concrete. In addition, discharge of surface water drainage from the site during its operational phase will be through an oil interceptor. Consequently, downstream detrimental impacts on the QIs and SCI for the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA should be avoided. The NIS, taking account of the likely effects of the implementation mitigation measures set out above, concludes that the proposed Development does not pose a risk of adversely affecting the integrity of any European site. The Department of Housing, Local Government and Heritage accepts this conclusion.

It is recommended that 2 conditions (clearance of vegetation and CEMP) be included in any grant of permission.

Irish Water (IW) (27th September 2021)

Irish Water has reviewed the plans and particulars submitted for this Strategic Housing Development Application and based on the details provided by the applicant to Irish Water as part of their Pre-Connection Enquiry, and on the capacity available in our networks, Irish Water has the following observations:

In respect of wastewater the applicant is currently permitted to connect 132 No. units via Trim Road Pump Station subject to the conditions set out as follows:

- The development shall discharge to the Trim Road Pump Station. Any on site temporary pump station which may be required will remain in private ownership and will not be taken in charge by Irish Water.
- Any on site temporary pump station shall be maintained and operated by the applicant within their site.
- This development phase of 132 No. Units and subsequent phases will ultimately have to flow east via the Navan Strategic Wastewater Sewer. At that time the temporary Pump Station shall be decommissioned and removed at the applicant's expense.
- A Master plan for 98 Kilcarn Court in accordance with Navan Strategic Wastewater Infrastructure Plan will be required to be agreed with Irish Water as part of a Connection Agreement.
- The applicant shall continue to liaise with the Irish Water Public Works Service Agreement team in regard to future connection(s) to the East which are contingent on detail design of the strategic sewer to connect 98 Kilcarn Court to Dublin Road Pump Station, the project for which has an expected completion date of December 2021 (subject to change).

Note: Any future connections in addition to the 132 which is the subject of this application are subject to the delivery of infrastructure connecting Ros Na Rí and 98 Kilcarn Court to Dublin Road pump station and available capacity at Dublin Road pump station.

In respect of water Irish Water will only permit to connect 132 No. units at this time subject to the following:

- The 450mm water main which exists in the road south of the subject site should be commissioned.
- The 450mm water main should be connected to the 355mm water main in the R161 Trim Road by means of a 40m water main extension.
- The 355mm water main should be connected to the subject site by means of a 400m water main extension along the R161.

All works will be carried out in the public domain by Irish Water with the costs to be borne by the applicant. All costs will be agreed as part of the connection agreement.

The applicant has engaged with Irish Water in respect of design proposals within the redline boundary of their propose Development site and has been issued a Statement of Design Acceptance for the Development.

Irish Water respectfully requests the board conditions any with the 4 conditions included.

Transport Infrastructure Ireland (TII) (16th September 2021).

Transport Infrastructure noted that have no observation to make in the case of this planning application.

10.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan and has full regard to the Chief Executive's report, third party observations and submission by Prescribed Bodies.

The Meath County Development Plan 2021-2027 has been adopted and come into effect since the lodging of this application.

The assessment considers and addresses the following issues:

- Principle of development, quantum and mix of development
- Design/Height/Materials
- Layout
- Open Space & Landscaping
- Quality and residential amenity of proposed development

- Residential Amenity of neighbouring properties
- Traffic and Transportation
- Services, Drainage and Flooding
- Part V
- Ecology
- Trees and Hedgerows
- Archaeology
- Material Contravention
- Other Matters
- Chief Executive Report

10.1 Principle of Development, quantum and mix of Development

10.1.1 Land Use Zoning

The bulk of the site is located on lands zoned under land use zoning objectives: A2 New Residential with an objective *‘To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate’*. A small portion on the north western corner is located on lands zoned under C1 Mixed Use with an objective *‘To provide for and facilitate mixed residential and employment generating uses’*.

Residential is a ‘permitted use’ under both land use zoning objectives. A childcare facility would be permitted under A2 land use zoning. The principle of residential development and provision of a creche on the site is therefore acceptable and in accordance with the County Development Plan.

The land use zoning for the south western portion of the site is ‘A2 Phasing– Residential Land not available for development until post 2027’ as shown on Map 28(A) Navan Land Use Zoning Map contained in Volume 2 of the current Development Plan.

Within the County Settlement Hierarchy of the Development Plan, Navan is identified as a ‘key town’ reflective of settlements with a strong employment base and a broad range of services that serve a wide catchment area. Navan has been identified as the Key Town in Meath in the RSES. It is the County town and primary retail and employment centre.

Table 2.12 of the Development Plan sets out the total housing capacity to be accommodated at each tier in the settlement hierarchy and the projected population for each settlement. For Navan the projected population for the plan period is 36073, an increase of 5900. 924 extant permission not built at the time the Plan was adopted and a household allocation of 3204 for the lifetime of the plan with 79.84 hectares of residential zoned lands is set out. The planning authority noted in their report that the proposal is broadly in line with the allocation envisaged for Navan in the 2021 Plan.

The Planning Authority considered that all proposed units included in this application are included and available for release as part of the Core Strategy of the Meath County Development Plan 2021-2027 on majority of subject A2 zoned lands. It was noted that there are also further A2 lands that available for development to the east and south of the site and within the developer's ownership/control.

SH OBJ 4 sets out that an Order of Priority for the release and Development of residential lands with any lands identified as being 'Post 2027' not being available for residential development during the lifetime of the subject Development plan and no permission for dwellings will be granted on these lands by Meath County Council.

SH OBJ 5 sets out that a new local area plan will be prepared for a number of settlements, including Navan. As part of the preparation of these plans, a detailed infrastructure assessment, consistent with the methodology for a tiered approach to zoning under Appendix F of the NPF will be undertaken for each settlement.

The southwestern portion of the application site where the proposed apartment block (36 apartments), 1 duplex and 7 no. houses are located are lands identified as 'A2 Phasing– Residential Land not available for Development until post 2027' (referred to in the remainder of this report as 'A2 Phasing–post 2027' and therefore residential Development on this portion of the site cannot be accommodated during the life of this plan and therefore is a material contravention of the land use zoning objective of the Meath County Development Plan 2021-2027. Having regard to 9(6)(b) of Planning and Development (Housing) Residential Tenancies Act 2016 Act it may not be open to the Board to grant permission on that particular zoning and therefore I am recommending that planning permission be refused on the grounds of material contravention the zoning. The remainder of the application site located on lands zoned under land use objectives A2 and C1 can be granted permission subject to compliance with the relevant development management standards, local and national requirements.

I note previous Board decisions to refuse permission for Development on Phase II (Post 2019) zoned lands under the previous Meath County Development Plan in Dunshaughlin, Co. Meath (ref ABP-308396-20), Enfield, Co. Meath (ref. ABP-308155-20) and in Duleek, Co. Meath (ABP – 308803-20) on grounds relating to the Phase II status of the lands in question.

Notwithstanding the above conclusion, I propose to consider the development as whole in my assessment in order to provide as complete an assessment as possible.

10.1.2 Masterplan

Under the current plan the site forms part of a larger tract of land identified for Masterplan under MP8 - Lands at Balreask Old/Limekiln hill, between Trim Road and former Navan-Dublin Rail line. More detail regarding MP8 is contained in the Volume 2 (Settlement Plans). This sets out *Master Plan 8 relates to a triangle of land formed by the Trim Road, the former Navan-Dublin Rail Alignment and lands adjoining the Swan River. This area has been identified for mixed uses, new residential and an open space/amenity area. The design and delivery of local distributor road LDR 1(a) will be a fundamental part of any Master Plan. The Master Plan shall include details of the proposed phasing for the Development of the lands which shall include the delivery of the Distributor Road.*

I note the requirement set out in the statutory Development Plan that a planning application will not be considered in the absence of the Master Plan being agreed in writing with the Executive of the Planning Authority. A Masterplan was prepared, submitted and approved by the Executive of Meath County Council in April 2021. This was prepared on foot of the previous statutory plan in place and included revised proposals for the delivery of the LDR 1(a). While I acknowledge that the approved Masterplan was carried out pursuant to the previous Navan Development Plan. I am satisfied under the circumstances that the approved Masterplan is acceptable. I have examined the Master plan and I am of the opinion that it meets the requirements of the current Development Plan. I note the road layout proposed under the current application meets the requirements of the current Development Plan and the layout is in line with Map 28(A) Navan Land Use Zoning Map contained in Volume 2 of the 2021-2027 Plan. The access off trim road and connection along the northern boundary to the LDR1(a) corresponded with indicative transport routes identified on the Navan Land Use Zoning Map. I am satisfied that the proposed Development delivers the road infrastructure envisaged in the Development Plan for this part of the MP8 lands and does not compromise future delivery of roads.

Third-party observations assert that the proposed development is a material contravention of the Development Plan as the LDR1(a) is not been provide. I acknowledge that this was the case under the previous Navan Development Plan. This was addressed by the application in a Material Contravention Statement that was submitted with the application. However, the requirement to deliver the LDR 1(a) under the 2021 Plan does not specify that this is required under phase 1. Furthermore, the current strategy was included in the Masterplan agreed with the Planning Authority in April 2021. I do not consider that the delivery of the LDR 1(a) in a later phase constitutes a material contravention of the Meath County Development Plan 2021-2027.

The Planning Authority has not raised an objection in principle to the proposed development. I am satisfied that the site represents a natural expansion of the built-up area to Navan on a site benefitting from existing pedestrian (albeit in the opposite side of the road) and road links along Trim Road to the town centre. It is located sequentially to existing adjoining housing areas to the north and west in an area with no stated significant infrastructural constraints. The development is also designed to support improved connectivity in the area, as expanded upon later in this report.

I note that the observers have outlined that they would have no objection in principle to the development of the lands provided they had an input and were consulted as part of an approved Masterplan for the area. An stated that they felt that if they had been consulted issues that form the basis of their submission could have been addressed to the satisfaction of all.

10.1.3 Density

The proposed development of 132 residential units on a site with a stated area of 4.2 hectares and a net developable area of c.3.2 hectares resulted in a density of c.41 unit per hectare. Following my recommendation to refuse permission for the 44 units located on the 'A2 phasing-post 2027' lands the development is reduced to 88 residential units.

Appendix A of the Sustainable Residential Development in Urban Areas Guidelines states that in calculating net density, major local distributor roads, primary schools, churches, local shopping and open spaces serving a wider area and significant landscape buffer strips can be excluded for the purposes of the net density calculation.

The applicant has set out that in calculating the net developable area of the site, that the existing Trim Road and areas of pipework are excluded. Based on the information on file and my calculations I am of the view that net developable area should also exclude the access road which traverses the site west to east (c.0.12ha) as it is identified as a transport route in the current plan that will open up and serve as an access to the wider master plan lands to the east and link to the future LDR1(a). The portion of the road linking the Lidl access road to the future LDR1(a) (c.0.04) should also be excluded for the same reason. I also consider that the open space (The Park c. 0.46 ha) should be excluded from the calculations as it is proposed to serve the wider area. In addition following my recommendation to refuse permission for residential development on the southwestern portion (c.0.33ha) of the site 'A2 Phasing-post 2027' lands are also excluded. In my view the 'developable area' is c. 2.25 which results in a net density of c. 39.1 units per hectare based on 88 residential units.

DM OBJ 14 of the current County Development Plan sets out that densities for Regional Growth Centres/Key Towns: (Navan/Drogheda) of 35-45 uph shall be encouraged when considering planning applications for residential development. The Plan also sets out that it should be noted that SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities December 2018² shall be considered in the implementation of the above densities.

I am satisfied that the amended development of 88 residential units complies with the Meath County Development Plan requirements and is appropriate for this location, on the edge of Navan is located in an area traditionally developed for residential uses as noted by older estates such as Canterbrook and Beechmont opposite the site. Furthermore it is on lands identified for under Masterplan 8 in the current County Development Plan. The subject site is approximately a 10 minute walk into the centre of Navan and there are existing footpaths to facilitate pedestrian access on the opposite side of the Trim Road with new provision along the site frontage as part of the current application. The site is served by public transport, with bus routes and stop in front of the site on the R161 (Trim road). The site also immediate adjoining LIDL, with commercial premises at Beechmount Shopping Centre on the opposite side of the Trim Road, to the south is Navan Enterprise centre, existing schools to the southeast and the town centre.

