



An
Bord
Pleanála

Inspector's Report

ABP-313246-22

Development	Construction of 15 housing units. NIS lodged with application.
Location	Riverview, Slane, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21544
Applicant(s)	Zilic Developments Limited.
Type of Application	Planning permission.
Planning Authority Decision	Refuse Planning Permission
Type of Appeal	First Party
Appellant(s)	Zilic Developments Limited.
Observer(s)	None.
Date of Site Inspection	28 November 2023
Inspector	Sinéad O'Connor

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1.0 Site Location and Description

- 1.1. The site is located on the north side of River View, approximately 500 metres to the southeast of Slane Village centre. There are existing footpaths on alternating sides along River View however, these footpaths do not extend to the subject site. To the north and east the site adjoins agricultural lands. To the immediate west is a single storey detached dwelling and to the south is the Slane Industrial Estate. There is an entrance to an industrial yard to the south of the site.
- 1.2. The area of the subject site was reduced from 0.51 ha to 0.495 ha through submitted Further Information.
- 1.3. The subject site is roughly rectangular in shape and is currently under grass. The topography of the site is sloping north to south, and there is a grassy bank across the site's road frontage. There are trees and hedgerows along the site boundaries. The site is currently accessed from an agricultural gate within the Slane Industrial Estate. There is a utility pole in the centre of the site and there are overhead wires crossing the site in three directions from this pole.

2.0 Proposed Development

- 2.1. The development proposed was submitted to Meath County Council on 23 December 2021 in response to a request for further information and comprises the construction of 11 no. single storey houses arranged in three terraces. 3 no. Type A 2-bedroom houses and 8 no. Type B 1-bedroom houses are proposed. Banked car parking with 14 no. spaces is proposed to the front of the dwellings and bicycle and bin storage areas are proposed at the eastern boundary. The site is accessed from a new entrance at the southwest corner, and the dwellings are served by a Wastewater Treatment Plant and percolation area located under the proposed public open space at the south of the site. Retaining walls are proposed at the north and west boundaries, and banking is proposed at the southern boundary.
- 2.2. The proposal submitted to Meath County Council 24 March 2021 comprised 15 no. apartments arranged in 3 no. 2-storey buildings. On the 17 May 2021 the P.A. requested 8 items of Further Information in respect of the site's proximity to the N2 Slane By-pass study area, the height and layout of the scheme, traffic implications

and roadway design, under provision of car parking, footpath design and provision, site safety, quantity of public and private open space, assessment of archaeological impacts, the design proposed surface water infrastructure, and the operation and maintenance of the proposed Wastewater Treatment System.

3.0 Planning Authority Decision

3.1. Decision

3.2. On 14 March 2022 Meath County Council issued a Notification of Decision to refuse planning permission for the proposed development. The 4 no. reasons for refusal are repeated below for reference:

1. It is a policy (RD POL 37) of the Meath County Development Plan 2021-2027, *“To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document ‘Spatial Planning and National Roads - Guidelines for Planning Authorities’.*

It is considered the proposed development would endanger public safety by reason of traffic hazard as a result of the traffic movements generated by the intensification of the use of the existing road junction resulting from the proposed development. The proposed development would be premature pending the determination and implementation of the N2 Slane Bypass and therefore, would be contrary to the proper planning and sustainable development of the area.

2. It is a policy (SH POL 12) of the Meath County Development Plan 2021-2027, *“To promote innovation in architectural design that delivers buildings of a high-quality that positively contributes to the built environment and local streetscape”* and policy (SH POL 13), *“To require that all new residential developments shall be in accordance with the standards set out in the Development Management Standards and Land Use Zoning Objectives set out in Chapter 11 of this Plan, in so far as is practicable”.* Furthermore, proposals for residential development shall be required to comply with the

Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), Guidelines for Planning Authorities, 2009.

It is considered that the proposed development by reason of its siting, layout, form, design and failure to provide adequate amenity space and to comply with the requirements of the Design Manual for Urban Roads and Streets (DMURS) would result in a substandard residential development and would seriously injure the residential amenity of future residents of the proposed development. Therefore, the development would materially contravene the aforementioned policies and Ministerial Guidelines, seriously injure the amenities and depreciate the value of properties in the vicinity, would create an undesirable future precedent for similar types of developments and would be contrary to the proper planning and sustainable development of the area.

3. It is a policy (INF POL 16) of the Meath Development Plan 2021-2027, *“To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS”*.

In the absence of significant detailing in relation to surface water drainage, the applicant has not demonstrated to the satisfaction of the Planning Authority that the orderly collection, treatment and disposal of surface water can be adequately dealt with within the curtilage of the site. The proposed development, therefore, could lead to conditions which would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

4. In the absence of submission of relevant documentation detailing a confirmed agreement relating to the control of, operation and maintenance of the Wastewater Treatment Plant, the applicant has not demonstrated to the satisfaction of the Planning Authority that the orderly collection, treatment and disposal of wastewater can be adequately dealt with within the curtilage of the site. The proposed development, therefore, could lead to conditions which would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The Meath County Council Planning Report date stamped 14 March 2022 forms the basis of the Planning Authority's decision. The key points of the report are summarised below:

- The proposed development constitutes substandard development and would injure the residential amenity of future residents due to its layout, form, design, insufficient private open space and car parking, and failure to comply with the requirements of the Design Manual for Urban Roads and Streets (DMURS).
- The applicant has failed to illustrate that the proposed development facilitates the orderly collection, treatment and disposal of surface water.
- Sufficient surety has not been provided to illustrate that the proposed Wastewater Treatment Plan (WWTP) would be adequately maintained and operated.
- The proposed development would exacerbate existing traffic issues on the N2 and would, therefore, be premature pending the N2 Slane bypass project.

