



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311673-21

---

<b>Development</b>	Construction of 95 no. residential units
<b>Location</b>	Old Road, Bailis Td./Alexander Reid Td., Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	2121
<b>Applicant(s)</b>	Andrews Construction Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Robert Mullervy
<b>Observer(s)</b>	(1) The Residents of Old Road, Athlumney and the vicinity. (2) Shane McLoughney.
<b>Date of Site Inspection</b>	12 <sup>th</sup> March 2022
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 2.72 hectares, is located to the east of Navan town centre on the edge of the town. The appeal site is located between the R153, which runs along its southern boundary and the Old Road, which runs along its northern boundary. The appeal site is agricultural lands made of two field areas which are divided by an existing stream that runs through the site. There is existing trees and hedgerows along the western and northern boundary and along the stream through the site. Adjoining lands and uses include similar agricultural lands to the west and an existing housing development, Caislean Mainear (off the R153) adjoining the western boundary, a detached dwelling fronting the R153 adjoining the south western corner and a single-storey dwelling and associated out buildings fronting the Old Road adjacent the north western corner. There is a newly constructed distributor road running along the eastern boundary and it forms a junction with the R153 adjacent the south eastern corner of the site and a roundabout junction with the Old Road adjacent the northern eastern corner of the site. There is a newly constructed extension to this road north of the roundabout and at advanced stage of construction.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of 95 no. residential units over two, three and four–storeys in 2, 3 and 4 bed (terraced, semi-detached, townhouses and duplex) formats, comprising 13 no. two-bed duplex units, 71 no. three-bed units (57 no. houses and 14 no. duplex) and 11 no. four-bed houses: formation of 4,313sqm of landscaped open space areas, as incorporates a riparian biodiversity corridor associated with the open water course; 200 no. dedicated car parking spaces (187 residential, 7 no. crèche and 6 no. visitor); 64 no. cycle parking spaces, new primary vehicular and pedestrian access to the proposed development will be provided from a new access junction located on the Old Road with associated road widening and improvement works. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths, an ESB substation, a foul water pumping station and all other ancillary works above and below grounds.

2.2 The approved development was revised in response to further information and consisted of 93 residential units with 62 no. dwellings and 31 no. duplex units.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission granted subject to 39 conditions. Of note is the following condition...

Condition no. 3: The total number of units permitted is 93 residential units and a crèche.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

Planning Report (03/03/21): Further information including demonstrating compliance with approved masterplan, address details regarding design and layout and the further information required by the internal reports outlined below.

Planning Report (23/09/21): The proposal was considered acceptable in the context of the proper planning and sustainable development of the area. Permission was granted subject to the conditions outlined above.

##### 3.2.2. Other Technical Reports

Broadband Officer (02/02/21): Further information including details of plans to deliver telecommunication facilities to the development.

Public Light (04/02/21): Further information required including a lighting design for the development.

Water Services (11/02/21): Further information required including a number of issues concerning drainage/surface water infrastructure.

Irish Water (11/02/21): Further information required including a pre-connection enquiry to determine feasibility of connection to water and wastewater infrastructure.

Transportation Department (17/02/21): Further information including details regarding works to Old Road, demonstration of sightlines, details of internal roads, a footbridge and provision of pedestrian and cycling linkages to the link road.

Environment (91/03/21): Further information required including a justification test based on location of part of the site in Flood Zone A and B.

Broadband Officer (30/07/21): No objection subject to recommendations regarding provision of wireless network.

Water Services (10/08/21): No objection subject to conditions.

Transportation Department (10/08/21): No objection subject to conditions including a number of amendments for agreement.

### 3.3. **Prescribed Bodies**

Department of the Housing, Local Government and Heritage (10/08/21): Provision of an Archaeological Impact Assessment by way of condition.

### 3.4. **Third Party Observations**

13 submissions were received from adjoining residents and the surrounding area. The issues raised can be summarised as follows...

- Loss of light/overshadowing, impact on privacy/overlooking, excessive density and height, compliance with Development Plan policy, design and layout issues, general disturbance, ecological and environmental impact, traffic impact and flood risk.

## 4.0 **Planning History**

NA201972 (withdrawn application): Permission sought for 95 no. residential units and associated site works.

NA50268: Permission granted for a temporary advertising site on boundary facing the Kentstown Road.

005075: Permission refused for construction of 18 no. dwellings and associated site works. Refused based on haphazard pattern of development and lack of comprehensive development, impact on adjoining amenity.

991207: Permission refused for construction of 16 no. dwellings and associated site works. Refused based on haphazard pattern of development and lack of comprehensive development, and premature pending provision of local distributor road.

97552: Permission refused for a dwelling and associated site works. Refused due to being premature pending provision of eastern by-pass.

097127 (withdrawn application): Permission sought for 4 no. dwellings and associated site works.

Other sites in the area...

309332: Permission granted for 2 no. 4-storey apartment blocks, 8 no. 3-storey Duplex Units and 10 no. 2-storey semi-detached units. This is located to the north of the appeal site.

306687: Strategic Housing pre-app concerning 446 residential units on a site on the northern side of Old Road.

312746 (211046): Application for demolition of agricultural structures and construction of 98 houses on a site to the north. Pending decision.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development plan is the Meath County Development Plan 2021-2027. The majority of the site is zoned A2, New Residential with a stated objective “to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate”. Part (southern part) of the site is zoned A1, Existing Residential ‘to protect and enhance the amenity and character of existing residential communities’. Part of the site (coinciding with the watercourse) is also zoned F1, Open Space with a stated objective ‘To provide for and improve open spaces for active and passive recreational amenities’.

Chapter 11 contains the Development Management Standards and Land Use Zoning Objectives.