Having considered the applicant's submission, observer submission and those of the Planning Authority, as well as local, regional and national policy, the site is in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density is appropriate in this instance having regard to local and national policy, the site's size and locational context.

10.1.4 Unit Mix

The Meath County Development Plan DM POL 6 requires that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends. The design statement required at DM OBJ 13 shall set out how the proposed scheme is compliant with same.

The proposed unit mix for the overall development is good with 19 x 1 bed apartments (c.12.9%), 17 x 2 bed apartments (14.4%), 4 x 1 bed duplex (3%), 18 x 2 bed duplex (13.6%), 14 x 3 bed duplex (10.6%), 49 x 3 bed house (37.1%) and 11 x 4 bed house (8.3%) proposed. This equates to 15.9% 1 bed, 28% 2 bed, 47.7% 3 bed and 8.3% 4 bed overall. The offers a good mix of unit types ranging from houses, duplex to apartments. This would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. The proposed unit types will improve the range of housing types available in the area which is predominately characterised by low density suburban housing. The provision of apartments within the scheme and at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential .

When the apartment block (36 apartments), 7 houses and 1 duplex located on 'A2 Phasing – post 2027' lands are excluded the unit mix is 53 houses and 31 Duplex, this still offers a variety as the units remaining include a mix of sizes. I am satisfied that the proposed housing mix which offers a good variety within the development and contributes to the housing mix in the general area. The proposed mix complies with the Development Plan requirements and is in line with national guidance.

I note the recent s.28 Guidelines for Planning Authorities on the Regulation of Commercial Institutional Investment in Housing May 2021. This includes requirements in relation to duplex and standalone housing units, to restrict occupation of these units under section 47 of the Planning and Development Act 2000 (as amended).

National planning policy supports the provision of new housing as a priority on appropriate sites, and recognises the importance of apartment as part of the efficient delivery of much needed housing in the State. The proposed development is a mix of houses and apartments/duplex. Overall, I do not consider there to be any in principle objection to the provision of apartment/duplex style units as part of a wider housing scheme on this site.

10.2 Design, Height & Materials:

The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. I note SPPR 4 in the guidelines in relation to greenfield or edge of city/town locations, which states that a greater mix of building height and typologies should be sought, and avoidance of mono-type building typologies. Paragraph 1.9 states that 'these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at plan and management levels.'

The proposed comprises 2 and 3 storey houses, 3 storey duplex and a 4 storey apartment block. The predominate existing residential built character of the general area is 2 storeys in height, however the site is surrounded by commercial uses which vary in height and scale. The site is also situated adjacent to existing agricultural fields which are in the applicant's ownership and included in the approved masterplan lands. I am of the view that the proposed 4 storey block is a modest increase in scale compared to the established prevailing heights in the area. The block is positioned to address the Trim Road and is set back between c.13 and 16m from the nearest residential property (observer's house). The treatment of the Trim Road includes an appropriate mix of units and heights and creates an appropriate edge to the development.

While I acknowledge that the proposed apartment block with a height of 4 storeys is a departure from the existing visual character of the immediate area, and I note third party concerns in relation to this I consider the location and context of the height appropriate. It address the Trim Road offering a stronger edge to the rather than the traditional 1990s style suburban housing estates and their treatment of the Trim Road which characterises this road to date. Furthermore, as indicated above National guidance considers that general building heights of at least three to four storeys, coupled with appropriate density should be supported on sites like the current one. However the apartment block is located on 'A2 Phasing– Post 2027' and as per my previous recommendation I am recommending that permission is refused for the apartment block and housing at this location.

The proposed duplex units contribute to the variety in housing types and are appropriate in my view, given the specific characteristics of this site and the surrounding area. While I note that the site may be considered 'transitional' as it is situated between greenfield/agricultural areas and established residential estates, I consider the proposed scale and mix of heights to be appropriate for the site.

A detailed Urban Design & Architectural Statement, a Material Document are submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides a Universal Access Statement and a Landscape Design Statement and Building Lifecycle Report, these should be read in tandem as they set out external building materials and landscape external materials.

The proposed houses, duplex block and apartment are finished in a mix of render, brick and zinc/metal. Render is proposed to the upper levels of all units to provide variety and bring a balance throughout the scheme. Cut stone is provided at prominent edges within the public open spaces, this and will in my opinion, appear distinct, yet complementary, to existing built environment. I do however have reservations regarding the extensive use of render on the apartment block and the maintenance/weathering challenges it presents. However the apartment block is located on 'A2 Phasing- Post 2027' and as per my previous recommendation I am recommending that permission is refused for the apartment block and housing at this location. If the Board is of a mind the grant permission a condition should be attached to require an alternative to render be used. The development will be visible from all approaches along the Trim Road and adjoining commercial uses to the north and the observer's properties to the south. The site as stated previously forms parcel of a larger parcel of lands which have been the subject of a masterplan. The current proposal before the Board is phase 1 of 4 phases of residential development. Documentation submitted with the application outlines that there are four character areas within the current proposal. These include Area 1 (Trim Road), Area 2 (Southern Access Road), Area 3 (Park) and Area 4 (Village Avenue). And it is envisaged that each phase of masterplan lands will hold its own distinctive character.

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission for apartments.

On balance, given the context of the site I consider that the proposed height, design and material finish will assist legibility through the area and provide definition of character to this part of Navan.

10.3 Layout

The proposed layout responds to the future potential development of lands to the east and south which are part of the MP8 lands, with streets located to boundary edge to facilitate future connection and a west east boulevard is proposed to link to adjoining lands. The only area of open space (The Park) is located on the eastern portion of the site bounded by roads and parking. It is overlooked by a number of dwellings but separated from them by a parking and a secondary road within the development which traverses the site in a north south direction at this point. The layout is dominated by 'hard' landscaping in the form of home zones, roads and surface parking. As part of the agreed masterplan for the MP8 lands, a north south link street is provided in phase 1 and 2. Phase 1 includes an extension of the existing link street provided by the Lidl access road from the Trim road into Phase A commercial area to facilitate on these lands and to facilitate pedestrian and cyclist connectivity northwards from Phase 1 towards the town centre. The balance of the link street, linking Phase 1 element to the LDR 1(a) is to be provided in Phase 2 and the LDR 1(a) provided under phase 3 and 4. The layout of the scheme facilitates permeability across the site and connection to the wider masterplan area and to the north linking to the existing Lidl access road. The layout of the Part VIII proposal Ref. P8/1814 for the cycle tracks on the Trim Road has been continued into the proposed development, and pedestrian and cyclist movements have been prioritised throughout.

The largest banks of parking are located in the two home zones areas, these are broken by incidental grassed area (size of a bay) resulting in 3 and 5 bay configuration. How the planting and parking materialises with the indicative location of some of the proposed planting/trees remains to be seen. I am of the view that additional build out for the proposed planting should be provided to assist in in traffic calming within the home zones while also providing a visual relief.

DM OBJ 93 of the current Plan notes new residential should take account of vehicular parking for detached and semi-detached housing should be within the curtilage of the house. 6 houses provide parking within their curtilage. The remainder are served by banks of parking located in the home zones or along access roads. I note the wording of DM OBJ 93 allows for flexibility and sets out residential development should take account of vehicular parking to be within the curtilage rather than a specific requirement. I am satisfied that the proposed development does not contravene DM OBJ 93 and is acceptable.

A Statement of Consistency with DMURS has been submitted with the application. Adequate facilities are provided to facilitate pedestrians and cyclists and the scheme is generally compliant with the principles of DMURS. The Planning Authority have not raised any concerns pertaining to same.

The creche is located at the back of the site off the main access road and bounds the public space with designated parking located to the north adjoining the Park. I have no objection to the scale and location of the creche. To the east of the creche, with its own access, is the proposed wastewater pumping station, screened from the creche by hedge/planting.

Overall the proposed layout presents an acceptable living environment for future occupiers. It offers good connectivity to adjoining lands and uses and the level of permeability is generally welcomed and having regard to the proximity of the subject site to the adjoining Lidl and school.

Resulting from the exclusion of the southwestern portion of the site, revised proposals for boundary treatment will be along this boundary and for the area to be treated in such a manner so as not to have a negative impact on the amenities of the adjoining properties to the south given that the land in question is A2 phasing -post 2027. I am satisfied that this matter can be addressed appropriately by condition with boundary treatment to be submitted to and agreed with the Planning Authority.

10.4 Open Space & Landscaping

The Plan sets out a minimum standard of 15% of the site area in new residential to be reserved for public open space. It is proposed to provide 4,651sqm of public open space across the subject site (over 15%) of the total site area. The quantity of public open space is, therefore, in accordance with plan standards, and it is noted that neither planning authority nor third parties raised concerns regarding the quantity.

Public open space is provided in one large parcel located at the eastern section of the proposed referred to as 'The Park'. While I acknowledge that when viewed in the context of Phase 1 alone this is somewhat peripheral however I am satisfied that that its location ties in with future development of Phase 2 as envisaged for the MP8 Masterplan lands. Furthermore the distance from the furthest house to this area of open space is acceptable.

Landscaping plans for the site have been prepared. The Park provides pathways and planting with the existing hedgerow to be maintained in that area. The proposed playground is located in this large open space. The public open space is overlooked and supervised by residential units on its western site with a section of the northern site addressed by one house.

As noted above, I am of the view that additional planting should be introduced at the home zone parking banks. It will assist in both softening the landscape while also providing traffic calming measures in the home zone areas by providing small build outs of landscaped areas between the parking bays. This matter can be addressed by condition if the Board considers a grant of permission.

Third parties raised concerns regarding the potential for anti-social behaviour along the boundary with their property. This refers to the area between the proposed apartment block and the observer's boundary, labelled private amenity space for apartment and has an area of c. 248.7sq.m with K38 transmission lines diversion running across this area. Having regard to the maturity of the vegetation along the boundary and in response to the concerns raised by third parties regarding the potential for anti-social behaviour, I would recommend that detailed design features including provision of lighting, etc. should be considered to address these concerns. If the Board was of a mind to permit the apartments. However this area forms part of the 'A2 Phasing- post 2027' lands and as set out previously in my opinion having regard to 9(6)(b) of 2016 Act it may not be open to the Board to grant permission on that particular zoning

10.5 Residential Amenity and Quality of proposed development

10.5.1 Overlooking

The current Development Plan includes the following objectives. DM OBJ 18 which requires a minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi- detached, terraced units shall generally be observed. DM OBJ 19 which requires a minimum of 22 metres separation distance between opposing windows will apply in the case of apartments/duplex units up to three storeys in height. And DM OBJ 20 sets out that any residential proposal which exceeds three or more storeys in height shall demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity.

Within the proposed development there are 13 no. units that do not comply with the minimum 22m requirement. The separation distances for these units range between c. 21.58 and 21.9m. I consider this a de minimus shortfall in the required separation distance and that the shortfall is not such as to materially contravene the objectives contained in the Development Plan.

In any event the wording of the objectives refers to 'shall generally be observed' and Section 11.5.7 notes that the relaxation of any of the standards set out at DM OBJ 18-21 will be assessed on a case-by-case basis and should not be accepted as the Council setting a precedent for future development. I am satisfied that adequate separation distances are provided within the proposed development and overlooking does not arise. I am satisfied that the separation distances do not materially contravene the current Development Plan. I note that the applicant had included a Material Contravention Statement with the application to address the issue of separation distances under the previous plan. There was no reference to the Draft Plan in the Material Contravention Statement.

10.5.2 Daylight, Sunlight and Overshadowing

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The Daylight , Sunlight and Overshadow Study (dated 16/08/2021) submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment is read as before in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban & Building Heights Guidelines and the Apartment Guidelines. I am satisfied that the target ADF for the new residential units and minimum sunlight exposure for the open spaces are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

The applicant's assessment includes an analysis of the proposed houses, duplex and apartments. With regard to amenity (daylight) available to future residents within the proposed scheme. The study concluded that 100% of the bedrooms studied achieve the minimum ADF of $\geq 1.00\%$ and 100% of the living room, kitchens, kitchen/dining and kitchen/living/dining achieve an ADF of $\geq 2.00\%$.

The analysis considered 519 points, these included bedrooms, living rooms kitchen/dining, kitchen/living/dining and kitchens for units dispersed across the , including houses, duplex to apartments. ADF for all living rooms, kitchen/dining and kitchen/living/dining were greater than 2.0% and bedrooms greater than 1.0%. Given that the rooms tested represent a selection of units types and rooms across all the overall development, I am satisfied the overall level of residential amenity is acceptable, having regard to internal daylight provision.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.