3.3.2. Other Technical Reports

Transportation Division: Response dated 06 May 2021 recommends Further Information and the response 24 February 2022 recommends refusal.

Slane By-Pass Project Team: Responses dated 17 May 2021 and 04 February 2022 recommend refusal.

Environment Department: Response dated 02 March 2022 recommends refusal.

Water Services Section: Responses dated 19 April 2021 and 21 January 2022 recommend that Further Information is requested.

Housing: Response dated 19 April 2021 refers to the delivery of Part V units on site. The response dated 18 January 2022 states that the Applicant is not a Housing Body and, therefore, compliance with Part V of the Planning and Development Act 2000, as amended, is required.

Architectural Conservation Officer: Response dated 10 May 2021 recommends that the scheme be amended to a single storey development.

Public Lighting: Responses dated 22 April 2021 and 24 January 2022. No objection subject to conditions.

Broadband Officer: Response dated 26 April 2021 states that there are no plans for the delivery of telecommunications services to the site. It is recommended that the applicant engages with National Broadband Ireland and considers wiring the units for WIFI.

3.4. **Prescribed Bodies**

Uisce Eireann: Submission dated 26 April 2021. No objection subject to conditions.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: Submission dated 23 April 2021. Request Further Information in respect of archaeology.

Department of Housing, Local Government & Heritage: Submission dated 02 February 2022. No further archaeological testing required.

The Department of Culture, Heritage and the Gaeltacht: No submission

Údarás na Gaeltachta: No submission.

An Taisce: No submission

Heritage Council: No submission.

An Comhairle Ealaion: No submission

3.5. **Third Party Observations**

3 no. submissions were made to the P.A. in respect of the proposed development.

The issues raised are summarised together as follows:

- Overshadowing of adjoining property and a reduction in residential amenity, which would be contrary to the zoning objective at the site.
- The design and height would set an undesirable precedent for future development.
- Depreciation in value of the existing properties in the vicinity.
- Risk of antisocial behaviour at the un surveilled southwest corner of the site.
- Foul odours arising from the proposed WWTP.

- Useability of the proposed public open space due to the presence of access panels and vents associated with the WWTP.
- Necessity of the applicant to obtain a licence to discharge to surface water.
- Ongoing operation and management of the proposed WWTP and potential costs of maintaining and servicing the proposed WWTP.
- The quantity of earth to be removed at the site could destabilise the ground.
- Inappropriate location for social housing.
- Concerns raised regarding the stated size of the subject site.
- Right of the applicant to access the site from the private road.
- Proposed residential density at the site is above the average density of 20 units per ha provided for under the Meath County Development Plan 2013-2019.
- Insufficient car parking provision.
- Lack of evidence that sufficient public open space is provided.
- Deficiencies in footpath extending from the subject site.
- Increased risk of traffic hazard and fatalities at the junction between Mill Hill Road (N2) and River View.
- Exacerbation of existing traffic issues on River View.

4.0 **Planning History**

The planning history of the site can be summarised as follows:

- P.A. Ref. 992615: On 28 June 2001, planning permission was granted to Derrick Cullen & Tony O'Reilly subject to 14 no. conditions for the construction of 2 no. office/retail and storage units at the subject site.
- P.A. Ref. LB180687: On 22 June 2018, Zilic Developments Ltd. applied for planning permission for 11 no. dwellings at the subject site. This application was withdrawn on 06 March 2019.

There is no recent relevant planning history associated with the sites in the immediate vicinity. Publicly available details of the N2 Slane By-Pass application are summarised below.

- ABP Ref. 318573-23: On 29 November 2023, Meath County Council lodged an application for the N2 Slane By-Pass and Public Realm Enhancement Scheme within the townlands of Slane, County Meath. From the project website (www.n2slanebypass.ie), the proposed works to the current N2 to the west of the subject site include the exclusion of HGV traffic, the resurfacing of the carriageway, and the provision of an off-road cycle track and a footpath on the east side of the road. At the time of writing this report, no decision has been made on this case.

5.0 Policy Context

5.1. Development Plan

The Meath County Development Plan 2021-2027 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- The lands of the subject site are zoned A1 – Existing Residential “To protect and enhance the amenity and character of existing residential communities”. Residential is listed as a permitted use on A1 zoned lands.
- The site immediately adjoins lands zoned E2 – General Enterprise and Employment.
- The Slane Mill ACA is located to the south and west of the subject site. The site is within 120 metres of the ACA boundaries and is separated from the ACA by existing residential and industrial development.
- Table 2.4 ‘Settlement Hierarchy for Meath’ lists Slane as ‘Rural’, which encompasses villages and the wider rural region. There are 21 no. villages listed in the ‘Rural’ Settlement Typology.
- Under RPO 8.10, MOV OBJ 36, MOV OBJ 38, Table 5.1, and Sections 5.6.2, 5.8.1, 5.8.3, and 5.9.1 the Development Plan seeks to facilitate the provision of the Slane By-pass (N2), and to address existing road infrastructural issues in Slane. It is

noted in Section 5.8.1 that the N2 between Slane Bridge and the village has substandard vertical and horizontal alignment, which poses a traffic hazard.