Volume 2 is the written statement and book of maps for the settlements. 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 area subject to the appeal site is part of MP12.

### 5.2 National Policy

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 and other national policy documents are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Childcare Facilities Guidelines for Planning Authorities
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

#### Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 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.

#### Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and

the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

'Housing for All - a New Housing Plan for Ireland' (September 2021).

### 5.3 Natural Heritage Designations

Site Name & Code	Approx. distance from site
River Boyne and River Blackwater SAC (002299)	c.1.1km
River Boyne and River Blackwater SPA (004232)	c.1.1km
Boyne Estuary SPA (004080)	c.22.8km
Boyne Coast and Estuary SAC (001957)	c.24km

### 5.4 EIA Screening

The proposal for 95 no. residential units on a site of 2.72 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well



below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and 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 and does not contain habitats or species of conservation significance.

## **6.0 The Appeal**

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

6.1.1 A third party appeal has been lodged by Robert Mullervy, 14 Caislean Mainear, Kentstown Road, Navan, Co. Meath. The grounds of appeal are as follows...

- Incomplete NIS in the failure to include assessment of temporary laydown areas, fencing, work facilities and concrete processing locations.
- The NIS fails to assess the cumulative impacts of the development other plans and projects with a number of other housing developments in the planning system when this application was assessed.
- Lack of appropriate screening, NIS, EIAR or SEA in relation the Athlumney Masterplan. The appellant refers to recent court case where the issue of masterplan's drafted by developers and approved by Local Authorities with environmental assessment and the fact such has been referred to the ECJ. This masterplan can have no bearing on planning policy until the case has been determined.
- The proposal is inappropriate at this location due to poor transport linkages at this location and should not be permitted until a ring road is in place. There are other land banks that should be developed in the town before development of lands part the Masterplan 12 area and such sites have better transport linkages and connection to the town centre.
- The proposal is contrary national policy in particular provision of residential development adjoining public transport hubs with such identified as an objective under the National Development Plan.

- The proposal would result in windows overlooking private gardens, there was a lack of information regarding the impact of overshadowing that the proposed residential units would generate in relation to the units within the proposed scheme as well as overshadowing of existing adjacent properties, security concerns regarding the layout.
- The proposal would contravene the A1 zoning objective due to impact on amenities of existing properties.

## 6.2. Applicant Response

### 6.2.1 Response by the Planning Partnership on behalf the applicant Andrews Construction Ltd.

- The Appropriate Assessment Screening and Natura Impact Assessment are appropriate in scope and detail with provision of a Construction and Environmental Management Plan and detailed mitigation measures.
- In relation to cumulative effects the appellant refers to applications lodged after the lodgement of the current application and that the ability of the competent authority to determine appropriate assessment is not prejudiced.
- Masterplan 12 was subject to a variation procedure of the Navan Town Development Plan and an SEA and AA accompanied the variation procedure.
- The proposed development is consistent with local, regional and national policy.
- The proposal would be acceptable in the context of adjoining residential amenity with the approved development revised to account for issues concerning adjoining amenity.

## 6.3. Planning Authority Response

### 6.3.1 Response by Meath County Council.

- The proposed development is considered to be consistent with the proper planning and sustainable development of the area.

## 6.4. Observations

### 6.4.1 Observations were submitted by...

The Residents of Old Road, Athlumney and Vicinity.

Shane McLoughney, 13 Caislean Mainear, Kentstown Road, Navan,

- Incomplete NIS with lack of cumulative assessment of other developments.
- The site is habitat for birds and wildlife and the proposal should have a more sympathetic approach including retaining mature trees and hedgerow.
- Masterplan put in place without any consultation.
- Traffic congestion at the entrance to the site on Old Road, increased traffic generation will pose safety risk.
- Design and scale inappropriate and out of character with existing development, detrimental to existing residential amenity due to overlooking, , overshadowing, loss of light, noise.
- Flooding issue downstream that has not been fully addressed.

## 7.0 Assessment

### 7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/Development Plan policy

Density, Core Strategy, Area Capacity

Layout & Design/Development Control Standards

Residential Amenity/Adjoining Amenity

Ecological Impact/Trees

Flood Risk

Appropriate Assessment

### 7.2. Principle of the proposed development/Development Plan policy:

- 7.2.1 The proposed development is located on lands zoned mainly A2, New Residential with a stated objective “to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate”. The southern part of the site is zoned A1, Existing Residential ‘to protect and enhance the amenity and character of existing residential communities’ and a small part of the site (coinciding with the watercourse) is also zoned F1, Open Space with a stated objective ‘To provide for and improve open spaces for active and passive recreational amenities’. Permission is sought for the construction of a residential development with 95 no. residential units (93 permitted), a crèche and associated site works.
- 7.2.2 The proposed uses are compatible with the zoning objectives of the site with the majority of the site zoned for residential uses. There is a strip of land in the site zoned F1 Open Space and coinciding with the line of the stream through the site. The design and layout of the proposed/approved development provide for open space areas along the stream. The proposed/approved development includes a service road and footbridge that traverses the stream and open space zoning. It is noted that “vehicular/cyclist/pedestrian access to zoned lands where appropriate” is a use ‘open for consideration’ under this zoning objective. The provision of vehicle and pedestrian access through this area is essential to allow for the comprehensive development of zoned lands at this location with the appeal site split in two by the stream. The proposed development is fully compliant with zoning policy.
- 7.2.3 One of the main grounds for appeal relates to the fact that the site is an area classified as Masterplan MP12 Athlumney, Alexander Reid, Bailis, Farganstown and Ballymacon, between Kentstown Road and Navan-Drogheda Rail line. The appellant points to fact that the masterplans including the one in which the appeal site is located were produced by private developers and were not subject to the appropriate environmental assessments or public consultation. The application was assessed under the Meath County Council Development plan 2013-2019 and the Navan Town Development Plan 2009-2015 was the functional plan for the town. The applicant in their response has noted that these masterplans were adopted as a variation of the Navan Town Development Plan (Variation no. 1 and 2) and such

were accompanied by a Strategic Environmental Assessment and Appropriate Assessment.