To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. This analysis indicated that the proposed of the amenity areas met or exceeded the minimum 2 hours of sunlight recommended. Based on the assessment submitted and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet and in fact exceed sunlight standards.

I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation between the units, relevant to the scale of the development. As such, I am content that daylight and sunlight conditions for the residential units within the proposed development will be within an acceptable range. I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and dual aspect of units. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines. I consider the to be in accordance with the BRE guidelines.

10.5.3 Residential Standards for future occupiers

The development includes 36 apartments and 36 duplex and as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with.

In terms of amenities for future occupants the development is of a high standard. It complies with the requirements of the 2020 Apartment Guidelines. The proposal complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core).

Appendix 1 of the Apartment Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

In my view the design and internal layouts of the units are generally satisfactory with regard to national guidance for residential and that there will be a reasonable standard of residential accommodation for future residents of the scheme.

The apartments and duplex are provided with either terrace or balcony spaces, all to an acceptable standard. Houses and Duplexes are distributed throughout the site and are provided with adequately sized semi-private open space which comply with the standards set out in the appendix to the Guidelines.

I do have some concerns regarding the relationship of the block of duplex units which bound the Circle K to the north and the proximity to the Petrol station in terms of amenity value arising from potential noise and light pollution. In particular the 7 units located directly to the south of Circle K. Additional screening is required along the northern boundary, I am of the view that this can be dealt with by appropriate condition.

Overall the proposed development, subject to the recommend amendments, provides an acceptable standard of residential accommodation for future occupants I am satisfied that the provides a high standard of amenity and public open space for residents of the scheme.

10.6 Residential Amenity of neighbouring properties

10.6.1 Overbearing Impact

A portion of the sites southern boundary is immediately adjacent to the side and rear gardens of an existing dormer dwelling (observers) that front directly onto the Trim Road (R161). The remainder of the sites eastern and southern boundaries are immediately adjacent to greenfield lands also in the ownership of the applicant. To the north the site is bound by the Circle K service station with Lidl to the north of this.

With regard to potential overbearing impact the residential units closest to the shared boundaries with the observers properties is the apartment block which is 4 no. storeys in height. Having regard to the separation distances and the limited difference in height between the proposed apartment block and the existing dormer

dwelling it is my view that the proposed development would not result in any undue overbearing impact on the adjacent properties to the south.

10.6.2 Overlooking

The observers have expressed concerns that the proposed development will have negative impact on the amenities of their private amenity space with a significant loss of privacy arising from overlooking from the proposed balconies in the apartment block.

Windows on the southern elevation are set back c. 15m from the gable of the observers house and are into bedrooms. There is a window at first floor level on the gable of the observer's property. I note that the proposed windows and the existing gable window (observers house) are not directly opposing each other, and I have no information on file to determine the nature of the room but it may be reasonable to assume it is into a bedroom. Notwithstanding, I am satisfied that overlooking from directly opposing windows does not occur and that overlooking of the dwellings to the south is not to such an extent to warrant a reason for refusal.

There are no balconies on the southern elevation of the proposed apartments facing the gable of the observer's property. There are balconies facing east on this block. I am satisfied that the provision of screening to the southern side of these balconies would address any potential overlooking of the observers amenity space. This matter could be addressed by condition if the Board is of a mind to grant permission.

I am satisfied that having regard to the orientation of the existing properties relative to the site, the height of proposed development and the separation distances proposed that the proposed, subject to additional screening to balconies, would not have an undue negative impact on the existing residential amenities of these dwellings in terms of overlooking or overbearing impact. However, the apartment block is located on lands identified as A2 Phasing— post 2027 and as indicated previously I am recommending refusal in that regard.

10.6.3 Daylight, Sunlight and Overshadowing

Objective DM OBJ 56 of the Development Plan states that daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011). The Building Height Guidelines also seeks compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The submitted Daylight, Sunlight and Overshadowing Study examines the development with regard to the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011).

I am satisfied that there is adequate information in the submitted daylight, Sunlight and Overshadowing Study to assess the impact of the proposed development.

I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020.

Daylight and sunlight calculations were carried out in accordance the BRE 2011 guidance.

In designing a new development , it is important to safeguard the daylight to nearby buildings. BRE guidance given is interned for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)

- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment, To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The assessment submitted with the application included a VSC simulation carried out using the IES Radiance software package. The 14 receptors (2 houses to the south of the site and 12 houses to the west on the opposite side of the Trim Road) identified above were assessed and it was found that no noticeable reduction in VSC will be experienced by in these buildings. All windows identified and analysed achieved a VSC of $\geq 27\%$.

There are 12 properties (2 storey houses labelled 1 to 12) located to the west of the proposed development on the opposite side of the Trim Road. The front of Houses labelled 1 to 6 are set back ranging from c. 50.1 to 57.3m from proposed 2 and 3 storey units which front onto the Trim Road. Houses labelled 7 and 8 are set back c. 51.9m from the front of the apartment block at a point where it is 4 storeys (parapet of c.13.8m) in height. The 12 receptors are set back greater than 3 times the height of the proposed two storey houses, three storey duplex and 4 storey apartment block (i.e the elements of the development which form the front of the site along the Trim Road). No element of the proposed development is situated close enough to existing dwellings to perceptibly impact daylight or sunlight levels. Therefore, no analysis of the impact of these proposed buildings on these properties is required, as the potential is negligible and can be ruled out without further testing as per para.2.2.4 of the BRE guidelines.

Receptor No. 14 (second house to the south of the site) is separated from the proposed development by the existing dormer (Observers dwelling) and is building in line with this dwelling. Therefore the potential impact is negligible and can be ruled out without further testing as per para.2.2.4 of the BRE guidelines

I consider the closest vulnerable receptor is the observers house to the south (labelled 13 in the assessment) and in particular the first floor window on the gable facing the proposed Development. The assessment submitted with the application does not include an assessment of the gable window, it assessed the 2 front dormer windows and the ground floor window to the front rooms. The gable of the observers house is set back c.15m from the southern elevation of apartment block that has a ridge height of 13.8m.

Based on my inspection and the information available it is my opinion that given the proximity of the northern elevation of the observers house to the apartment block, the alignment of the existing property with the gable facing towards the subject site, and the positioning of the proposed apartment block, an impact upon daylight and sunlight levels could be possible. Although, I do not consider this impact to be significant or that the proposed development would have an atypical relationship to the existing dwelling, given that the character of the proposed development predominantly reflects a standard residential development in terms of layout and scale, even with the proposed apartment block. I am satisfied that adequate regard has been had to the preservation of the residential amenity of existing properties, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area. However, as set out previously the apartment block is located on lands identified as 'A2 Phasing– post 2027' I am recommending refusal in that regard.

The assessment submitted includes modelling of overshadowing for various times on the 21st of March, 21st June, 21st September and 21st of December to illustrate overshadowing impact all year round. I have examined the diagrams submitted. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox).

To the north the closest property is a petrol station, therefore I do not propose to assess this further as it is not considered a sensitive receptor. To the east and south (with the exception of the observers properties to the south which front onto the Trim road) the proposed development is bounded by agricultural lands that have been identified for development by the applicant under MP8 Masterplan.

To this end, in respect of the proposed development, the closest residential property, observers properties are located to the south of the proposed development. The closest house is set back c. 13.7m from the southern elevation of the 4 storey apartment block. I am satisfied that in respect of obstruction to sunlight, given the orientation of the observers property (south of the proposed development and labelled 13 and 14 in the submitted assessment) there is no potential adverse impact on the amenity areas of these properties.

The analysis submitted with the application includes shadow diagrams which show compliance with the BRE Guideline for all 14 receptors (houses) identified. I am satisfied that the extent of potential obstruction to sunlight experienced is not an issue given the set back of the proposed development from these houses. Furthermore I note that the critical amenity space associated with these houses (ie the rear gardens) are not affected by the shadow cast by the proposed development. I am satisfied that the proposed development would not have an adverse impact on the amenity of the properties.

The Planning Authority raised no concerns in relating to overshadowing or access to sunlight/daylight from any of the residential properties within the immediately vicinity of the application site. I note that the observers while raising overbearing and overlooking in their submission have not raised loss of daylight/sunlight. Their main concerns regarding light relation to potential light pollution arising from the proposed apartment block. Furthermore as per my recommendation this block is being refused permission albeit not for reasons relating to the daylight/sunlight.

10.6.4 Other potential Impacts:

The observers raised concerns relating to noise and light pollution from the proposed apartment block.

With regard to potential impacts from noise and dust during the construction phase of the proposed development. The Construction Environmental Management Plan would address how it is proposed to manage noise, dust, vibration and other impacts arising at the construction phase to ensure the construction of the Development is undertaken in a manner to minimise intrusion.

I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

Regarding potential noise from the adjoining apartment block and its communal amenity area on the observer's house to the south. Noise associated with residential uses are commonplace in urban areas and within acceptable limits. Notwithstanding, this element of the proposed development is recommended for refusal on the basis of its location on 'A2 phasing – post 2027' lands and not on the basis of potential impacts on the residential amenity of adjoining properties.

10.6.5 Devaluation of Property:

I consider the impacts on the residential amenity of the area are acceptable and that the proposal would not detract from this amenity to any significant degree. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. This is a zoned, serviceable site and I consider the proposal appropriate at this location

10.7 Traffic & Transportation

The application is accompanied by a Traffic Impact Assessment. The contents of which appear reasonable and robust. This describes that the surrounding road network has capacity to accommodate the predicted vehicular traffic generation from the proposed development.

I note that concerns regarding traffic transportation matters were raised by the Elected Members, as contained in the Chief Executive Opinion and observers in their submission.

10.7.1 Access

Two entrances are proposed to serve the development. The main access is the south west of the site with left and right hand turning lanes provided for vehicles entering at this location, located to the south of the existing signalised junction. A second access is proposed on the northern boundary of the site via the proposed North South Link Street with a link in the northern boundary to the existing access road serving Lidl which opens onto the Trim Road to the north of Circle K and the signalised junction. Upgrades are also proposed to pedestrian and cycling infrastructure on the Trim Road including the provision of a footpath, cycle tracks in both directions, and public lighting.

Map 28(A) Navan Land Uses Zoning Map contained in Volume 2 of the Meath County Development Plan 2021-2027 includes indicative transport routes through the site and wider MP8 Master plans lands. The proposed accesses in the development are in line with these indicative routes.

Observers have raised concern regarding a potential traffic hazard at their entrance and potential conflict with the existing bus stop located along the site frontage due to the interaction of traffic generated by the development with existing vehicular traffic at this location. Meath County Council Transportation Section have raised no objections to the proposed development subject to a number of outstanding issues that could be addressed by condition in the event of a grant of permission.

I note the concerns raised by Observers regarding the proposed access arrangements and potential conflict associated with traffic movements into and out of the site. The vehicular access off the Trim road to the north of the observers property follows that line of the indicative transport route that traverses the site from west to east identified on Map 28(A) Navan Land Use Zoning Map. The proposed access to the north via the proposed North South Link Street with a link in the northern boundary to the existing access road serving Lidl which opens onto the Trim Road is also in line with an indicative transport route show on the Map 28(A) that will then link to the future LDR1(a). MCC Transportation Section welcomed the delivery of a section of the of the Main Link Street along the northern boundary of the proposed site part of the current application which is expected to link with LDR 1(a) in the future.

I am satisfied that the proposed location of the entrances to serve the development are delivering infrastructure in line with the Development Plan requirements and will assist in opening up access to the wider Masterplan area.

With regard to the observers contention that the developemt should provide sightlines of 120m at the entrance off the for Regional Road based on a operational speed of 70kph, the site is located within 50kph speed limit and is on lands zoned for residential development. Additional Traffic movements are to be expected when residentially zoned lands are developed.

The observers are concerned about the existing traffic situation in the area. Concerns centre around the capacity of the existing road infrastructure and the likely negative impact from the increase in traffic from the proposed Development. The roads in the immediate area of the site are typical suburban roads.

The applicant has submitted a Traffic Impact Assessment (TIA). The applicant is satisfied that the traffic generated by the proposed can be accommodated on the existing road network and no specific junction improvements are necessary in the area.