- DM POL 7 requires the provision of private open space as per Table 11.1, which states that one- and two-bedroom units should have at least 55 sq.m. of private open space. Section 11.5.12 facilitates the relaxation of this standard for well-designed proposals on brownfield/regeneration sites.
- DM OBJ 26 requires the provision of public open space at a rate of 15% of the total site area and the submission of a compliance statement to illustrate same.
- DM OBJ 89: Car parking shall be provided in accordance with Table 11.2 and associated guidance notes. Table 11.2 of the Plan states that 2 no. car parking spaces should be provided per conventional dwelling. Car parking provision may be reduced in certain circumstances such as in urban areas with on-street carparking or in areas with good access to services and strong public transport links.
- Section 11.5.19 defines infill development as development located in gaps between existing buildings in built-up areas. As the subject site adjoins open fields on two sides, I do not consider this proposal constitutes infill development.

The following provisions of the Slane Written Statement (Volume 2 of the Development Plan) are considered relevant.

- Section 4.3 states that Slane is supplied with potable water from the Slane Water Supply Scheme, which has available capacity.
- Section 4.4 states that it has been a longstanding objective of the Council to bypass Slane village.
- SLN OBJ 2 To support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

5.2. **Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)**

The Development Plan post-dates the Department of the Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities: Best Practice

Guidelines for Delivering Homes Sustaining Communities' (2007). Section 3.8.9 of the Plan states that this document provides guidance on the design and layout of residential development.

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The subject site is within 120 metres of the River Boyne and River Blackwater Special Area of Conservation (SAC) (site code 002299) and within 220 metres of the River Boyne and River Blackwater Special Protection Area (SPA) (site code 004232). The site is within 125 metres of the Boyne Woods Proposed Natural Heritage Area (pNHA) (site code 001592).

5.4. EIA Screening

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA Determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The First Party's grounds of appeal are summarised below as follows:

- The scheme accords with the policy context of the site.
- The site has been zoned for residential development for at least a decade and the proposed residential use acceptable in principle.
- River View currently accommodates a mix of modern and traditional style dwellings.
- The P.A. considered the proposed density of 22 units per hectare appropriate. No issues were raised in respect of the architectural design of the 11 no. proposed houses.

- Parking could be increased through the provision of parallel parking at the public open spaces. On-street carparking could be provided on Riverview
- Parking is adequate with reference to the size of the proposed dwellings, the availability of public transport, and the Sustainable Residential Development Guidelines.
- The P.A. found that the proposed development does not require EIAR and that the site is not located in a flood risk area.
- In respect of the First Reason for Refusal, the Council's traffic concerns relate to the impacts of additional traffic at the signal-controlled junction between the N2 and River View, not the proposed entrance to the site from River View.
- The site is set back from the N2/River View junction and is not visible from the N2.
- The proposed N2 bypass is not required to accommodate the predicted traffic movements from the development of 11 no. units.
- Existing traffic from River View is currently safely accommodated at the N2/Riverview junction.
- The submission prepared by TrafficWise in Appendix A of the appeal statement predicts the development will give rise to low levels of traffic.
- There is no evidence that traffic from River View contributes to collisions on the N2, and no collisions have been recorded since the junction was signalised in 2002. The proposed development would not give rise to any calculable impact on the junction.
- The site is not required for the construction of the N2-bypass. There is no evidence that the development would impede the delivery of the N2-bypass
- There is no evidence given that the development would give rise to traffic hazard or that the signalised junction could not accommodate any additional traffic.
- There is no evidence that the proposed development would prejudice public safety.

- The issues raised in the Second Reason for Refusal are unclear. No specific concerns raised regarding the layout, design or height of the proposed development.
- Development would be screened from view from the south by existing vegetation and the structures within the adjoining industrial estate.
- The P.A. found the proposed height of the amended development generally acceptable and had no comment on the visual impact of the scheme.
- Concerns regarding the siting of the proposed development with reference to the commercial entrance are unclear.
- The proposed layout represents an appropriate design response to site conditions, provides a greater set back from the commercial development, and facilitates the provision of residential amenities including car parking, bicycle parking, communal open spaces, and a buffer zone.
- Issues raised by the Transport Department in respect of the proposed boundary treatments were addressed at Further Information.
- The proposed development includes a large green area that comprises 19% of the total site area. The P.A. made no comment in respect of the adequacy of this space.
- The proposed private amenity areas are adequate to serve the future residents owing to the limited number of residents per dwelling.
- There is an anomaly in the assessment of private open spaces as the rear private areas that were acceptable for the residents of ground floor apartments are now not acceptable for the proposed houses.
- The P.A. has granted planning permission for similar sized spaces in other residential schemes, Reg. Refs. LB/200127 and NA/170566. No justification is given for the difference in approach.
- The layout of the proposed development could be amended by condition. Appendix C of the submission contains an alternative site layout, which shows how the Applicant can respond to any condition imposed by the Board. This

alternative layout is not a replacement for the scheme submitted to the Council and is submitted for information purposes only.

- In respect of the Third Reason for Refusal, Appendix D contains a submission by JOR consulting engineers that responds to the issues raised by Water Services. Any outstanding issues can be addressed by condition.
- In respect of the Fourth Reason for Refusal; the P.A. is satisfied with the design of the proposed WWTP. The P.A.s objection lies solely with the management arrangements at the site. It is not appropriate for consent to be denied on this basis. This issue could be addressed by condition.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 3 May 2022. The P.A. notes the contents of the appeal statement and confirms that all matters raised have been addressed in the Planners Report dated 14 March 2022. The P.A. requests that An Bord Pleanála upholds their decision to refuse planning permission for the proposed development.