7.2.4 Since the decision and appeal a new County Development plan has been adopted, the Meath County Development Plan 2021-2027 and such is functional plan for the area and contains the zoning and policy objectives for the settlement of Navan and other urban settlements in the county. This plan includes the masterplans referred to. This plan been through the statutory procedure including public consultation and would have included Strategic Environmental Assessment and Appropriate Assessment. I am satisfied that the proposed development is in compliance with Development Plan policy.

7.3 Density, Core Strategy, Area Capacity:

7.3.1 The appeal site has an area of 2.72 hectares and the proposed development consists of 95 no. residential units yielding a density of 35 units per hectare with the approved development (93 units) yielding a density of 34 units per hectares. National policy on density is contained under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'). Chapter 5 relates to Cities and Larger Towns. The application site is on the periphery of a large town (defined as population of 5,000 or more) and would constitute an Outer Suburban/Greenfield Site "defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities". The guidelines identify that "the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally". The proposed development provides for a density of 35 units per hectare, which in my view would be consistent with the recommendations of national policy and an appropriate density at this location. The approved development is just below the 35 units per hectares and still would be

consistent with the recommended standard for such sites and is just marginally below the 35 units per hectares standard.

7.3.3 The Meath County Council Development Plan 2021-2027 identifies Navan as a Key Town under the settlement hierarchy/core strategy. The core strategy identifies that anticipated population growth for the county is 33,256 for the plan period (up to 2027) and that there is projected household requirement of 20,671 during the plan period. The capacity of all zoned lands for residential development is 20,581 units. There is a housing allocation of 3,704 and a total of 102.92 hectares for Key Towns in Meath (Navan and Maynooth). The proposed development accounts for 95 units (93 approved). It would appear based on current information that the level of provision of units proposed/approved on lands zoned for residential under this application can be facilitated under the core strategy of the Meath County Development Plan and is at a density at the lower end of the recommended density standards under national guidelines.

7.3.4 The appellant raises concern that there are more appropriate locations in the town for new residential development in close proximity to the town centre and public transport. The appeal site is a zoned and serviced site for residential development under the current and recently adopted Meath County Development Plan. The proposed development provides a density and type of development that is in accordance with the recommended standards in terms of density. I would be of the view that an appropriately designed housing development at the density proposed is in accordance with national, regional and local policies concerning housing.

7.4 Layout & Design/Development Control Standards:

Housing Mix

7.4.1 The approved development provides for 93 no. residential units consisting of 62 no. houses and 31 no. duplex apartments. The mix of units provides more variety from the permitted/existing development on the adjoining sites. I note that while the surrounding residential developments contain a mix of dwelling types, there remains a predominance of 3 and 4 bedroom houses in the area as many of the adjacent

developments were permitted prior to the NPF or the RSES. I consider that the proposed mix of houses and duplex units will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, 7.4. which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two-storey own door houses only, particularly in developments > 100 units (still relevant despite development being just below 100 units) and I consider that the development is consistent with this guidance. As discussed above, the density complies with the guidance for outer suburban sites in the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The development also meets the requirements of SPPR 1 of the Apartment Guidelines. The proposed housing mix is considered acceptable on this basis.

7.4.2 Minimum floor area for apartments under Section 3.4 of the Apartment Guidelines is 45sqm, 63sqm (two bed 3 person units) 73sqm (two bed 4 person units) and 90sqm for one, two and three bed units respectively. All apartments meet these standards. In addition there is a requirement under Section 3.8 for “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)”. In this case this standard is also met.

7.4.3 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

This standard is also met in the approved development.

All apartment units are provided with balcony areas or garden areas. The requirement under the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) being for 5, 6, 7 and 9sqm for one bed, two (3

person), two bed (4 person) and three bed units respectively. The applicant was requested by way of further information to address private open space with some units regarded as not meeting the required standards for private open space. The revised/approved proposal has addressed this issue with all units meeting the required standards in terms of room dimensions and storage space.

7.4.4 In case of the proposed dwellings the recommended room size/dimensions are as set out under the Quality Housing for Sustainable Communities guidelines. All dwellings are provided with rear gardens with areas of a reasonable size and in compliance with Development Plan standards as set out under Table 11.20.

7.4.5 The requirements for car parking under Development Plan policy is under Table 11.1 of the County Development Plan. Based on the number of units approved the maximum parking requirement for the development is 194 spaces (124 for the 68 no. dwellings and 62 for the 27 no. apartments plus 8 visitor spaces). For crèches the requirement is 1 space per employee and 1 per 4 children and a dedicated set down area (crèche is to cater for up to 26 children). 200 spaces were provided in the original proposal with 6 spaces for the crèche. The applicant was requested to review the number of parking spaces in light of the Apartment Guidelines and on the basis that reduced parking levels are warranted in certain locations. The revised/approved layout has a reduced level of parking with 167 spaces. This level of parking does provide a least one space per unit, as well as visitor parking. This level of parking was deemed to be satisfactory by the Planning Authority to cater for the proposed development.

7.4.6 Provision of bicycle parking for the dwellings is within their curtilage and there is provision of 48 bicycle parking spaces (reduced from 67 originally proposed), which are distributed throughout the site in storage structures. The requirement under Development Plan policy for the 32 apartment units is (1 per bed space and 1 per 2 units). I would be of the view that the level of bicycle parking provided on site is satisfactory.