The TIA submitted utilised trip generation rates derived from the Local Distributor Road 1b Transport Assessment Report produced by AECOM. In this study AECOM used TRICS to calculate a trip rate for housing. The trip rates for the crèche component of the have been generated through interrogation of the TRICS database. The Applicant has provided trip rates for the AM peak hour and the PM peak hour in relation to both the residential and crèche. The Applicant has stated that they have distributed the proposed traffic generation in accordance with traffic movements determined from the traffic surveys. This is considered acceptable. The Applicant has applied medium growths factors for LV and HV vehicles. The Applicant appears to have applied rates from the TII Project Appraisal Guidelines.

The Traffic Impact Assessment (TIA) submitted includes a junction capacity analysis of 4 no. junctions as follows: J1: R161 Trim Road/Balreask Village/ access junction. J2: R161 Trim Road/Dan Shaw Road junction. J3: R161 Trim Road/Lidl Site Entrance junction. And J4: Railway Street/Circular Road/Leighsbrook Lodge junction. The junctions are shown to operate within capacity for different scenarios assessed ranging from 2019 to 2038.

In terms of junction capacity, the TIA has assessed the proposed access junction onto the Trim road. The capacity assessment indicates that the junctions operate below capacity for the 2023 and 2038 scenarios for both morning and evening peaks.

I am satisfied, in particular having regard to the TIA and comments from the Planning Authority, that the proposed development will not pose an unacceptable level of traffic hazard or unduly impact on the carrying capacity of the surrounding road network and junctions, and that subject to conditions, the development is acceptable from a traffic/roads perspective. Meath County Council Transportation Section have raised no objections to the proposed development subject to a number of outstanding issues that could be addressed by condition in the event of a grant of permission. Transport Infrastructure Ireland noted they had no observation to make.

The Greater Dublin Area (GDA) Cycle Network Plan proposes to introduce a number of dedicated cycle routes to the area. Primary/Secondary route NA7 will run along Trim Road. Preliminary designs for upgraded pedestrian and cycle facilities as part of the future cycle network have been prepared as part of the Athlumney to Trim Road Cycle and Pedestrian Scheme, Part VIII Proposal Ref. No. P8/18014.

The Trim Road is identified in the Navan Cycle Network Plan as a primary/secondary route i.e. cycle route NA7. The Athlumney to Trim Road Cycle Scheme commences / terminates at the junction of Beechmount Lawns / Trim Road. The Planning Authority recommended that the proposed development incorporates a cycle lane along the full length of the Trim road boundary of the site. Specifications and detailed design of the road frontage along the Trim Road, including footpaths, cycleway, kerb lines, bus stop and shelter, drainage and streetlighting should be agreed following consultation with Meath County Council. This could be addressed by condition if the Board considers granting permission.

I note the concerns raised by third parties that the delivery of the LDR 1(a) was a requisite under the Navan Plan 2009-2015 (as extended) and the applicant had addressed this in the Material Contravention Statement submitted with the application. The current Development Plan does not tie the delivery of the LDR 1(a) to the Development of Phase 1 of the MP8 lands. The approved Masterplan links with the progress of key road infrastructure upgrades including the LDR 1(a) as set out in the current Plan. I have addressed the issue of the LDR1(a) and MP8 Masterplan in detail in section 10.1.2 of this report

The site is a serviced site zoned for residential purposes, and I am satisfied within this urban context that the proposed development will not cause a traffic hazard at the proposed access points into the site on the western boundary or on the northern boundary. Furthermore I am of the view that the proposed development would not unduly impact on the carrying capacity of the surrounding road network, and that subject to conditions, the development is acceptable from a traffic/roads perspective.

10.7.2 Parking

Car:

The applicant has proposed to provide 184 no. car parking spaces for the proposed 132 residential units and creche.

Objective DM OBJ 89 of the Meath County Plan 2021 – 2027 requires that car parking be provided in accordance with Table 11.2 and associated guidance notes. Table 11.2 requires 2 no. car parking spaces per conventional dwelling, 2 no. car parking spaces per apartment and 1 no. visitor space per 4 apartments and for crèches 1 no. car parking space per employee, a dedicated set down area and 1 space per 4 children, Therefore, there is a requirement for 300 no. car parking spaces for the residential element and 6 staff spaces for the creche plus set down and 9 (c.36 child capacity). The number of spaces recommended by the Planning Authority does not comply with Table 11.2. The revised car parking requirement for the amended scheme of 88 residential units and a creche is 176 for the residential element plus 6 staff and 9 set down on a reduced site is still below the Table 11.2 requirements. I note the Development Plan sets out that residential car parking can be reduced at the discretion of the Council, where is proposed in areas with good access to services and strong public transport links and non-residential car parking standards are set down as “maxima” standards.

The proposed scheme includes 184 no. car parking spaces, which is below the standard set out in the current plan. While it is noted that the quantum of car parking is below the standard set out in the plan it is my opinion that this is not material, as it does not relate to a specific policy of the plan and there is flexibility in the wording of the plan with regard to car parking standards. It is also noted that the planning authority did not raise the issue of material contravention of car parking standards. In this regard the planning authority recommended that an additional 54 no. car spaces be provided to serve the development, comprising an additional 45 no. spaces for residential and 8 more for the creche. These results in an overall requirement of 230 no. car parking spaces which does not comply with the requirements of table 11.2.

Section 11.9.1 also sets out that residential car parking can be reduced at the discretion of the Council, where development is proposed in areas with good access to services and strong public transport links. The subject site is located adjacent to the Beechmont shopping centre and Lidl, schools and land identified for Strategic employment Zones, existing enterprise/employment uses and is c.1km from Navan town centre and is in adjacent to bus stops along the Trim Road. In my opinion that the site is located within an urban area served by public transport and in close proximity to a variety of services and amenities. Therefore, the proposed scheme is does not materially contravene the current Development Plan. In addition, Section 11.11.1 of the current plan also states that one of the themes of the plan is to encourage a shift to more sustainable forms of transport and states that the rationale for the application of car parking standards is to ensure that consideration is given to the accommodation of vehicles in assessing proposals, while being mindful of the need to promote a shift towards more sustainable forms of transport. Having regard to the site urban location and proximity to services and amenities it is my opinion that the proposed scheme is in accordance with Section 11.11.1 as sufficient car parking has been provided to serve the development.

A Material Contravention statement regarding carparking standards contained in the Previous County Development Plan and Navan Development Plan was submitted. The document did not reference the Draft Plan. In any event I do not consider it a material contravention of the current County Development Plan.

MCC Transportation Section raised concerns regarding the provision of parallel parking along the main access route at the entrance to the proposed development off the Trim Road. MCC Transportation Section recommend that the layout be revised to omit these parking bays and provide alternative solution to address the parking requirements for the scheme. I concur with the concerns raised and I am satisfied that matter could be addressed by condition if the Board consider it appropriate.

Bicycle:

The provides 212 no. cycle parking spaces. Table 11.4 sets out the cycle parking standards required for apartments. The Planning Authority are satisfied with the level of bicycle parking provided.

On balance I consider that the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance vehicular and pedestrian permeability with the wider area.

10.8 Site Services, Drainage & Flood Risk

10.8.1 Foul:

There is an existing wastewater sewer in the Trim Road to the west of the site which flows north towards Navan town centre. There is also an existing wastewater sewer to the east of the site in Kilcarn Court and Springfield Glen via adjoining masterplan lands. The applicant acknowledges that there is limited capacity in the existing system.

New 225mm diameter gravity wastewater sewer network is proposed. Due to the proposed site levels, in order to connect the to the existing sewer on Trim Road, a temporary wastewater pumping station is proposed. This will be located predominantly underground and adjacent to the creche. It is proposed that the pumping station will discharge foul effluent via a rising main header manhole at the entrance of the development, from where a gravity connection to the existing sewer in Trim Road shall be provided.

The applicant has set out that the long term strategy for the site is via a wastewater connection to the east, connecting to the existing network in Springfield Glen from where it will flow to the Dublin Road pumping station. The delivery of this infrastructure would be in conjunction with Irish Water via the PWSA. When this sewer is delivered, the temporary private wastewater pumping station will be decommissioned and removed.

Irish Water in their submission state that the applicant is currently permitted to connect 132 No. units via Trim Road Pump Station subject to the conditions set out as follows that: A) the development shall discharge to the Trim Road Pump Station. Any on site temporary pump station which may be required will remain in private ownership and will not be taken in charge by Irish Water. B) any on site temporary pump station shall be maintained and operated by the applicant within their site. C) this phase of 132 No. Units and subsequent phases will ultimately have to flow east via the Navan Strategic Wastewater Sewer. At that time the temporary Pump Station shall be decommissioned and removed at the applicant's expense. D) a Master plan for 98 Kilcarn Court in accordance with Navan Strategic Wastewater Infrastructure Plan will be required to be agreed with Irish Water as part of a Connection Agreement. And d) that the applicant continue to liaise with the Irish Water Public Works Service Agreement team in regard to future connection(s) to the East which are contingent on detail design of the strategic sewer to connect 98 Kilcarn Court to Dublin Road Pump Station, the project for which has an expected completion date of December 2021 (subject to change). Irish Water note that any future connections in addition to the 132 which is the subject of this application are subject to the delivery of infrastructure connecting Ros Na Rí and 98 Kilcarn Court to Dublin Road pump station and available capacity at Dublin Road pump station.

I note the requirements of Irish Water which are recommended to be addressed by condition and consider it acceptable.

10.8.2 Water:

There is an existing 150mm diameter uPVC pipe running along Trim Road servicing surrounding properties to the west of the application site and a 355mm diameter watermain located in the Trim Road c. 400m south of the site.

It is proposed to supply the site via a new connection to Trim Road, close to the entrance of the proposed . A bulk meter and sluice valve arrangement is to be installed at the connection to the public watermain in accordance with the requirements of Irish Water.

The watermain network has been designed with ring mains around the development. Where full rings are not provided, the watermains are looped. Fire hydrants are located within 46m of all houses.

Some water infrastructure upgrades are required by Irish Water. These include the extension of the existing 355mm diameter watermain on the R161 by c. 400m to the site, commissioning a previously constructed 450mm diameter watermain south of the site and connection to the 355 diameter water main by means off a 40m water main extension along the R161. The required infrastructure upgrades are set out in Figure 4 (page 11 of the Engineering Planning Services Report).

Irish Water have stated in their submission that they will only permit to connect 132 No. units at this time subject to a) the 450mm water main which exists in the road south of the subject site should be commissioned, b) the 450mm water main should be connected to the 355mm water main in the R161 Trim Road by means of a 40m water main extension and c) the 355mm water main should be connected to the subject site by means of a 400m water main extension along the R161.

I note the requirements of Irish Water which are recommended to be addressed by condition and consider it acceptable.

The observers noted that the provision of a trunk mains should be an integral requirement for any initial development of the M8 lands.

10.8.3 Surface water:

It is proposed that surface water generated from the proposed development is to be conveyed through a new pipe network (minimum 225mm diameter) and attenuated on site in an attenuation storage system located under the communal open space area in the east of the site. Attenuated flows will discharge from the proposed development to the Swan River via a new surface water outfall pipe, which follows the line of the future road network as per the Masterplan for the overall lands.

The proposed attenuation system is an online type storage system. An isolator row that connects the inlet and outlet chambers will provide online treatment and link to adjacent rows. Flows in excess of the permissible discharge rate of 18.7l/s will be restricted via a hydrobrake flow channel device and attenuated in the Storm Tech system. The total volume of attenuation storage required is 930m³ and due to the configuration of the StormTech system this is provided.

Surface water runoff from public roadways will drain to trapped road gullies located at regular interval throughout the development. In order to provide treatment of surface water it is proposed that gullies will be connected to bio-retention trees where possible to do so before discharging via the collector pipe network. Surface water from the roofs of houses will drain to the permeable paving driveways. This will allow partial infiltration of surface water and will be connected to the pipe network in the roads.

A Class 1 bypass separator will be proved upstream of the surface water attenuation system. This will remove oils and hydrocarbons prior to controlled discharge into the Swan River.

The observers raised that all developments shall demonstrate full compliance with the completed CFRAMS for the Swan River. That the surface water proposals are standalone and do not take account of the remainder of the M8 lands and this should be addressed. The observers also raised concerns that the current storm water calculations are inadequate.