7.0 Assessment

Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential Amenity
- Traffic
- Wastewater Treatment
- Surface Water Infrastructure
- Material Contravention

7.1. Residential Amenity

- 7.1.1. The proposed development, as amended by Further Information submitted to the P.A. 23 December 2021, comprises 8 no. 1 bedroom houses and 3 no. 2 bedroom houses each with north facing private rear gardens, served by 14 no. surface level car parking spaces and a south facing public open space. I note that the appeal statement includes an alternative site layout in Appendix C. This layout is submitted for reference only and does not replace the proposed development as submitted to the P.A. on 23 December 2021.
- 7.1.2. Having reviewed the submitted documentation and undertaken a sight visit, I consider that the overall layout and density of development is generally acceptable at this location.
- 7.1.3. The submitted documentation includes correspondence from the North & East Housing Association that confirms that they are in discussions with the Applicant, with the view of purchasing the proposed development. DM OBJ 66 of the Plan facilitates reduced private open space standards at residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation, where sufficient justification is given, and public open space standards met. I note that the description of development in the Site Notices and Application Form do not state that the proposal is specifically for any of these development types. For this reason, I have assessed the subject development with reference to the general residential standards outlined in the Meath County Development Plan 2021-2027 and the Guidelines referred to therein.
- 7.1.4. The areas of the private rear gardens serving the proposed dwellings is not stated in Drawing no. P-02 'Site Layout Plan' or Drawing no. 20135_LP_01 'Landscape Plan'. Based on the dimensions given, I consider that 10 no. of the 11 no. proposed dwellings fail to provide the 55 sq.m. minimum private open space required under DM POL 7 of the Development Plan. Units 1-3 and 5-10, inclusive, have private rear gardens of between 33 and 43 sq.m., which fall substantially short of the Development Plan requirements. Owing to the northern orientation of the rear gardens and the height of the proposed retaining walls and fences, I consider that the proposed private open spaces would be in shadow for much of the year and would, therefore, be of insufficient amenity value to future residents. I note that

Section 11.5.12 provide for a relaxation of these standards at brownfield and regeneration sites. I do not consider that a relaxation in the development standards is appropriate in this instance due to the greenfield character and the edge of town setting of the site.

- 7.1.5. Drawing no. P-02 'Site Layout Plan' contains a 'Green Area' at the south of the site. Grass verges are proposed to the front of the dwellings and green areas are provided at the site boundaries behind proposed retaining walls and banking. Owing to their limited width and accessibility, I do not consider that the proposed grass verges comprise public open space. It is my opinion that the central 'Green Area' is the only public open space at the site due to its southern orientation, relatively flat topography, and width. The area of the 'Green Area' is not stated in Drawing no. P-02 'Site Layout Plan' or Drawing no. 20135_LP_01 'Landscape Plan'. Excluding those areas of low amenity value including the access hatches to the WWTP, banked areas, grass verges and access pathways, I have calculated that the area of the proposed 'Green Area' is in the order of 550 sq.m.. This falls short of the 742.5 sq.m. (or 15% of the 0.495 ha stated site area) required under DM OBJ 26 of the Plan. The subject site is located within 350 metres of the Boyne River Walk, which is of high amenity value. There are currently no footpaths on the bridge across the River Slane, which reduces significantly accessibility and therefore usability of this area for future residents.
- 7.1.6. I note that the provisions of DM OBJ 26 are mandatory, stating that 15% public open space shall be provided and that a statement of compliance with this standard shall be submitted. The Development Plan provides no flexibility in public open space provision for small scale or low-density development, such as that proposed. As the development does not accommodate 15% public open space and a statement of compliance with DM OBJ 26 has not been submitted, I consider that this development contravenes materially DM OBJ 26 of the Meath County Development Plan 2021-2027. This matter is discussed further in Section 7.5 of this report.
- 7.1.7. The internal dimensions of the proposed dwellings appear to accord with the provisions of the Quality Housing for Sustainable Communities Guidelines (2007). I consider that adequate storage provisions can be accommodated in both dwelling types. The proposed kitchen/living areas are regular in shape, which facilitates flexibility.

7.1.8. The proposed development has 14 no. car parking spaces, including 2 no. accessible car parking spaces. Table 11.2 of the Plan requires 2 no. car parking per dwelling, which brings a requirement for 22 no. car parking spaces to serve the proposed development. Objective DM OBJ 89 and Table 11.2 facilitate reduced car parking where a site is well located proximate to services and public transport and is served by off-street or on-street parking. In this regard, I note that the site is at the edge of the settlement and is not within comfortable walking distance of public transport routes. It is my view that cars parked on-street in the vicinity of the subject site would conflict with industrial and commercial traffic accessing the Slane Industrial Estate and, therefore, I consider that car parking requirements should be met within the curtilage of the site. I do not consider that the proposed 1- and 2-bedroom dwellings would have the same car parking requirements as larger/family dwellings however, DM OBJ 89 does not provide flexibility in car parking standards based on the size or occupancy of proposed houses. In this way, I consider that car parking provision at the site contravenes DM OBJ 89 of the Development Plan. The matter is discussed further in Section 7.5 of this report. Notwithstanding the above, I consider that future residents at the site will be largely dependent on the private car owing to the relatively remote site location and the steep topography of the area. I do not consider that the Applicant has sufficiently illustrated that adequate car parking is provided for future residents and visitors within the subject site, which would reduce the residential amenity value of the scheme.

7.1.9. Drawing from the above, I do not consider that the proposed development would provide sufficient residential amenity to future residents in respect of private and public open space and car parking provision. I have considered potential amendments to the scheme however, the changes required to address the issues raised would substantially alter the design and layout of the development sought. I do not consider that the alternative layout in Appendix C of the appeal submission addresses these issues. On this basis, I recommend that planning permission is refused.

7.2. Traffic

7.2.1. The Development Plan Policies and Objectives emphasise the traffic issues in Slane Village and the requirement for the N2 to by-pass the settlement.