7.4.7 The requirement for public open space under DM OBJ 26 is 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". The approved development of 93 units entails some revision to the layout with an increase in public open space to 4,782sqm/19.5% of the site. The main area of open space was increased to 1,693sqm with a loss of one of the separate spaces mean a further 5 areas of open space and in most cases have been increased in size from the original proposal. The approved layout also provides a continuous pedestrian link from the Old Road to the R153. The quantity of public/communal open space meets development plan requirements and is well distributed through the site.

#### Layout/Urban Design

7.4.8 As noted above the density of the approved development is 34 units per hectare, which by density standards is not high and is marginally lower than the level recommended under national guidance for residential developments. In terms of the level of communal open space the provision of such meets the standards set out in development plan policy of at least 15%. The proposal provides for a mix of housing units and building heights. The proposal provides for 62 no. two-storey dwellings with a mixture of semi-detached and terraced units. In addition the proposal provides for 31 duplex units. The design provides for a mix of two, three-storey and four-storey units with mix of pitched roof and mono-pitch roof profiles and placement of tall structures at the end of terraces and at corner plots. The site adjoins a newly constructed distributor road that runs from the R153 to a junction with Old Road and there is section under construction from the Old Road junction northwards. The proposal seeks to provide an urban edge along the new road and concentrates three/four-storey structures along this frontage. The revised/approved proposal provides for a better design/urban frontage along the R153 with a landscaped open space area and pedestrian access provided onto the R153.

7.4.9 I would consider that the proposal provides for a design that is of an acceptable standard in terms of layout and urban design. As noted above the proposal provides for sufficient level of public open space that is split into a clear hierarchy of spaces and comprehensive landscaping scheme including hard and soft landscaping. The distribution of open space is evenly spread throughout the site with open space areas located adjacent most of the residential units. I would consider that the design and layout provides for a reasonable standard of urban design with a variation in heights, design of roof profiles and good variation in external finishes and architectural character throughout. I would be of the view that the overall design and layout has adequate regard to the provision of relevant guidelines in relation to urban design such as the, Urban Design Manual-A Best Practice Guide, the Urban Development and Building Heights Guidelines for Planning Authorities, the Design Manual for Urban Roads and Streets. The overall development provides for a satisfactory design and layout in terms of providing a sense of place, a good standard of amenity, adequate provision for vehicular traffic without being at the expense of the provision of pedestrian friendly spaces/infrastructure.

#### 7.5 Residential Amenity/Adjoining Amenity:

7.5.1 The issues of adjoining residential amenity raised on the appeal and observations, in particular the physical impact of the proposal relative to existing dwellings on adjoining sites and in the vicinity with issues concerning overlooking, overshadowing/loss of light and general disturbance raised. The proposed development was for 95 units with the approved development reduced to 93 units with the changes to layout prompted by some issues concerning relationship with existing dwellings on adjoining sites.

7.5.2 An existing housing development of two-storey detached dwellings adjoin the western boundary with 4 no. dwellings that back onto the western boundary (Caislean Mainear). A detached dormer style dwelling fronting onto the R153 adjoins the south western corner of the site with the development located to the rear and side of the existing dwelling. A single-storey dwelling adjoins the north western corner of the site and fronts onto Old Road and there are a number of dwellings

located on the opposite side of Old Road to the north of the appeal site. There were a number of revisions made to address issues raised regarding impact on adjoining dwellings. The main change is increased separation between Block 19 and the western boundary with these two-storey dwelling backing onto the rear boundary of existing dwellings in Caislean Mainear and Block 16 (three-storeys) located adjacent the detached dwelling fronting the R153 has been set back further from the road along a similar building line to the existing dwelling. There were a few issues concerning overlooking between units within the scheme that have been addressed by the revised/approved layout.

7.5.3 The level of separation between the rear of the proposed dwelling on site (Block 19 approved layout) and the rear of the two-storey dwellings in Caislean Mainear has been increased to just over 22m, which is a commonly accepted standard between first floor opposing windows housing developments where there are back to back dwellings or on adjoining sites (consistent with Development Plan policy). The applicant had been requested by way of further information to present daylight/sunlight and shadow analysis. The applicant's response indicated that based on the BRE guidelines and the test for impact on daylight and sunlight the relationship of the approved development is such that no further assessment is required.

7.5.4 In relation to daylight the test for assessment of such under the BRE guidelines is whether the distance of each part of the new development from the existing window is three or more times its height above the centre of the window. If yes no further analysis is required, if no the second test is whether a line drawn from the centre of the existing windows at a 25 degree angle cuts through the new development. If no the proposal is unlikely to have substantial effect. In the case of Block 18 and 19, which are located to the east of the existing dwellings backing onto the western boundary of the site, no further assessment is required. In the case of the dwelling adjoining the north western corner of the site and those on the opposite side of the Old Road to the north, the distance between the approved structures and facades with windows is such that no further assessment is required based on BRE

guidelines. There is a dormer style dwelling adjacent the south western corner of the site with its gable adjoining the boundary to the site and existing high level windows serving a conservatory in the existing boundary wall with the site. In relation to impact on daylight no assessment is provided, however I would note that the orientation of this dwelling is north south with a gable facing the site. I would be of the view that the approved development, which provides for a block on the same building line would be acceptable in relation impact on light and there is no impact on the main window walls of this dwelling (north and south).

7.5.5 In relation to sunlight impact the test for such under the BRE guidelines questions is some part of the new development is within 90 degrees due south of the main window wall of an existing building. If yes in a section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from the centre of the lowest window to a main living room. In the case of the existing development on the opposite side of the public road the distance between the approved and existing dwellings and their height is such that no further assessment is required. In the case of Block 18 and 19 and the dwellings to the west in Caislean Mainear the same is the case. In the case of the existing dormer style dwelling to the west fronting the R153, the façade that faces the site is not the main window wall with the dwelling having its main orientation north/south.