MCC Water Services Section note that the development broadly meets the requirements of MCC with respect to orderly collection, treatment and disposal of surface water. However, there are a number of outstanding technical issues that need to be addressed and include a number of recommended conditions. These range from a) that on commencement of construction works on site the applicant shall excavate a trial hole under the supervision of an MCC Water Services Engineer to confirm the level of the onsite water table. In the event that formation of the attenuation system is less than 1m above the water table the applicant shall redesign the attenuation system to provide a fully water tight concrete structure acceptable to MCC water Services. B) detailed design for the proposed attenuation system, c) investigations into the existing ditch along the southern boundary and the provision of a maintenance strip along the length of the existing ditch and c) plan showing overland surface water route in the case of failure of the attenuation system and in particular proposal to divert flows from the proposed creche location.

I draw the Boards attention to the Natura Impact Statement (NIS) submitted with the application along with numerous other reports and assessments, all of which were carried out on the basis of the documentation submitted with the application. None raised concerns with the proposed attenuation or height of the water table at this location. I have examined the reports on file and surface water drainage proposal, including attenuation. Based on the information before me I am generally satisfied in relation to the matter of surface water disposal and attenuation subject to standard conditions. Notwithstanding, a condition should be attached that final drainage proposals are to be agreed with the Planning Authority.

10.8.4 Flood Risk

MCC Elected Representative queried whether a flood risk assessment would be carried out. A Flood Risk Assessment (FRA) was submitted with the application. The information contained within these documents appears reasonable and robust.

Flood extent maps show portions of the MP8 lands to the south and west located in Flood Zone A and B. The Application site is predominantly located on in Flood Zone C. There is a small section on the southern portion of the site where the proposed surface water network discharges to the Swan River and falls within Flood Zone A and Flood Zone B near the outfall.

The FRA submitted notes there is no record of flooding on the site. The risk from fluvial, pluvial and groundwater flooding is low. It is proposed to set the FFL above the recommended site flood defence level of 48.66mOD, The FRA concluded that flood risk to the is remote. A flood event was recoded along the Trim Road to the south of the MP8 lands at the Navan Swan culvert. I note a report from the Navan Area Engineers dated 2005 (available on floodmaps.ie) that 'the area used to flood after heavy rain. The culvert was replaced and the river channel cleaned'.

The FRA conclude that the proposed development does not lie within the Swan River floodplain and therefore will have no impact on floodplain storage and conveyance. As a result there will be no off site impacts associated with the proposed works. Given the absence of significant risk of flooding of the site, access and egress routes are unlikely to be compromised during flood events. It is proposed to will limit surface water runoff from the site to greenfield runoff rate.

Based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of flood risk. The Planning Authority have not raised concerns on this issue.

10.9 Part V

Part V allocation was queried by MCC Elected Representatives at the meeting as noted in the summary included with the Chief Executive report.

The applicant has submitted Part V proposals as part of the application documents 13 no. units are currently identified as forming the Part V housing. The Planning Authority's Housing Department have confirmed the developer's agent has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted, Detailed comments are made with respect to the Council's preference for Part V units in terms of design and layout.

I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the .

10.10 Ecology

The applicant has identified a number of ecological sensitives that affect the site. To this end, the applicant has prepared an 'Ecological Impact Assessment' (EclA), a 'Bird, Bat, Badger and Otter Assessment of Lands proposed for ' and 'Extended Phase 1 Habitat Report' together with an 'Environmental Report', 'Environmental Report and EIA Screening Report' and 'Natura Impact Statement' (NIS).

The EclA highlights impacts and outlines mitigation measures. It was noted that no mammals of conservation concerns were recorded within the site, although a variety of species may use the site.

The following surveys were carried out:

- An extended Habitat Survey (report dated July 2021)a to identify the habitats present within the broader master plan site undertaken 4th October 2018.
- Full mammal (badgers and otters) survey 14th September 2020
- Bat Survey 5-6th September 2020.
- Bird Survey 5th, 6th and 14th September 2020.
- Habitat survey 5th March 2021
- Bird, Bat, Badger & Otter survey 5th March 2021.
- Bird Survey 26th April 2021.
- Data form Bat Conservation Ireland and a 2019 survey also referenced.

MCC Heritage Officer raised queries regarding the Extended Phase 1 Habitat Survey and dates it was carried out, the requirement for a hedgerow survey, that biodiversity features should be incorporated into the design and queried the status of Bat report.

The EclA submitted with the application does not include recommended mitigation or enhancement measures. Mitigation and enhancement measures are contained in the 'Bird, Bat, Badger and Otter Assessment of Lands proposed for ' and includes mitigation measures for the overall masterplan lands.

10.10.1 Otters

No otter holts were recorded within the site in either September 2020 or March 2021. Otters were noted in lands to the south of the site in November 2018.

The surface water drainage system for the proposed development is to be routed to an outfall point on the Swan River, discharges to which will be attenuated to green field rates. The DAU noted that an otter female and cub were identified as using a holt on the Swan River c.50m from the location of the drainage discharge point for two nights in 2018 but not subsequently. Continued usage of the Swan River by this species, which is one of the Qualifying Interests (QIs) that the River Boyne and River Blackwater SAC has been designated to protect, may however be presumed. The Natura Impact Statement (NIS) supporting this application therefore identifies the possibility that the proposed development could have an ex-situ impact on the otter, either as a result of disturbance during construction or by causing the deterioration of its habitat along the Swan River by affecting water quality through the mobilisation of polluting materials from the site.

I shall be revisit this matter in detail in section 12 under Appropriate Assessment.

10.10.2 Badgers

No badger setts were recorded within the site in either September 2020 or March 2021.

Recommended mitigation and enhancement measures contained in the 'Bird, Bat, Badger and Otter Assessment of Lands proposed for ' include:

- Vegetation to provide food and shelter for wildlife shall be encouraged.

10.10.3 Bats

Results from the bat survey found no bats were roosting within the site during the 2020 September survey. Based on observations prior to sunrise, common pipistrelles were coming from the houses to the west of the site and Leisler Bats were moving to the northeast towards their roost(s). Common pipistrelle activity was recorded throughout the survey period and this species feeds exclusively within these lands. A common pipistrelle was noted to roost within an Oak to the south of the site in 2019.

Leisler Bat activity were noted along the western perimeter, both feeding within the site and along the public road. The species may be roosting within a building in the town (conclusion based on previous surveys carried out by the same person previously in the town). A brief brown long-eared bat call sequence was noted beyond the southern edge of the site.

While no roosts were recorded during the survey, the applicant has set out that all trees should be examined for roosts prior to their removal and where required derogation licences obtained. The minor loss of tree cover will affect bat feeding and commuting areas which results in an overall diminution in habitat availability. However is unlikely to have a direct impact on the status of any of the bat species recorded.

Recommended mitigation and enhancement measures contained in the 'Bird, Bat, Badger and Otter Assessment of Lands proposed for ' include:

- Planting of a hedgerow along the eastern perimeter to provide a vegetation corridor. This hedgerow shall be unlit.
- Vegetation to provide food and shelter for wildlife shall be encouraged.
- A dark sky area to be designated within the to provide commuting and feeding corridors.
- Light spillage and pollution to be kept to a minimum with the use of cowls, caps and low level bollard lighting.
- 5 no. bat boxes to be provided on trees or posts (at least 3m high) with a clear drop below. Bat boxes to be placed in a dark area.
- Bat boxes to be checked within a year of the being built and the location of the bat boxes should be changed if they are unused and the site is unsuitable.
- All trees proposed for removal shall be checked by a bat specialist prior to felling. If bats are present a derogation licence shall be sought from NPWS and additional measures to mitigate the loss of a roost shall be implemented.

10.10.4 Birds

The requires the removal of 22 of the 25 trees presently existing on the site as well as the total clearance of 6 of the 11 hedgerows on the site and sections of two other hedgerows respectively 75 m and 85 m in length.

The DAU noted in their submission that various common bird species were recorded on the site which mainly nest in shrubs and trees. These bird species will therefore lose most of their existing nesting habitat on the site by the vegetation clearance planned; however in the longer term the planting of shrubs and larger numbers of trees as part of the landscaping for the proposed will compensate for such detrimental impacts on these species by providing new nesting sites. Vegetation clearance during the bird breeding could on the other hand lead to the direct destruction of eggs and nestlings.

Recommended mitigation and enhancement measures contained in the 'Bird, Bat, Badger and Otter Assessment of Lands proposed for ' include:

- Planting of a hedgerow along the eastern perimeter to provide a vegetation corridor. This hedgerow shall be unlit.
- 12 no. bird boxes of varied designs shall be provided within the .
- Hedgerow clearance shall avoid nesting season (March 1st to August 31st).

The DAU noted no objection to the proposed subject to two recommended conditions (clearance of vegetation and CEMP) be included in any grant of permission. MCC Heritage Officer recommended that an Ecological Clerk of Works (ecologist) should be appointed to advise on implementation of CEMP, ensure works are carried out in strict accordance with best practice guidance and that all mitigation measures outlined in the NIS and Ecological Reports will be undertaken and to liaise with the relevant statutory bodies.

I note the contents of the submission from the DAU and recommended condition along with those from the MCC Heritage Officer. I also recognise that the proposed is on zoned serviced lands in an urban area. Avoidance of some disturbance to the species, if present on site, is not achievable if the site is to be developed. In the absence of avoidance being viable, mitigation and enhancement are appropriate measures available. I am satisfied based on the successful implementation of the mitigation measures outlined above is likely that there will be no significant ecological impact arising from construction and the day to day operation of the proposed

10.11 Trees and Hedgerows

NAV OBJ 34 of the current Meath County Development Plan seeks to promote the preservation of individual trees or groups of trees or woodlands identified on the Heritage Map for Navan (Map no. 22b) and manage these trees in line with arboricultural best practice. I note the trees within the application site are not identified in Map no. 28(B) Navan Cultural and Natural Heritage Map'. The reference to Map no. 22b in NAV OBJ 34 is a typo as 'Map no.22b is 'Kildalkey Cultural and Natural Heritage Map'

An Arboricultural Assessment was submitted with the application. It noted that 3 category B trees, 22 category C trees and 11 category C hedges are present on site. Of which it is proposed to remove 3 category B trees, 19 category C trees and 6 category C hedges and c. 160m of other section of hedge. It is set out that the loss of trees and vegetation is to be mitigated against t within the landscaping of the with new trees, shrub and hedge planting proposed.

I note that existing hedgerows along the eastern boundary are to be retained where practical, retained along the eastern boundaries with the remaining internal field boundaries (hedgerows) removed to facilitate the proposed development.

DM POL 9 of the Meath County Development Plan seeks to support the retention of field boundaries for their ecological/habitat significance, as demonstrated by a suitably qualified professional. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same boundary type will be required. In this instance the removal of internal field boundaries (hedgerows are required to facilitate the of this zoned serviced land and I am satisfied that in this instance the removal of sections of the hedgerow in this instance are justified.

In order to facilitate the development of the site, substantial site clearance, hedgerow and tree removal is required. The site is zoned for residential development and the clearing of the site to accommodate the development of the site is inevitable. There is no doubt that any site clearance will have an irreversible impact on the character of the site. In this instance based on the information submitted pertaining to surveys and assessments I am satisfied the applicant has demonstrated that the removal of trees and hedgerow will not have a significant adverse impact on the ecology of the site.

10.12 Archaeology

An Archaeological Assessment was submitted with the application, A geophysical survey was also carried out as part of the assessment. The information contained therein is noted.

The DAU have stated in their submission that they agree with the archaeological mitigation suggested in the Archaeological Assessment (Section 5) submitted. And recommend that a condition should be attached to any grant of permission pertaining to the archaeological monitoring of topsoil stripping across the site. This matter could be adequately dealt with by means of condition.

10.13 Material Contravention

A Material Contravention Statement for the previous statutory Plans (Meath County Development Plan 2013-201 (as extended) and Navan Development Plan 2009-2015 (as extended)

The Material Contravention Statement referred to parking standards, separation distances between opposing windows and the provision of LDR1(a) as part of phase 1 of the Master plan lands. I have assessed all of these and other matters pursuant to the current plan and I note there are no material contraventions of the Meath County Development Plan 2021-2027.