- 7.2.2. From the documentation provided on the N2 Slane By-pass project website (www.n2slanebypass.ie), it appears that the subject site is located circa 350 metres to the west of the N2 By-pass. The infrastructural works do not appear to have any connection to or reliance upon River View. Owing to the separation distance and the lack of connectivity between the subject site and the proposed N2 by-pass, I do not consider that the proposed development would prejudice the delivery of this project. Proposed works to the existing N2, circa 230 metres to the west of the site, appear relatively minor and include resurfacing and the provision of an off-road bicycle lane. I do not consider that the proposed development is of a scale that would impact upon these upgrade works.
- 7.2.3. The submitted documentation includes reports prepared by TrafficWise consulting engineers dated 21 December 2021 and 30 March 2022. These reports include predicted traffic movements arising from the proposed development, prepared using the TRICS database of similar residential projects. The report dated 21 December 2021 found that the proposed development would generate low levels of traffic. Based on the traffic count figures from Transport Infrastructure Ireland (TII), traffic from the proposed development would be less than 0.5% of the current traffic movements on the N2 at the River View junction. I note that the forecast traffic generation from the proposed development was not found to be significant and is not of an order that would impact upon the signalised N2/River View junction.
- 7.2.4. The responses prepared by the Meath County Council N2 Slane Bypass Project Team dated 17 May 2021 and 04 February 2022 recommend avoiding additional traffic onto this part of the N2 and state that the proposed development is premature pending the outcome of the N2 Slane By-pass project. As is discussed above, I do not consider that the proposed development, owing to its location and size, would impede the delivery of the N2 Slane By-pass. In respect of the substandard layout of the existing roadway, I note that predicted traffic movements arising from the development would be low relative to existing traffic numbers. In this way, I do not consider that the proposed development would exacerbate existing issues arising from the current road alignment and gradient. Owing to the low traffic levels predicted, I consider that the current signalised junction is sufficient to prevent traffic accidents between vehicles on the N2 and vehicles accessing River View and the subject site.

7.2.5. The Transportation Section in their report dated 6 May 2021 raised concerns regarding DMURS compatibility, in respect of impeded visibility due to the proposed boundary treatment. The subsequent report dated 24 February 2022 notes that the proposed boundary is amended to comprise a low wall and railing and does not refer to any additional issues in respect of DMURS. Having reviewed the submitted documentation, I consider that the proposed development broadly aligns with the provision of DMURS in respect of pedestrian connectivity, road and footpath widths, maximum gradients and the provision of sightlines.

7.3. **Wastewater Treatment**

7.3.1. The proposed residential development is served by a WWTP as there is currently no Uisce Éireann foul water infrastructure on River View. The WWTP is located under the proposed public open space and comprises a grease trap, a primary settlement tank, 2 no. submerged aerated fixed film bioreactor tanks (BAF reactors), and a clarifying chamber before discharge to a sand polishing filter (105 sq.m.).

7.3.2. The WWTP has a PE of 30 Population Equivalent (PE) and, therefore, I have assessed the proposal with reference to both the EPA 'Wastewater Treatment Manuals: Treatment systems for small communities, business, leisure centres and hotels' (1999) (EPA Manual), and the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10)' (2021) (EPA CoP).

7.3.3. The submitted Site Characterisation Form dated 20 December 2021 indicates that site conditions are suitable for the adequate treatment of wastewater, and I note that the P.A. raised no concerns in respect of the site suitability. It is stated that the minimum separation distances specified in the EPA CoP are met, and I note that the proposed BAF unit is over 30 metres from the proposed dwellings and adjoining dwellings. Section 3.12 of the EPA Manual (1999) outlines the necessary maintenance associated with larger WWTP to ensure sufficient treatment of wastewaters. In this regard, I note that Section 6.0 Treatment System Details of the Site Characterisation Form states that the proposed WWTP should be maintained and de-sludged annually. The submitted documentation does not include a maintenance contract, or similar, for the proposed WWTP.

- 7.3.4. The submitted documentation includes correspondence from the Chief Executive of Meath County Council dated 06 November 2020 that confirms that the council would consider a proposal served by a private WWTP, subject to the design being feasible and acceptable to the council and to the WWTP remaining sole responsibility of a registered housing body indefinitely. The Applicants response to Item No. 6 of the Further Information requested includes a letter from the North East Housing Association dated 20 December 2021. This letter states that the Housing Association are in discussions with the Applicant to purchase the scheme and that the proposed WWTP would be solely owned, operated and maintained by the North East Housing Association indefinitely. The report from the Environmental Department dated 02 March 2022 found that the submitted documentation did not give sufficient surety that the proposed Wastewater Treatment System would be suitably maintained and operated and recommended that planning permission be refused on this basis.
- 7.3.5. Drawing from the above, I consider that the applicant has illustrated that suitable site conditions exist for effective on-site wastewater treatment. It is my opinion that matters of long-term maintenance of WWTP, either by an approved housing body or a management company, can be adequately addressed by condition. In this way, if the Board is minded to grant planning permission for the proposed development I recommend that a condition be attached to require the Applicant, prior to the commencement of development, to submit for written agreement with the P.A. a long term operational and maintenance contract for the proposed WWTP. This condition should also state that the proposed WWTP will remain the sole responsibility of the housing body or private management company for the lifetime of the houses, or until public foul water infrastructure becomes available.