7.5.6 The applicant in response to further information submitted shadow study. The shadow study illustrates the impact of the approved development on a number of dates and times during the days modelled. The assessment provides shadow studies for the 20<sup>th</sup> March (09:00-17:00), 21<sup>st</sup> June (09:00-17:00), 22 September (09:00-17:00) and 21<sup>st</sup> December (09:00-15:00). The applicant states that the shadow study clearly indicates that existing gardens and amenity areas should receive at least 2 hours of sunlight on the 21<sup>st</sup> of March as per the recommendations of the BRE guidelines.

7.5.7 In relation to daylight and sunlight impact, I am satisfied that the overall design and scale of the approved development in conjunction with level of separation from adjoining properties is such that the proposal would have no significant or adverse impact on adjoining properties. As noted above the approved development is not a high density proposal and is marginally below the lowest density recommended for such sites under national policy. The proposal does not include an assessment of daylight levels to the proposed units (ADF), however given the low density of the development and its layout, the level of dual aspect units and high level of public open space, the approved residential units are unlikely to be deficient in terms of daylight levels.

7.5.8 I would also consider that the level of separation, scale and orientation of the approved dwelling units has adequate regard to the amenities of adjoining properties and would not cause overlooking or loss of privacy that would be either detrimental to existing residential amenity or be out of character in terms of urban development on lands zoned for such use.

## 7.6 Ecological Impact/Trees:

7.6.1 The application was accompanied by an Ecological Impact Assessment. The site is not subject to any designations of conservation value or status. A desk and field study was carried out including bird, bat and mammal survey and a survey of habitats. The site is not of high ecological value with the site mainly horticultural land (BC2), recolonising bare ground (ED3) and scrub land (WS1). The site does have hedgerow (WL1), a drainage ditch (FW4), a treeline (WL2) along the stream, an amenity grassland (GA2), created along the western edge of the new distributor road and a depositing lowland watercourse (FW2). No species of conservation interest were detected on site and in any of specific habitat types identified.

7.6.2 A tree survey was also submitted, which identified three stretches of hedgerow, H1 (western side of stream) and H2 (eastern side of stream) along the stream through the site and H3 along the northern boundary (Old Road frontage). There are three

ash trees identified along the stream adjacent the eastern boundary. The proposal entails removal of hedgerow H1, the 3 no. trees and hedgerow H3. Hedgerow H2 is to be mostly retained due to the setback from the stream built into the layout.

7.6.3 In relation to bats the survey results showed no bat roosts on site however there are two existing trees with potential for bat roosts. No bird species of conservation value were detected on site. The proposal entails the retention of the of some hedgerow on site and includes a number of mitigation measures including during the construction and operational phase to minimise impact including tree/hedgerow protection measures, minimising site disturbance during construction, protection measure for the stream, no clearance of vegetation during the nesting and breeding season for birds and wildlife, identification of trees suitable for bat roosts and the need for a derogation license for any to be removed, erection of bat boxes, additional landscaping and planting and installation of wildlife friendly lighting. A supplementary report was submitted in response to further information in response third party issues concerning biodiversity. This report outlines that the site was reassessed and it was determined that no species of conservation importance were detected on site. The report emphasised that the proposal provides for a riparian strip with hedgerow retained and a buffer zone along the stream apart from the crossing point. I would recommend conditions to be applied to ensure mitigation and tree/hedgerow protection measures are implemented and a specific condition requiring a pre-construction bat survey. The appeal site is zoned lands earmarked for urban development and to facilitate such requires alteration of the site including removal of trees and hedgerow. I am satisfied that the site is not of high ecological value, however the proposal does include mitigation measures to minimise impact.

## 7.7 Traffic Impact:

7.7.1 The proposal entails provision of a new vehicular access on the northern boundary onto Old Road. Old Road as it stands is rural in nature and does not have a footpaths or lighting however does have a junction (roundabout) with a recently constructed distributor road that runs along the eastern boundary of the site and forms a junction with the R153 to the south east of the site. The new distributor road

is of a good standard with pedestrian and cycling infrastructure built in. The appeal site has significant road frontage along the Old Road and it is proposed to set back the boundary along the road providing for a wider carriageway and a pedestrian footpath. The approved development provides a pedestrian/cycle path linking into Old Road and allowing accessibility through the site to the R153 to the south.

7.7.2 The alignment and upgrades to Old Road would facilitate adequate sightlines, link into existing road infrastructure of a good standard and facilitate improved pedestrian facilities and linkages to the existing urban development in the area. The applicant submitted a Traffic and Transport Assessment (TTA), and Stage 1 and 2 Road Safety Audit. The TTA includes details of the proposed development, public transport infrastructure in the area and an assessment of the capacity of the existing road network to cater for the traffic likely to be generated. The TTA demonstrates that the local road network has adequate capacity to cater for the proposed development. I am of the view that the proposal would be satisfactory in regards to traffic safety, the provision of adequate upgrades and infrastructure to facilitate the traffic likely to be generated and to cater for pedestrian movements.

7.8 Flood Risk:

7.8.1 The applicant submitted a Site-Specific Flood Risk Assessment by way of further information. The report submitted outlines the drainage characteristic of the site with an existing stream running north south through the site (northern flow direction). Based on flood maps including the Strategic Flood Risk Assessment for the Navan Town Development Plan 2015, the OPW flood maps and CFRAM mapping the majority of the site is located within the less than 0.1% AEP flood event zone (Flood Zone C). A small part of the site coinciding with the location where the stream traverses the site is located with the 0.1% AEP flood event zone (Flood Zone B). The existing stream is culverted under new distributor road to the east of the site and culverted where it goes under Old Road.