10.14 Other Matters

10.14.1 Legal Matters

And as works are proposed to the public road it is appropriate that the road is within the application site boundaries outlined in red if said works are to be carried out by the applicant. Ultimately the issue of who carries out the works to this road is a matter for the applicant and Meath County Council as no objection has been raised to the nature of the works by the Council which are the Planning and Roads Authority in this instance. The observers in their submission have set out that the applicant has included lands in their ownership within the application site boundaries without their consent. That they own to the middle of the public road and therefore Meath County Council cannot give consent to for works on land in their ownership.

The application site has been outlined in red in the documentation submitted with the application for SHD before the Board and letters of consent are included from Dundrennan Ltd for lodging an application on their lands (same ownership as ES Corella Creek Ltd), Meath County Council for works to the Trim Road and Circle K letter of consent for including lands as part of the planning application for upgrading of a pavement and cycle route. The lands owned by Circle K comprise part of the front elevation to the Trim Road abutting the filling station forecourt.

I note the information set out above and I further note that it is not for the planning system to resolve matters relating to landownership.

Section 5.13 of The Management, Guidelines for Planning Authorities (2007) refer to Issues relating to title of land. This section states that *the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the Courts. In this regard, it should be noted that, as section 34 (13) of the Planning Act states, a person is not entitled to solely by reason of a permission to carry out any . Where appropriate, an advisory note to this effect should be added at the end of the planning decision.*

The Guidelines also set out that permission may be granted even if doubt remains. However, such a grant of permission is subject to the provision of section 10(6) of the 2016 Act.

I am of the view that it would be unreasonable to refuse permission in relation to this matter. The question of ownership of land is a legal matter and outside the scope of a planning permission.

10.14.2 Planning History

The observers note in 2009 permission was refused by Meath County Council for 174 residential units and demolition of derelict house for 3 reasons relating to 1) traffic, 2) delivery of STI and 3) design/layout on the site. And that outstanding technical issues raised in the 2009 Planners report have not been addressed. This planning application does not refer to the supplication site currently before the Board. Furthermore, the history file dates from 2009 and predates most national guidance currently in place. The current application has been assessed on its own merits having regard to current Plan policies and objectives, regional and national guidance.

10.15 Chief Executive Report

I have fully considered that Chief Executive Report, the views of the Elected Members and the content of the internal reports and incorporated these into my assessment.

I note that the Chief Executive report did not include a recommendation to either grant or refuse permission or a schedule of recommended conditions/reasons for refusal.

I have addressed issues raised in the Chief Executive Report in my assessment above.

11.0 Environmental Impact Assessment (EIA) Screening

The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an Environmental Report prepared By Declan Brassil+Company and an Environmental Report and Environmental Impact Assessment-Screening Report prepared by ARUP, and I have had regard to same in this screening assessment. These reports contain information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

It is proposed to construct 132 no. residential units on a site with a stated area of 4.2 ha (net developable area of c.3.2ha). The site is located on a greenfield site contiguous to the urban area of Navan (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There no demolition works proposed. There are limited excavation works proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, upon which its effects would be marginal. A Natura Impact Statement was submitted with the application which noted that mitigation measures required to address potential impacts from pollution of surface water.

Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It is my view that sufficient information has been provided within the Environmental Report and the Environmental Report and the Environmental Report EIA Screening Report (which should be read in conjunction with each other) and other documentation to determine whether there would or would not be likely to have a significant effect on the environment.

Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Masterplan for MP8 Lands Trim Road Navan. Urban Design Statement.
- Urban Design & Architectural Statement
- Universal Access Statement (includes HQA, Part V, Universal Access statement of compliance).
- Building Life Cycle Report.
- Environmental Report.
- An Arboricultural Assessment of the Trees and Hedge Vegetation located on lands on 'Trim Road', Navan, Co. Meath.
- Ecological Impact Assessment of a proposed residential development at Balreask Old, Trim Road, Navan, Co, Meath,
- A Bird, Bat, Badger and Otter Assessment of lands proposed for development, Trim Road, Navan, Co, Meath.
- Environmental Report and Environmental Impact Assessment – Screening Report.
- Natura Impact Statement.
- Extended Phase 1 Habitat Report.
- Archaeological Assessment at Balreask Old, Navan, Co. Meath
- Landscape Rationale Report
- Flood Risk Assessment.
- Traffic Impact Assessment.
- Engineering Planning Services Report.

- Outline Construction Environmental Management Plan.
- Operational Waste & Recycling Management Plan.

Article 299B (1)(b)(ii)(II)(C), requires the applicant to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard the applicant submitted a Section 299B Statement.

The list below relates to assessment that I have taken account of -

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Natura Impact Statement, Ecological Impact Assessment, a Bird, Bat, Badger and Otter Assessment of lands proposed for development, Trim Road, Balreask Old, Navan and the Extended Phase 1 Habitat Report.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The Environmental Report, the Environmental & EIA Screening Report, and Natura Impact Statement have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (FRA) and the implementation of the Meath County Development Plan 2021-2027 which undertook a Strategic Flood Risk Assessment (SFRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for residential use and Mixed Use in accordance with the Meath County Plan 2021-2027 which was subject to SEA.
- The Environmental Noise Directive 2002/49/EC. Meath County Council's Noise Action Plan 2019 was considered under the Environmental Report, the Environmental & EIA Screening Report and Natura Impact Statement.
- The Clean Air for Europe (CAFE) Directive 2008/50/EC was considered in the Environmental Report, the Environmental & EIA Screening Report.
- The Waste Framework Directive 2008/98/EC thorough the design of the proposed and the mitigation measures set out in the Outline Construction Environmental Management Plan and the Operational Waste & Recycling Management Plan and the Environmental Report, the Environmental & EIA Screening Report.
- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed site is not located within the consultation zones, therefore, this does not form a constraint to the proposed at this location.

The applicants Environmental Report under the relevant themed headings and the Environmental & EIA Screening Report, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I have also taken into account the SEA and AA of the recently adopted County Development Plan 2021-2027.

I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's Environmental Report and Environmental & EIA Screening Report.

A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 Appropriate Assessment

12.1 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at Navan, a residential development comprising 132 units (reduced to 88 following my recommendation) is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

12.2 Introduction

The Natura Impact Statement (NIS) submitted refers to screening that was carried out. This noted that as the proposed development has the potential to impact on two European sites, avoidance and mitigation measures have been included as part of the proposed development to ensure that, in view of the European sites' conservation objectives and beyond reasonable scientific doubt, the proposed development will not adversely affect the integrity of the sites concerned.

Included with the application, amongst other reports are an Ecological Impact Assessment, A Bird, Bat, Badger and Otter Assessment of lands proposed for development and an Extended Phase 1 Habitat Report and a Construction Environmental Management Plan. I have also had regard to the submission of DAU.

12.3 Screening for Appropriate Assessment (Stage 1)

12.4 Description of Development

The applicant provides a description of the project in section 2 of the NIS. I refer the Board to section 3 of this report.

12.5 Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the is likely to have significant effects on a European site(s).

The proposed is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

12.6 Designated sites within Zone of Influence

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the site to the European Sites, and any potential pathways which may exist from the site to a European Site. The site is not within or directly adjacent to any European Site. The site is located adjacent to commercial uses to the north and bounded by agricultural lands to the east and south. The nearest surface water feature is the Swan River c. 250m south of the site. The Swan River enters the River Boyne c. 950m downstream. There is a hydrological link with the River Boyne and River Blackwater SAC via surface water drainage system for the proposed development which is to be routed to an outfall point on the Swan River. And link to the River Boyne and River Blackwater SPA. Potential ex-situ impacts also arise regarding Otter given the potential for resting places in proximity to this storm water discharge point.

Having regard to the above, I would concur with the applicants and consider the following Natura 2000 sites to be within the Zone of Influence are River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 04232). The Department of Housing, Local Government and Heritage have stated in their submission that they accept the NIS conclusions.

| European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats) | Location Relative to the Proposed Site |
|---|--|
| <p>River Boyne and River Blackwater SAC (site code 002299)</p> <p>Alluvial forest (91E0), Alkaline fens (7230), Atlantic salmon <i>Salmo salar</i> (1106), River lamprey <i>Lampetra fluviatilis</i> (1099), Otter <i>Lutra</i> (1355)</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.</p> | c.900m downstream |
| <p>River Boyne and River Blackwater SPA (site code 04232)</p> <p>Kingfisher <i>Alcedo atthis</i> (A229)</p> <p>The Kingfisher is considered to be of medium (amber) conservation concern and is listed in Annex I of the Birds Directive.</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> | c.900m downstream |

I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), See also Figure 1 of the applicant's NIS in relation to Screening, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, including observations made by prescribed bodies and I have also visited the site.

12.7 Potential Effects on Designated Sites

The proposed development is on a site hydrologically connected to River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 04232 via the Swan River). The conservation objective for these Natura 2000 sites is to maintain or restore the favourable conservation condition of Atlantic Salmon (QI), River Lamprey (QI), Otter(QI) and the Kingfisher (SCI) and habitats as listed as Qualifying Interest (QI) or Special Conservation Interests (SCI) above.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, there is potential for significant effects upon these Natura 2000 sites arising from construction activities associated with the proposed development, as well as during operation. The following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Possibility that the proposed development could have an ex-situ impact on the otter, either as a result of disturbance during construction or by causing the deterioration of its habitat along the Swan River by affecting water quality through the mobilisation of polluting materials from the site.
- Possibility that polluting materials from the proposed development transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself.
- Possibility that by causing a deterioration in water quality such pollution could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation.

There is no direct pathway via groundwater, air or land to Natura 2000 sites and the nearest European site is c.950m from the proposed .

There is a direct pathway to both SPA and SAC via the surface water drainage system for the proposed is to be routed to an outfall point on the Swan River, discharges to which will be attenuated to green field rates. In the absence of mitigation, an accidental pollution event could occur during the construction or operational phases of the proposed development arising from polluting materials from the proposed development being transported downstream could have detrimental impacts on the Otter and two other QIs (Atlantic Salmon and River Lamprey) for the River Boyne and River Blackwater SAC. Similarly, by causing a deterioration in water quality such pollution could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA

12.8 Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the potential for significant effects on two European Site, the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 0004232) as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of that site, and Appropriate Assessment is therefore required.

The sites screened in for appropriate assessment are the sites included in the NIS submitted with the application.

The possibility of significant effects on other European sites has been excluded on the basis of scale of the works proposed, separation distance and lack of substantive ecological linkages between the proposed works and European sites. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

12.9 Stage 2 Appropriate Assessment

I have read the NIS in conjunction with the 'Ecological Impact Assessment' (EclA), a 'Bird, Bat, Badger and Otter Assessment of Lands proposed for development' and 'Extended Phase 1 Habitat Report' together with an 'Environmental Report', 'Environmental Report and EIA Screening Report' and the Construction and Environmental Management Plan. All of which I consider critical documents which contain mitigation in relation to the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 0004232). The NIS submitted should be considered in conjunction with these other documents and submissions. I note all the information is on file and therefore available for my appropriate assessment.

This Stage 2 Assessment will consider whether or not the project would adversely affect the integrity of the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 0004232) either individually or in combination with other plans and projects in view of the site's conservation objectives.

12.10 Appropriate Assessment of implications of the proposed development

The following is a summary of the detailed scientific assessment of the implications of the project on the qualifying interest features of River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 0004232). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents available through the NPWS website (www.npws.ie). As noted above the main aspects of the proposed development that could affect could adversely affect the conservation objectives of the European sites:

- Possibility that the proposed could have an ex-situ impact on the otter, either as a result of disturbance during construction or by causing the deterioration of its habitat along the Swan River by affecting water quality through the mobilisation of polluting materials from the site.
- Possibility that polluting materials from the proposed transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself.
- And the possibility that by causing a deterioration in water quality such pollution could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

The documentation submitted with the application includes detailed surveys of habitats, mammals and birds. No terrestrial mammals or signs of mammals of conservation importance were noted on site. No protected flora was noted on site. No invasive species were noted on site. No birds of conservation importance were noted on site.

River Boyne and River Black Water SPA (site code 004232):

The River Boyne and River Blackwater SPA has been designated for the protection of the Kingfisher. The SPA is located approx.950m east of the proposed site.