7.4. Surface Water Infrastructure

- 7.4.1. The proposed development will connect to the public surface water network on River View. On-site surface water infrastructure includes a piped system that feeds to a stormtech attenuation system beneath the proposed public open space.
- 7.4.2. The reports prepared by the Water Services Section dated 19 April 2021 and 21 January 2022 considered that the applicant had not submitted sufficient information in respect of proposed surface water infrastructure. Further details were sought in

respect of the proposed attenuation volume, permeable paving, Q-Bar Calculations, discharge rates, flow control device, BRE365 results for the system, infiltration rates and proof of existence and capacity in the public surface water infrastructure. Having reviewed the documentation submitted, I consider that the Applicant has sought to address each of the matters raised by the Water Services Section. For reference, the Further Information Report dated December 2021 confirmed that no part of the site was assumed to comprise permeable paving for the purposes of calculating attenuation volumes. Q-Bar calculations were submitted in Appendix A of that Further Information report, and a discharge rate of 2 litres/second/hectare (l/sec/ha) was agreed with the Water Services Section via email dated 15 December 2021. Section 2.4 of the Further Information Report states that a stormtech system would be employed at the site owing to favourable infiltration conditions. BRE 365 infiltration results were submitted in Appendix D. It was confirmed that an attenuation volume of at least 64 m³ would be provided at the site, which was shown to prevent flooding at the site during a 1 in 100-year flood event. The Applicant requests that CCTV and as-built surveys of the public surface water infrastructure be addressed by condition owing to the significant costs associated with these works, which I consider to be reasonable given the small scale of the proposed development.

- 7.4.3. I note that Appendix D of the Appeal Statement gives amended details in respect of the proposed surface water infrastructure and states that an attenuation volume of 95.74 m³ would be provided at the site based on the calculated impermeable area of 2,075 sq.m. and a maximum discharge rate of 2.0 l/sec. The P.A. response to the First Party Appeal does not specifically refer to the supplementary surface water infrastructure details submitted with the Appeal Statement.
- 7.4.4. Drawing from the above, I consider that the Applicant has illustrated that surface water can be sufficiently attenuated at the site and that appropriate discharge rates can be achieved. If the Board is minded to grant planning permission for the proposed development I recommend that a condition be attached to require the submission of pre-commencement surveys of the public surface water drain, written agreement with the P.A. regarding the design and capacity of the attenuation system, and the provision of a connection agreement with Uisce Éireann.

7.5. Material Contravention

- 7.5.1. Reason for refusal no. 2 of the P.A. decision states that the proposed development materially contravenes SH POL 12 and SH POL 13 of the Meath County Development Plan. For reference, I have repeated these policies below.
- SH POL 12: To promote innovation in architectural design that delivers buildings of a high-quality that positively contributes to the built environment and local streetscape.
 - SH POL 13: To require that all new residential developments shall be in accordance with the standards set out in the Development Management Standards and Land Use Zoning Objectives set out in Chapter 11 of this Plan, in so far as is practicable.
- 7.5.2. I note that neither the Planning and Development Act 2000, as amended, nor the Planning and Development Regulations 2001, as amended, define the word 'material' in respect of assessing potential material contraventions of a Development Plan. For the purposes of this current assessment, it is my opinion that a potential contravention of the Development Plan would be material if the subject development directly opposes a quantitative policy or objective in a manner that is both measurable and significant with reference to the standard prescribed.
- 7.5.3. I consider that policy SH POL 12 is generally qualitative in nature and, therefore, is open for interpretation by the Applicant and competent authorities. The extent to which the proposed scheme delivers high quality buildings and contributes to the built environment is subjective and the magnitude to which a proposal contravenes this policy cannot be measured. In this way, I do not consider that the contravention of SH POL 12 can be described as 'material'.
- 7.5.4. Policy SH POL 13 refers directly to the standards and objectives of Chapter 11 of the Development Plan, which include quantitative and objective development management standards. As is discussed elsewhere in this report, I consider that the shortfalls in the proposed provision of public and private open space and car parking are measurable and significant. The proposed public open space is in the region of 25% smaller than the minimum requirements under DM OBJ 26, and the Applicant has not submitted a statement of compliance with this objective. The proposed

private rear gardens at Units 1-3 and 5-10, inclusive, are estimated at between 20% and 40% below the minimum required under DM POL 7. Car parking provision is 36% below the requirements under Table 11.2 and DM OBJ 89 of the Plan. I note that DM OBJ 26, DM POL 7 and DM OBJ 89 are largely inflexible and are worded to require compliance with these standards. Drawing from the above, I consider that the proposed development contravenes materially these policies and objectives of the Meath County Development Plan 2021-2027.

7.5.5. Section 37(2) of the Planning and Development Act 2000, as amended, describes the circumstances under which the Board may grant permission where a proposed development materially contravenes the relevant development plan. I have reviewed each of the 4 no. criteria below.

- S.37(2)(b)(i), I do not consider that the proposed development is of strategic or national importance owing to its limited size and the designation of Slane as 'Rural' in the settlement hierarchy for the County.
- S.37(2)(b)(ii), I consider that the development management Policies and Objectives of the Meath County Development Plan 2021-2027 are clearly stated and unambiguous. I do not consider that there are conflicting objectives in respect of the provision of public and private open space, or car parking.
- S.37(2)(b)(iii), the Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 makes no reference to residential development in Slane Village. Relevant provisions of Ministerial Guidelines and Government policy have been integrated into the Development Plan. In this way, I do not consider that there are any specific objectives that require the implementation of the proposed development.
- S.37(2)(b)(iv), no similar residential development has been permitted in the vicinity of the subject site since the adoption of the Development Plan.

Drawing from the above, I do not consider that the proposed development meets the criteria to allow the Board to grant permission for a proposed development that materially contravenes a development plan.

8.0 **Appropriate Assessment**

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 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

8.1. **Compliance with Article 6(3) of the EU Habitats Directive**

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).