7.8.2 The only source of flooding impacting the site is fluvial with the extent of flood risk zones pre-development identified. The applicant is proposing a number of measures to reduce fluvial flood risk on site post development. The measures include compensatory storage on site (located along the western boundary of the site) and such will also help reduce flood risk downstream. Provision of a box culvert up to OPW requirements to convey a 1% AEP flood event with a minimum freeboard of 300mm between the top water level at the inlet and soffit of the culvert. The report outlines the post development flood zones anticipated with the measures implemented with such reducing flood impact on site. The report includes an assessment of the impact of a potential blockage of the downstream culvert at Old Road with the post development scenario still showing a reduced level of flooding on site. The post development scenario would also reduce flow levels downstream of the site and would not exacerbate flooding downstream. The new distributor road along the eastern boundary of the site is at a level that prevents overland flow upstream of the road entering the site. The report outlines surface water drainage proposals including underground attenuation tank separate from compensatory storage and ensuring no connectivity between fluvial flow and surface water drainage.

7.8.3 The levels of the proposed dwelling units and roads on site are above the peak water levels possible during a 1% AEP flood event. A justification test in accordance with Section 5.15 of the Flood Risk Management Guidelines was carried out with it determined that the proposed development satisfies the criteria of the justification test and is appropriate for the proposed development on the basis that the lands have been zoned for residential development, the proposal has been subject to a flood risk assessment, the proposal will reduce flood risk and will not increase flood risk elsewhere, the proposal includes measures to reduce residual flood risk.

7.8.4 I am satisfied based on the information on file that a small area of the site is located within Flood Zone B and that the proposal includes measures to reduce flood impact and such will not result in any exacerbation of flood risk elsewhere/downstream from the site. I am satisfied that the level of all dwelling units and roads on site are such



that they are not at risk of flooding with all dwellings units within Flood Zone C. I am satisfied that the applicant has demonstrated that the proposed/approved development is acceptable in the context of flood risk.

## 7.9 Appropriate Assessment:

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

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement and associated documents.
- Appropriate Assessment of implications of the proposed development on the integrity each European site.

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

7.9.2 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 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).

7.9.3 The applicant has submitted a Natura Impact Statement (NIS) including screening report for Appropriate Assessment as part of the planning application. It has been prepared by Altemar Marine & Environmental Consultancy (December 2021). The

Stage 1 AA Screening Report provides a description of the proposed development and identifies European Sites within the zone of influence of the development. The AA screening report concludes that acting on a strictly precautionary basis, an NIS is required in respect of the effects of the project on the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA (downstream impacts) only.

#### Brief Description of the Development

7.9.4 The applicant provides a description of the project in the NIS report. It is noted that the subject site comprises 2.7.2ha on the eastern edge of Navan consists of a development of 95 dwelling units (68 dwellings and 27 apartments). 93 units were approved (62 dwellings and 31 apartments) after amendments by way of further information.

#### Submission and Observations

7.9.5 The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 7, 9 and 10 of this report.

7.9.6 In my opinion, having regard to the information submitted in the applicants Screening Statement for Appropriate Assessment and the Natura Impact Statement, sufficient information has been submitted to allow for a full assessment of the impact of the proposed development on designated sites and to allow for a reasoned determination to be issued, which is outlined below.

#### European Sites

7.9.7 The development site is not located in a European site. While the proposed development site is not located immediately adjacent to a European site, it is c. 1.1km from the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232). A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below.

Site Name & Code	Approx. distance from site
River Boyne and River Blackwater SAC (002299)	c.1.1km
River Boyne and River Blackwater SPA (004232)	c.1.1km
Boyne Estuary SPA (004080)	c.22.8km
Boyne Coast and Estuary SAC (001957)	c.24km

The applicant's Screening Assessment lists the Identification and Assessment of Likely Significant Effects on Natura 2000 Sites within the Precautionary Zone of Influence of the Proposed Development. The features of the proposed development that have the potential to directly or indirectly impact on the qualifying interests and/or conservation objectives located within the precautionary zone of influence are detailed. Each site is outlined below and a summary of the findings of the Screening Report with respect to the sites and the features of the development that have potential for likely significant effect and for which I concur with.

River Boyne and River Blackwater SAC (002299):

The site synopsis for this site states that the site is the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers.

The site is a Special Area of Conservation (SAC) and is listed for the following qualifying interests one of which is priority (\*):

[7230] Alkaline Fens

[91E0] Alluvial Forests\*

[1099] River Lamprey (*Lampetra fluviatilis*)

[1106] Atlantic Salmon (*Salmo salar*)

[1355] Otter (*Lutra lutra*)

The generic conservation objectives for this site seek to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Hydrological connection between the appeal site and River Boyne and River Blackwater SAC through surface water stream running through the site and along the western boundary. Significant effects deemed to be possible with a Stage 2 AA required.

River Boyne and River Blackwater SPA (004232):

The site synopsis for this site states that the site is s a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Co Cavan, Louth and Westmeath.

The site is a Special Protection Area (SPA) and is listed for the following qualifying interests.

Kingfisher (*Alcedo atthis*) [A229]

The conservation objectives for this site seek to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Hydrological connection between the appeal site and River Boyne and River Blackwater SPA through surface water stream running through the site and along the western boundary. Significant effects deemed to be possible with a Stage 2 AA required.

Boyne Coast and Estuary SAC (001957):

The site synopsis for this site states that the site is a coastal site which includes most of the tidal sections of the River Boyne, intertidal sand- and mudflats, saltmarshes, marginal grassland, and the stretch of coast from Bettystown to Termonfeckin that includes the Mornington and Baltray sand dune systems.