The proposed development is connected to the River Boyne and River Blackwater SPA via surface water that drains from the site and discharges of surface water from the site to the Swan River which in turn feeds into the River Boyne. Therefore, potential pathways via surface water cannot be screened out of the assessment given the potential of polluting materials from the proposed development being transported downstream causing a deterioration in water quality which could detrimentally affect the Kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

Records show Kingfisher within the same 1km grid square as the location where the river Swan joins the proposed development. The Swan river could potentially be used by Kingfishers in particular at the south eastern end of the MP8 lands, outside the application site boundary where the Swan River flows underneath the old railway line and there is a large pool that supports a population of sticklebacks. However, the small section of the Swan river that adjoins the site is for the most part overhung by scrub vegetation. The Swan River also runs through a section of culvert en-route to the Boyne so the potential for Kingsfisher here is limited.

Potential pathways via air and land are screened out due to the distance.

Potential impacts via groundwater are not likely to be significant based on the nature of the QI of the SPA and the sensitivity of the Kingsfisher and their supporting habitats to groundwater water pollution. The habitat suitability of the application site for SPA bird species is also ruled out.

River Boyne and River Blackwater SAC (002299):

The River Boyne and River Blackwater SAC has been designated for the protection of a range of habitats and species associated with the River Boyne and River Blackwater and tributaries. NPWS publications highlight the specific attributes and targets for the various qualifying interests in the SAC. This SAC is located c.950m the proposed site at its closest point.

It is considered highly likely that river Lamprey and Atlantic Salmon are found within the Boyne in proximity to where the Swan River enters

Surveys and research undertaken in the preparation of the NIS, Environmental Reports, EclA, Extended Phase 1 Habitats Survey and a Bird, Bat, Badger and Otter Assessment submitted with the application noted Otter were recorded c. 2km from where the Swan river enters the Boyne and it is considered likely that Otter use the River Boyne and its network of connected drains and streams, including the River Swan.

The proposed site does not support populations of any fauna species linked with the QI populations of the River Boyne and River Blackwater SAC). However, the DAU submission stated that otter female and cub were identified as using a holt on the Swan River 50m from the location of the proposed drainage discharge point for two nights in 2018 but not subsequently. And continued usage of the Swan River by this species, which is one of the Qualifying Interests (QIs) that the River Boyne and River Blackwater SAC has been designated to protect, may however be presumed.

The NIS identified the possibility that the proposed development could have an ex-situ impact on the otter, either as a result of disturbance during construction or by causing the deterioration of its habitat along the Swan River by affecting water quality through the mobilisation of polluting materials from the site.

Potential ex-situ impacts on species within the SAC or SPA arising from to surface water pollution (construction and operational phase) - pollution-prevention measures will be employed during construction works, in order to avoid or minimise and design measures have been incorporated into the proposed development to avoid or minimise the risk of ex-situ impact on Otters during operational phase.

Potential indirect effects due to surface water pollution (construction and operational phase) - pollution-prevention measures will be employed during construction works, in order to avoid or minimise the risk of impacts on the SAC and SPA.

Section 9 of the submitted NIS describes the design requirements and mitigation measures to be implemented during the construction of the proposed development to avoid adverse effects on the SAC and SPA. This sets out that design measures have either avoided or reduced the potential for the proposed development to affect the conservation objectives of the identified European sites:

- The drainage design includes attenuation, flow control and pollution treatment to ensure that the risk of affecting surface water quality is minimised as far as is possible

- Lighting is not included in proximity to the Swan River to minimise the level of operational disturbance to QI and SCI species which could use the Swan River to navigate, forage or rest.

I note the reference to the SCI in the lighting mitigation measures and while ex – situ impact on the Kingfisher (SCI) are not a concern. This is a requirement to mitigate potential ex situ impact on Otters. The Department of Housing, Local Government and Heritage have stated in their submission that they accept the NIS conclusions.

Construction mitigation measures are also required, and will be implemented, under supervision of the Ecological Clerk of Works (employed by the Contractor) to ensure that the Proposed will not affect the conservation objectives of any of the identified European sites. It is considered that the implementation of the CEMP ensures that any direct or indirect or ex-situ impacts to the conservation objectives supporting the QI/SCI species of the River Boyne and River Blackwater SPA, River Boyne and River Blackwater SAC will not arise and will ensure that adverse effects on site integrity are avoided.

Mitigation measures are set out in the NIS and in the Outline Construction Environment Management Plan (CEMP) to avoid surface water pollution in the course of the construction of the proposed project. These measures include the employment of settling lagoons and sediment traps, the storage of oils and refuelling machinery on impermeable surfaces in bunded areas and attention to the pouring of concrete. In addition, discharge of surface water drainage from the site during its operational phase will be through an oil interceptor. Consequently downstream detrimental impacts on the QIs and SCI for the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA should be avoided. The NIS, taking account of the likely effects of the implementation mitigation measures set out above, concludes that the proposed development does not pose a risk of adversely affecting the integrity of any European site. The Department of Housing, Local Government and Heritage have stated in their submission that they accept the NIS conclusions.

The NIS submitted concluded that avoidance, design requirements and mitigation measures are set out within this report and associated reports and they ensure that any impacts on the conservation objectives of European sites will be avoided during the construction and operation of the Proposed such that there will be no risk of adverse effects on these European sites.

I note that additional mitigation measures are detailed in the 'Ecological Impact Assessment' (EclA), a 'Bird, Bat, Badger and Otter Assessment of Lands proposed for development' and 'Extended Phase 1 Habitat Report' together with an 'Environmental Report', 'Environmental Report and EIA Screening Report' and 'Natura Impact Statement' (NIS) submitted with the application. I have reviewed these documents and assessed them in this report.

The elements of the project likely to give rise to significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) are ex-situ impact on the otter, either as a result of disturbance during construction or by causing the deterioration of its habitat along the Swan River by affecting water quality through the mobilisation of polluting materials from the site. The transportation of polluting materials from the proposed transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself. And the deterioration in water quality could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

A detailed assessment of the surface water drainage is set out in section 10.8.3 of this report.

The mitigation measures proposed to avoid effects on arising from surface water discharge are robust and satisfactory.

Having regard to the measures outlined as well as the application of best practice construction methods and operational practices I am satisfied that direct or indirect effects on the SAC can be ruled out with confidence.

12.11 In-Combination Effects

The site is located in an urban environment. Construction on this site will create localised light, dust and noise disturbance. There is therefore no potential for any in combination effects to occur.

Pollution-prevention measures will be employed during the construction and operational phases of the proposed development. Given the negligible contribution of the proposed to the wastewater discharge, I consider that any potential for in-combination effects on water quality in the River Boyne and River Blackwater can be excluded. In combination effects have been considered and I am satisfied that the proposed and I am satisfied that the proposed development in combination with other permitted in the area, which in themselves have been screened in terms of AA, would not be likely to have a significant effect on any European site

12.12 Evaluation of Effects

I consider that the proposed mitigation measures set out in the NIS and Construction Environmental Management Plan, Ecological Impact Assessment' (EclA), a 'Bird, Bat, Badger and Otter Assessment of Lands proposed for development ' and 'Extended Phase 1 Habitat Report' and the Construction and Environmental Management Plan are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have an adverse effect on the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 04232).

12.13 Appropriate Assessment Conclusion

The proposed residential development at Balreask Old, Trim Road, Navan, Co. Meath has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out a Stage 1 Appropriate Assessment Screening of the project, it was concluded that it may have a significant effect on River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation (which is known to be effective) the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) or any other European site, in view of the sites Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232).

13.0 Conclusion

The south western portion of the application site is located on lands zoned 'A2 for residential under the Meath County Plan 2021-2027' and identified in the order of priority as 'A2 Phasing– Residential Land not available for development until post 2027' Having regard to 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 it may not be open to the Board to grant permission on that particular zoning at the present time. In this regard it is recommended that permission for the development located on this portion (apartment block (36 apartments, 1 no. Duplex and 7 no. houses) is refused on this basis.

The remaining proposed residential development and creche is acceptable in principle at this site with regard to the relevant zoning A2 New Residential and C1 Mixed Use under the Meath County Plan 2021-2027. The proposed of 88 residential units and a creche, will in my opinion, be an appropriate and compatible addition to this location on the edge of the existing settlement area, on land zoned for residential development.

The proposed development will require the removal of trees, hedgerows and associated habitat, however with the incorporation of mitigation measures, including the retention of trees and hedgerows where feasible, replacement planting and incorporation of enhancement/protection measures, the overall impact upon biodiversity will be with acceptable parameters and any negative effect will be at the local level only. These impacts will be neutralised in the long term with the establishment of replacement landscaping and other mitigation measures.

Following an Appropriate Assessment, it has been determined that with the incorporation of appropriate mitigation measures, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European sites.

I am also satisfied that the development would not have any unacceptable adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and access arrangements to the site are acceptable in my view, and will not generate a traffic hazard.

I am also satisfied that future occupiers of the scheme will not be at an unacceptable risk from flooding and the proposal will not increase the risk of flooding elsewhere.

Having regard to the documentation on file, the submissions and observations, the site inspection, and the assessment above, I recommend that under 9(4)(d) of the Act of 2016 permission is refused for the southwestern portion of the development consisting of one apartment block (36 apartments), 1 no. duplex and 7 no. houses. And under section 9(4)(a) of the Act of 2016 that permission for 88 houses and a creche on the remaining lands be granted for the reasons and considerations and subject to the conditions as set out below.

14.0 Recommendation

Having regard to the above assessment, I recommend a **SPLIT DECISION** I recommend that permission be **REFUSED** for that part of the proposed development on the portion of the site located on lands which are the subject to land use zoning objective 'A2 Phasing– Residential Land not available for development until post 2027' indicated on map 28(A) Navan Land Use Zoning Map of the Meath County Development Plan 2021-2027 for the reasons and consideration marked (1) below and I recommend that permission be **GRANTED** for the remainder of the development as proposed, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

15.0 Reasons and Consideration (1)

The apartment block (apartments no. 1 to 36), houses no.37, 39, 40, 41, 42, 43 and duplex No. 38 as per Site layout (drawing no.1832-OMP-SP-DR-A-1010) are located on lands which are the subject to land use zoning objective 'A2 Phasing– Residential Land not available for Development until post 2027' indicated on map 28(A) Navan Land Use Zoning Map of the Meath County Development Plan 2021-2027. Having regard to s.9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the Board is precluded from granting permission for the development and therefore permission is refused.

16.0 Reasons and Considerations (2)

Having regard to the following:

(a) the location of the site contiguous to the established urban settlement area of Navan an area zoned for residential under zoning A2 New Residential and C1 Mixed Use where residential development is permitted in principle under the Meath County Development Plan 2021-2027.

(b) the policies and objectives of the Meath County Development Plan 2021-2027

(c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;

(d) The pattern of existing and permitted development in the area;

- (e) The planning history of the site and the zoning of adjacent lands;
- (f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) The provision of Housing for All, A New Housing Plan for Ireland 2021;
- (h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (k) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (l) The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
- (m) The NIS with the application;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23rd August 2021 by Declan Brassil on behalf of ES Corella Creek Ltd.

Proposed

The proposed development will consist the construction of 132 no. residential units, comprising:

60 no. houses comprising:

- 8 no. two-storey three-bedroom terraced houses measuring 113.3 sqm GFA (House Type A)
- 30 no. two-storey three-bedroom semi-detached houses measuring 113.3 sqm GFA (House Type B)
- 11 no. two-storey three-bedroom, wide fronted semi-detached houses measuring 117.9 sqm GFA (House Type C)
- 11 no. three-storey four-bedroom, wide fronted semi-detached houses measuring 143.9 sqm GFA (House Type D)

36 no. Apartments arranged in 1 no. four-storey apartment building comprising:

- 17 no. one-bedroom apartments measuring 49.8 sqm – 57.3 sqm GFA
- 19 no. two-bedroom apartments measuring 79.4 sqm – 88.1 sqm GFA

36 no. Own Door Duplex units comprising:

- 4 no. one-bedroom duplex units measuring 54.7 sqm GFA
- 4 no. two-bedroom (3 person) duplex units measuring 91.8 sqm GFA
- 14 no. two bedroom (4 person) duplex units measuring 107.8 sqm – 109.7 sqm GFA
- 14 no. 3 bedroom duplex units measuring 111.1 – 115.9 sqm GFA

A childcare facility (325.5 sqm) is also proposed to serve the .