8.2. **Background on the Application**

The Applicant has submitted a Natura Impact Statement dated March 2021 as part of the initial planning application and an updated Natura Impact Statement dated December 2021 as part of the response to the request for Further Information. The

reports were prepared by Noreen McLoughlin, Environmental Consultant with Whitehall Environmental.

The Stage 1 Statement of Screening for Appropriate Assessment was prepared with reference to the relevant guidance, see paragraph 2.1 of the NIS.

Section 3 'Screening' of the submitted NIS provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Section 4 'Appropriate Assessment' determines whether the proposed development would have a significant adverse impact on the integrity of the identified European Site and lists mitigation measures to avoid negative impacts.

8.3. Screening the need for Appropriate Assessment

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

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

8.3.1. Description of Development and Site Context

The applicant provides a description of the proposed development in Section 3.1 of the NIS. In summary, the development comprises the following:

- 11 no. single storey dwellings arranged in 3 no. blocks.
- Vehicular access roads and pathways.
- Car parking and covered bicycle spaces.
- Bin storage, site lighting and boundary treatments.
- 30 PE proprietary sewage treatment system and sand polishing filter.
- Connection to public water mains.
- Surface water to comply with Meath County Council Drainage Department.

The development site is described in Section 3.2 as comprising predominantly unmanaged neutral grassland habitat. Treelines occur along the northern, southern and western boundaries of the site. The treelines at the northern and western boundaries are said to be of higher ecological value as they comprise older native species. There are no drains or streams within the subject site. No Qualifying Interests/Special Conservation Interests (QI's) of the nearby Protected Sites were identified within or in the immediate vicinity of the site.

2 no. EU Protected Species that are also QI's of the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232) have been identified in the same National Biodiversity Data Centre 1k grid square as the subject site (N9673). These are as follows:

- Kingfisher (*Alcedo atthis*)
- Otter (*Lutra lutra*)

The site is within the Boyne Catchment, and the River Boyne and its' riparian habitats are located 194 metres to the south of the site. EPA data defines the ecological status of the River Boyne at Slane as moderate to good. Upstream of the Slane bridge the river is classified having a moderate ecological status. Downstream of the Slane bridge and until it becomes a transitional waterbody, the river is classified as having a good ecological status.

8.3.2. European Sites

The development site is not located in or immediately adjacent to a European site. The closest European sites are the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232), which are 115 metres and 212 metres to the south, respectively. There are no other Natura Sites within 10 Km or within the possible zoned of influence of the proposed development. The key characteristics of the River Boyne and River Blackwater SAC and SPA are presented in Table 1.

Table 1. Summary Table of European Sites within a possible zone of influence of the proposed development

European Site (Code)	List of Qualifying interest /Special conservation Interest	Distance from Proposed Development (Km)	Connections (Source, pathway receptor)	Considered further in screening. (Y/N)
River Boyne and River Blackwater Special Area of Conservation (002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	0.115 km	Surface Water Ground Water	Y
River Boyne and River Blackwater Special Protection Area (004232)	Kingfisher (<i>Alcedo atthis</i>) [A229]	0.212 km	Surface Water Ground Water	Y

8.3.3. Identification of Likely Effects

Owing to the proximity of the subject site to the habitats at the River Boyne and River Blackwater SAC and SPA, potential impacts arising from the proposed development cannot be ruled out.

Section 3.4 of the NIS lists the characteristics of the proposed development that should be subject to further assessment owing to their potential for impacts on the

Natura 2000 sites identified. I consider it necessary to further assess the following characteristics of the proposed development:

- Deterioration of surface water quality in designated areas arising from pollution from surface water run-off during site preparation and construction.
- Deterioration in ground or surface water quality in designated areas arising from pollution during the operation of the proposed development.
- Potential cumulative impacts with other proposed/existing developments.

A Summary of the outcomes of the screening process is provided in the screening matrices Table 2 and 3 below. These tables draw upon the submitted NIS, EPA mapping, and the NPWS Article 17 reports (2019).

8.3.4. Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.3.5. Screening Determination

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 a significant effect on the River Boyne and River Blackwater SAC (002299 and the River Boyne and River Blackwater SPA (004232) in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required. I concur with the conclusions of the 1st Party's screening determination.

Two of the Qualifying Habitats of the River Boyne and River Blackwater SAC have been screened out due to the lack of likely significant effects (individually or cumulatively). In this way, no further assessment of Alkaline fens [7230] or Alluvial forests with alder *Alnus glutinosa* and ash *Fraxinus excelsior* [91E0] are required. All other QI's are screened in for further assessment.

Table 2. Screening Summary Matrix - River Boyne and River Blackwater SAC (002299)

Qualifying Interest Feature	Conservation Objective	Possible Effect Alone	Possible In Combination Effects	Screening Conclusions
Alkaline fens [7230]	To maintain the favourable conservation condition of Alkaline fens.	No Likely Effect	No Likely Effect	The main areas of Alkaline Fen are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough circa 35 Km to the west of Slane. Article 17 report (2019) states that the greatest risk to these areas is abandonment, overgrazing, drainage and pollution. The separation distance arising is sufficient to prevent any impacts arising. No further assessment required.
Alluvial forests with alder Alnus glutinosa and ash Fraxinus excelsior [91E0]	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior.	No Likely Effect	No Likely Effect	Alluvial Forest occur in close proximity to the subject site, in the riparian area at the River Boyne. Article 17 report (2019) indicates this habitat is under pressure from habitat loss, invasive species and over-dominance of native species. The proposed development will not have any impacts on this habitat either through habitat loss or