The site is a Special Area of Conservation (SAC) and is listed for the following qualifying interests one of which is priority (\*).

[1130] Estuaries

[1140] Tidal Mudflats and Sandflats

[1210] Annual vegetation of drift lines

[1310] Salicornia Mud

[1330] Atlantic Salt Meadows

[2110] Embryonic Shifting Dunes

[2120] Marram Dunes (White Dunes)

[2130] Fixed Dunes (Grey Dunes)\*

The conservation objectives for this site seek to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Hydrological connection between the appeal site and Boyne Coast and Estuary SAC (001957) through surface water stream running through the site and along the western boundary. The significant distance between the site and the SAC is noted with any potential discharges subject to settlement, mixing and dilution with negligible effect on the SAC. No significant effects are likely.

Boyne Estuary SPA (004080):

The site synopsis for this site states that the site comprises most of the estuary of the Boyne River, a substantial river which drains a large catchment. Apart from one section which is over 1 km wide, its width is mostly less than 500 m.

The site is a Special Protection Area (SPA) and is listed for the following qualifying interests.

Shelduck (*Tadorna tadorna*) [A048]

Oystercatcher (*Haematopus ostralegus*) [A130]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Lapwing (*Vanellus vanellus*) [A142]

Knot (*Calidris canutus*) [A143]  
Sanderling (*Calidris alba*) [A144]  
Black-tailed Godwit (*Limosa limosa*) [A156]  
Redshank (*Tringa totanus*) [A162]  
Turnstone (*Arenaria interpres*) [A169]  
Little Tern (*Sterna albifrons*) [A195]  
Wetland and Waterbirds [A999]

The conservation objectives for this site is to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Hydrological connection between the appeal site and Boyne Estuary SPA (004080) through surface water stream running through the site and along the western boundary. The significant distance between the site and the SAC is noted with any potential discharges subject to settlement, mixing and dilution with negligible effect on the SAC. No significant effects are likely.

7.9.8 As outlined above, it is considered that 2 no. designated sites can be screened out from further assessment Boyne Coast and Estuary SAC (001957) and Boyne Estuary SPA (004080) due to the nature of qualifying interests, their proximity to the site and the nature of hydrological links between the project and the designated sites.

7.9.9 It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase. The habitats and species of these 2 no. Natura 2000 sites Boyne Coast and Estuary SAC (001957) and Boyne Estuary SPA (004080) are between 22.8km and 24km from the subject site. During the construction phase, standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on

the qualifying interests of Natura 2000 sites from surface water run off can be excluded given the distance, the nature of hydrological connection, and the nature and scale of the development.

7.9.10 It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Natura 2000 sites Boyne Coast and Estuary SAC (001957) and Boyne Estuary SPA (004080). I am satisfied, and concur with the applicant, that there is no potential for likely significant effects on these 2 no. designated sites and they can, therefore, be screened out from further assessment.

7.9.11 I concur with the AA Screening Report that further assessment is required for River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232). It is considered that the proposed development could result in likely significant effects in relation to: -

- The possibility of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase and operational from the proposed development site to the SAC and SPA due to hydrological connections between the designated site and the appeal site with subsequent damage to the conservation status of habitats/species and dependent on good water quality.

#### Screening Determination

7.9.12 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have significant effects on European Sites, River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Boyne Coast and Estuary SAC (001957),
- Boyne Estuary SPA (004080).

#### Natura Impact Statement

7.9.13 The application included an NIS which examines and assesses the potential adverse effects of the proposed development on River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232). It was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed. The NIS evaluates the potential for direct, indirect effects along or in combination with other plans and projects having taken into account the use of mitigation measures. A summary of the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) is provided in the NIS, which includes its qualifying interests and conservation objectives.

#### Appropriate Assessment of implications of the proposed development

7.9.14 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 (002299) and River Boyne and River Blackwater SPA (004232). 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.

7.9.15 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](http://www.npws.ie)). As noted above the main aspects of the proposed development that could affect European sites include:

- The possibility of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase and operational from the proposed development site to the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232), through surface water (existing stream traversing and adjoining the site) due to hydrological connections between the designated sites and the appeal site with subsequent damage to the conservation status of habitats/species and dependent on good water quality.

River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232),

7.9.16 The NIS (Pages 25 and 26) provides a detailed description of the River Boyne and River Blackwater SAC and River Boyne and Blackwater SPA. The proposed development site is wholly located outside of the European sites and is located c. 1.1km from such. The proposal entails discharge of foul water to the municipal foul sewerage infrastructure. Surface water proposal include on site attenuation and discharge of surface water with flow control devices to the surface water stream running through the site. The conservation objectives for the qualifying interests of the SAC and SPA are noted in the table below.

River Boyne and River Blackwater SAC	
Qualifying interest	Conservation Objective
[7230] Alkaline Fens [91E0] Alluvial Forests* [1099] River Lamprey (Lampetra fluviatilis) [1106] Atlantic Salmon (Salmo salar) [1355] Otter (Lutra lutra)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

River Boyne and River Blackwater SPA	
Qualifying interest	Conservation Objective
Kingfisher ( <i>Alcedo atthis</i> ) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

#### Surface Water/Hydrological Link

7.9.17 The subject site has a hydrological link to the SAC and SPA with a stream traversing and adjoining site draining to the SAC and potential for surface water run off associated with the construction stage and operational phase could potentially enter the SAC and SPA. There is potential for indirect effects on surface water quality during site preparation and earthworks, including potentially contaminating material such as oils, fuels, lubricants, other construction related solutions and cement based products would be used on site during the construction phase and the accidental emission of such a material would have the potential to undermine water quality within the SAC. During the operational phase there is potential for contaminated surface water run-off from fuel leaks or accidental spills to potentially undermine water quality. Any uncontrolled release of contaminated surface water to the SAC would likely be rapidly diluted and distributed. Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the designated site.