The proposed development also includes:

2 no. new vehicular access including 1 no. access onto the Trim Road to the south west of the site with left and right hand turning lanes provided for vehicles entering at this location, and 1 no. access to the north of the site onto the North South Link Street; Upgrades to pedestrian and cycling infrastructure on the Trim Road including the provision of a footpath, cycle tracks in both directions, and public lighting; a total of 184 no. car parking spaces and 212 no. bicycle parking spaces; 1 no. ESB substation (8.2 sqm GFA); 1 no. temporary wastewater pumping station and emergency overflow storage tank (60m³); all site and infrastructural works including foul and surface water drainage, attenuation area, open space, boundary walls and fences, bin stores, landscaping (including 4,651 sqm of public open space), lighting, and internal roads, cycle paths, footpaths, cycle and pedestrian connections to the Trim Road and North South Link Street. The also provides for street connections to the adjoining lands to lands to the south and east of the site.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Meath County Development Plan 2013 – 2019 (as extended) and the Navan Town Development Plan 2009 – 2015 (as extended).

The application contains a statement (Material Contravention Statement) indicating why permission should be granted for the proposed, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed materially contravenes a relevant plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed and submitted.

Decision:

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

Matters Considered:

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

Reasons and Considerations:

In coming to its decision, the Board had regard to the following:

- (a) the location of the site contiguous to the established urban settlement area of Navan an area zoned for residential under zoning A2 New Residential and C1 Mixed Use where residential development is permitted in principle under the Meath County Development Plan 2021-2027.
- (b) the policies and objectives of the Meath County Development Plan 2021-2027
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The planning history of the site and the zoning of adjacent lands;
- (f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) The provision of Housing for All, A New Housing Plan for Ireland 2021;
- (h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (k) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (l) The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009; a
- (m) The NIS with the application;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority and
- (p) The report of the inspector.

The Board 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, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable of the area.

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a

serviced urban area, the Natura Impact Statement Report and other documentation submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than The River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 04232) which are European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following: a) the site-specific conservation objectives for the European sites, b) the likely direct and indirect impacts arising from the proposed both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water quality, c) the mitigation measures which are included as part of the current proposal.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. Having regard to:

(a) the nature and scale of the proposed , which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, A2 New Residential. With an objective '*To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate*'. and C1 Mixed Use with an objective '*To provide for and facilitate mixed residential*

- (b) the location of the site on lands zoned *and employment generating uses* where residential development is permitted in principle under the Meath County Development Plan 2021-2027 and the results of the Strategic Environmental Assessment of the Plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Regulations 2001 (as amended)
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the NIS, Ecological Impact Assessment, the Bird, Bat, Badger and Otter Assessment of lands proposed for development, the Extended Phase 1 Habitat Report, The Environmental Report and the Environmental Report and Environmental Impact Assessment – Screening Report.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable

Having regard to the zoning objective for the site as set out in the Meath County Development Plan 2021-2027, the pattern of existing development in the immediate vicinity of the site, the NIS submitted with the application and subsequent Appropriate Assessment in the Inspectors Report, the location on edge of the existing settlement area and a reasonable walking distance to the centre of Navan it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, Bird, Bat, Badger and Otter Assessment of lands proposed for development and an Extended Phase 1 Habitat Report and a Construction Environmental Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of avoiding adverse impacts on the Natura 2000 sites, protecting the environment and in the interest of public health

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

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

5. The proposed shall be amended as follows:

(a) Final details of all boundary treatments of the site (including a boundary along the southern boundary with the 'A2 Phasing– Residential Land not available for Development until post 2027' indicated on map 28(A) Navan Land Use Zoning Map of the Meath County Development Plan 2021-2027) to be provided and agreed with the Planning Authority.

c) planting areas in the home zones shall be built out to assist traffic calming.

d) parallel parking bay located along the main access road at the entrance off the Trim Road shall be removed and alternative arrangement provided.

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

Reason: In the interests of proper and sustainable planning.

6. a) Prior to commencement of development final details of the proposed new pedestrian and cycle connection along the Trim Road, bus stops and all required site works shall be submitted to and agreed in writing with the planning authority.
7. b) all links/connections to adjoining lands (within and outside the applicants control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained. (d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.

Reason: To protect trees/hedgerow and planting during the construction period in the interest of visual amenity.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of

agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

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

11. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development .

This plan shall provide details of intended construction practice for the development , including:

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities;
- e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;
- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;

- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

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

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

12. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development , a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement. Measures for the ongoing regular inspection and maintenance of SUDs infrastructure should also be agreed with the Planning Authority prior to the occupation of the development .

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

15. The temporary pumping station shall be completed in accordance with 'Code of Practice for Wastewater Infrastructure' published by Irish Water.

Reason: In the interest of public health

16. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development .

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

17. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

18. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this in the interest of residential amenity.

19. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the , and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

20. a) All trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.
- b) Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.
- c) Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

Reason: To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

21. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development .

Reason: In the interest of encouraging the use of sustainable modes of transport.

22. Details of signage relating to the creche unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 23.No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

24. 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 , 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.

25. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 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 place names for new residential areas.

26. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located 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.

27. 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.

Reason: In the interest of sustainable waste management.

28. Prior to the commencement of 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 housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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.

Reason: To restrict new housing 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.

30. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the plan of the area.

31. 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

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

Dáire McDevitt
Senior Planning Inspector

25th November 2021

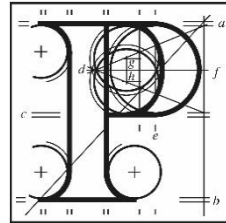
Appendix 1 List of Documentation
Appendix 2 EIA Screening Form

Appendix 1

Documentation submitted with the application included inter alia the following:

- Cover Letter and Response to Opinion.
- Planning Report and Statement of Consistency.
- Environmental Report.
- Material Contravention Statement.
- Masterplan for MP8 Lands Trim Road Navan. Urban Design Statement.
- Urban Design & Architectural Statement (includes schedule of accommodation)
- Universal Access Statement (includes HQA, Part V, Universal Access statement of compliance).
- Material Document.
- Daylight, Sunlight and Overshadowing Report.
- Building Life Cycle Report.
- An Arboricultural Assessment of the Trees and Hedge Vegetation located on lands on 'Trim Road', Navan, Co. Meath.
- Ecological Impact Assessment of a proposed residential at Balreask Old, Trim Road, Navan, Co, Meath,
- A Bird, Bat, Badger and Otter Assessment of lands proposed for development, Trim Road, Navan, Co, Meath.
- Environmental Report and Environmental Impact Assessment – Screening Report.
- Natura Impact Statement.
- Extended Phase 1 Habitat Report.
- Archaeological Assessment at Balreak Old, Navan, Co. Meath
- Landscape Rationale Report
- Flood Risk Assessment.
- Traffic Impact Assessment.
- Engineering Planning Services Report.
- Public Lighting Trim Road Navan, Design Calculations Report
- Outline Construction Environmental Management Plan.
- Operational Waste & Recycling Management Plan.
- Public Notices
- Architectural, Engineering, Landscaping, etc maps, drawings, plans and particulars.
- Letters of consent from third parties.
- Copies of letters to Prescribed Bodies.

Appendix 2 EIA Screening



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Applications

| A. CASE DETAILS | | |
|---|-----------------------|--|
| An Bord Pleanála Case Reference | | ABP-311199-21 |
| Summary | | Construction of 132 no. residential units (60 no. houses, 72 no. of apartments), creche and associated site works. |
| | Yes / No / N/A | |
| 1. Has an AA screening report or NIS been submitted? | Yes | An EIA Screening report and a NIS were submitted with the application |
| 2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR? | No | |
| | | |

| | | |
|---|-------------------|---|
| <p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p> | <p>Yes</p> | <p>SEA and AA undertaken in respect of the Meath County Development Plan 2021-2027 and see also Inspectors Report section 11 in relation to Article 299 B(1)(b)(2)(c)</p> |
|---|-------------------|---|

| <p>B. EXAMINATION</p> | <p>Yes/ No/ Uncertain</p> | <p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p> | <p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p> |
|---|----------------------------------|--|--|
| <p>1. Characteristics of proposed (including demolition, construction, operation, or decommissioning)</p> | | | |
| <p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p> | <p>No</p> | <p>The development comprises the construction of 132 residential units and a creche on lands where residential is permitted in principle.</p> | <p>No</p> |
| <p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p> | <p>Yes</p> | <p>The proposal includes construction of an residential complex which are not considered to be out of character with the pattern of in the surrounding area.</p> | <p>No</p> |

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| <p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p> | <p>Yes</p> | <p>Construction materials will be typical of such urban development . The loss of natural resources or local biodiversity as a result of the of the site are not regarded as significant in nature.</p> | <p>No</p> |
| <p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> | <p>No</p> |
| <p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p> | <p>No</p> |

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| <p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p> | <p>No</p> | <p>Potential risk identified from the potential pollution during the excavation, removal and treatment of contaminated material from the site and any potential migration of any groundwater pollution offsite to the SAC and SPA.</p> <p>Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational will connect to mains services. Surface water drainage will be separate to foul services.</p> | <p>No</p> |
| <p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p> | <p>Yes</p> | <p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> | <p>No</p> |
| <p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p> | <p>No</p> | <p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p> | <p>No</p> |

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| <p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p> | <p>No</p> | <p>No significant risk having regard to the nature and scale of . Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p> | <p>No</p> |
| <p>1.10 Will the project affect the social environment (population, employment)</p> | <p>Yes</p> | <p>Development of this site as proposed will result in an increase in residential units (132 units) which is considered commensurate with the of a residentially zoned site in the environs of Navan town.</p> | <p>No</p> |
| <p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p> | <p>No</p> | <p>Standalone development, with minor s in the immediately surrounding area. Any future application on Masterplan lands would assess potential cumulative effects.</p> | <p>No</p> |
| <p>2. Location of proposed</p> | | | |
| <p>2.1 Is the proposed located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna | <p>No</p> | <p>A NIS accompanied the application which included mitigation measures to protect the identified European sites from significant adverse impacts.</p> | <p>No</p> |

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| <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a plan/ LAP/ draft plan or variation of a plan</p> | | | |
| <p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p> | <p>No</p> | <p>No such uses on the site and no impacts on such species are anticipated.</p> | <p>No</p> |
| <p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p> | <p>No</p> | <p>The design and layout of the scheme considers all these built environment issues and mitigation measures are in place to address concerns.</p> | <p>No</p> |
| <p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p> | <p>No</p> | <p>There are no areas in the immediate vicinity which contain important resources.</p> | <p>No</p> |
| <p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p> | <p>No</p> | <p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p> | <p>No</p> |
| <p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p> | <p>No</p> | <p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p> | <p>No</p> |
| <p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p> | <p>No</p> | <p>The site is served by a local urban road network.</p> | <p>No</p> |
| <p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p> | <p>Yes</p> | <p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p> | <p>No</p> |

| 3. Any other factors that should be considered which could lead to environmental impacts | | | |
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| 3.1 Cumulative Effects: Could this project together with existing and/or approved result in cumulative effects during the construction/ operation phase? | No | No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. | No |
| 3.2 Transboundary Effects: Is the project likely to lead to transboundary effects? | No | No trans boundary considerations arise | No |
| 3.3 Are there any other relevant considerations? | No | | No |

| C. CONCLUSION | | | |
|---|-----|-------------------|--|
| No real likelihood of significant effects on the environment. | Yes | EIAR Not Required | |
| Real likelihood of significant effects on the environment. | No | | |

| D. MAIN REASONS AND CONSIDERATIONS | | | |
|--|--|--|--|
| Having regard to: - | | | |
| <p>(a) the nature and scale of the proposed , which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, A2 New Residential. With an objective '<i>To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate</i>'. and C1 Mixed Use with an objective '<i>To provide for and facilitate mixed residential</i></p> <p>(b) the location of the site on lands zoned <i>and employment generating uses</i>' where residential development is permitted in principle under the Meath County Development Plan 2021-2027 and the results of the Strategic Environmental Assessment of the Plan;</p> <p>(c) The existing use on the site and pattern of development in surrounding area;</p> <p>(d) The planning history relating to the site</p> <p>(e) The availability of mains water and wastewater services to serve the proposed development,</p> <p>(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Regulations 2001 (as amended)</p> | | | |

- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold development ”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the NIS, Ecological Impact Assessment, the Bird, Bat, Badger and Otter Assessment of lands proposed for development, the Extended Phase 1 Habitat Report, The Environmental Report and the Environmental Report and Environmental Impact Assessment – Screening Report.

It is considered that the proposed would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

_____ **25/11/2021**

Daire McDevitt
Senior Planning Inspector

Date