7.9.18. The NIS (Page 30-34) includes a number of control mitigation measures, to protect the environment from pollutants. These include temporary drainage and sediment control measures, including silt fences and the correct storage, use and maintenance of all equipment, materials and chemicals and daily monitoring of works. Adherence to best practices methodologies during the construction phase would control the

release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks. Operational mitigation measures have also been included in the NIS (Page 34). Drainage measures incorporated including control measures to limit surface water discharge using flow control devices, SUDS measures and use of interceptor to remove pollutants prior to discharge of surface water. The provision of these features would ensure that surface water emitted from the project would be adequately treated and would eliminate any risk of polluted surface water being discharged during the operational phase.

7.9.19 The submitted preliminary Construction and Environmental Management Plan also address all potentially polluting activities and includes mitigation measures for critical elements such as storage and handling of harmful materials. I am satisfied that adequate information is provided to reach a determination regarding potential impacts from the construction phase despite the issue raised by the appellant. Having regard to the measures outlined as well as the application of best practice construction methods, I am satisfied that direct or indirect effects on the SAC and SPA can be ruled out with confidence.

#### In-Combination Effects

7.9.20 There are a number of developments in the vicinity that have been permitted or pending decision with two in particular relevant with the appellant raising concerns about the assessment of in-combination effects of these projects. Ref no. JP17.309332 is a development recently granted permission for a Local Authority development of 18 no. apartment units and associated site works located to the north and will be accessed off the section of distributor road under construction at present. This application was subject to an Appropriate Assessment including a Stage 2 Appropriate Assessment and assessment of impacts on the same two designated Natura 2000 sites subject to Stage 2 Appropriate Assessment in the case. It was determined that significant effects could be ruled out. Ref no. 312746 is a proposal for demolition of agricultural structures and construction of 98 houses. This application is located on site to the north (north of Old Road) and was granted

permission by the Local Authority and is now subject to a third party appeal with it currently pending decision. This application is accompanied by an NIS.

7.9.21 Drainage arrangements for this proposal entails connection to existing foul drainage and surface water infrastructure provision including attenuation and control discharge to surface water. I am satisfied that the project would have a negligible impact on the conservation objectives of River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) and I am satisfied that the proposed project will not have an effect individually or together with any other plan or project. With regard to the in-combination effects on water quality from the cumulative impacts on the arising from the operational phase of the proposed development and other future developments. I am satisfied on the basis that these other developments are subject to appropriate assessment with Stage 2 Appropriate Assessment carried out for the permitted development under no. JP17.309332 with significant effects ruled out on the same Natura 2000 sites as in this case. Ref no. 312476 is accompanied by an NIS and cannot be permitted without an appropriate consideration of impact on Natura 2000 sites. The proposed development along with the permitted and planned developments in the area are on zoned lands and serviced by municipal wastewater treatment and based on Council submission and the submission of Irish Water there is capacity for such. I am satisfied that the project would have a negligible impact on the conservation objectives of River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) and I do not consider that there are any specific in-combination effects that arise from other plans or projects.

#### Conclusion

7.9.22 The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effects on River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232). Consequently, an Appropriate Assessment was required of the implications of the

project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

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

## **8.0 Recommendation**

8.1. I recommend a grant of permission based on the following conditions.

## **9.0 Reasons and Considerations**

Having regard to the following:

(a) the provisions of the Meath County Development Plan 2021-2027 , including the zoning objectives for the site,

(c) the Housing for All-A New Housing Plan for Ireland (September 2021),

(d) the 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

(e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the report of the Inspector and the submissions and observations received,

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, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

#### **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 within a zoned and serviced urban area, the Natura Impact Statement Report 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 development in the vicinity, the proposed development would not be likely to have a significant effects on any European Site in view of the conservation objectives of such sites, other than River

Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) which are the 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 (002299) and River Boyne and River Blackwater SPA (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 development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. 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 European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- 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 the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232).

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the revised plans submitted on the 20<sup>th</sup> July 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

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

3. Details of the materials, colours and textures of all the external finishes to the proposed 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. Proposals for an estate / street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

5. The proposal shall be carried out in accordance with the phasing scheme submitted on the 20<sup>th</sup> July 2021 with the crèche provided in the first phase of development.

Reason: In the interest of orderly development.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling unit. Reason: In the interests of amenity and public safety

7.

(a) 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.

(b) Prior to the first occupation of the development, a finalised 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, and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. 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.

8. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the planning authority.

Reason: In the interest of permeability and proper planning and sustainable development.

9. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking 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, the development shall submit 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

11. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

(b) 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.

(c) 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.

(d) A maintenance policy to include regular operational inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors should be submitted to and agreed in writing with the planning authority prior to occupation of proposed dwelling units and shall be implemented in accordance with that agreement.

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

12. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers

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

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

14. The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, 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.

Reason: In the interest of residential and visual amenity.

15.(a) Prior to commencement of development, all trees/hedgerow 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, 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 which are to be retained adjacent to the site unless otherwise agreed with the planning authority.

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

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during the course of construction.
- e) A Construction Traffic Management Plan providing 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.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any footpath, cyclepath or public road during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

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

Reason: In the interest of sustainable waste management.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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 22. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, drawings showing all development works to be taken in charge designed to meet the standards of the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

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

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

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

Reason: In the interest of wildlife protection.

21. 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.

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

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

---

Colin McBride  
Senior Planning Inspector

25<sup>th</sup> March 2022