Qualifying Interest Feature	Conservation Objective	Possible Effect Alone	Possible In Combination Effects	Screening Conclusions
				fragmentation. The scheme will not accommodate invasive species. No further assessment required.
River lamprey (Lampetra fluviatilis) [1099]	To restore the favourable conservation condition of River Lamprey (Lampetra fluviatilis)	Direct and Indirect impacts arising from deteriorations in surface and/or ground water quality during the construction and/or operational phases	Cumulative impacts arising from a deterioration in surface and/or ground water quality during the construction and/or operational phases.	Juvenile Lamprey (River and Brook) are recorded throughout the Boyne Catchment, with a high density of larvae at Slane Bridge. River Lampreys rely on clean gravels and fine sediments and unhindered upstream migration as part of their lifecycle. Under the Article 17 Report (2019), the overall status of this species is 'unknown'. Main threats to this species include obstructions on water bodies, changes to precipitation and temperature due to climate change, changes in water quality from fertilisers, dredging, and drainage. Mitigation measures would need to be employed as part of the proposed

Qualifying Interest Feature	Conservation Objective	Possible Effect Alone	Possible In Combination Effects	Screening Conclusions
				development to protect this species and its habitat.
Salmon (<i>Salmo salar</i>) [1106]	To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>)	Direct and Indirect impacts arising from deteriorations in surface and/or ground water quality during the construction and/or operational phases	Cumulative impacts arising from a deterioration in surface and/or ground water quality during the construction and/or operational phases.	Salmon occurs throughout the Boyne system. This species requires clean unpolluted water throughout their lifecycle and is very sensitive to changes in water quality and sedimentation. Article 17 Report (2019) indicates the overall status of this species is 'inadequate'. Main threats to this species include pollution to surface or ground water from agriculture, forestry, and urban wastewater. Mitigation measures would need to be employed as part of the proposed development to protect this species and its habitat.
Otter (<i>Lutra lutra</i>)	To maintain the favourable conservation	Direct and Indirect impacts arising from deteriorations in surface	Cumulative impacts arising from a deterioration in surface	Otters occur throughout the Boyne and Blackwater systems, and their population is positively correlated with good water

Qualifying Interest Feature	Conservation Objective	Possible Effect Alone	Possible In Combination Effects	Screening Conclusions
[1355]	condition of Otter (Lutra lutra)	and/or ground water quality during the construction and/or operational phases	and/or ground water quality during the construction and/or operational phases.	<p>quality. Otters have two basic requirements: aquatic prey and safe refuges where they can rest. The Article 17 Report (2019) notes an overall 'Favourable' status. Main threats to this species include accidental deaths on roads and by fishing nets, and pollution of freshwaters that impact on prey abundance.</p> <p>Mitigation measures would need to be employed as part of the proposed development to protect this species and its habitat.</p>

Table 3. Screening Summary Matrix - River Boyne and River Blackwater SPA (004232)

Qualifying Interest Feature	Conservation Objective	Possible Effect Alone	Possible In Combination Effects	Screening Conclusions
Common Kingfisher (Alcedo atthis) (Breeding) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:	Direct and Indirect impacts arising from deteriorations in surface and/or ground water quality during the construction and/or operational phases	Cumulative impacts arising from a deterioration in surface and/or ground water quality during the construction and/or operational phases.	There are records of Kingfishers at the River Boyne in proximity to the subject site. Kingfishers are very vulnerable to changes in water quality due to depletions in prey species. Main threats include water pollution, human disturbance and habitat loss. Mitigation measures would need to be employed as part of the proposed development to protect this species and its habitat.

8.4. The Natura Impact Statement

Section 4 'Stage II-Appropriate Assessment' of the submitted NIS examines and assess the potential adverse effects of the proposed development on the following.

- River Boyne and River Blackwater SAC: River Lamprey (*Lampetra fluviatilis*), Salmon (*Salmo salar*), and Otter (*Lutra lutra*)
- River Boyne and River Blackwater SPA: Kingfisher (*Alcedo atthis*).

The applicant's NIS was prepared in line with current best practice guidance and provides a description of the main characteristics of the River Boyne and River Blackwater SAC and SPA, and the main threats to the species therein.

Section 4.3 'Identification of Potential Impacts' assesses the risks identified during screening to establish whether these risks are likely to occur and whether or not they are significant with reference to the conservation objectives of the River Boyne and River Blackwater SAC and SPA. Section 5 'Mitigation Measures' lists 11 no. measures to be implemented at the site.

Section 6 'Appropriate Assessment Conclusion' of the submitted NIS states the following:

... It is considered that following mitigation, that the proposed project does not have the potential to significantly affect the conservation objectives of these aforementioned Natura 2000 sites and the integrity of these sites as a whole will not be adversely impacted.

Having reviewed the submitted documents I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

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

8.5. Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

I have undertaken this assessment with reference to the following:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities: Guidance for Planning Authorities.
- European Commission (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
- EPA Maps (<https://gis.epa.ie/EPAMaps/default>). Accessed December 2023.
- European Commission (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC]
- Meath County Council (<https://www.eplanning.ie/MeathCC/searchtypes>). Accessed December 2023.
- National Planning Application Database (<https://www.myplan.ie/national-planning-application-map-viewer/>). Accessed December 2023.
- NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 1: Summary Overview. Unpublished NPWS report.
- NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 2: Habitat Assessments. Unpublished NPWS report.
- NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 3: Species Assessments. Unpublished NPWS report.
- NPWS (2021) Conservation Objectives: River Boyne and River Blackwater SAC 002299. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

- NPWS (2022) Conservation objectives for River Boyne and River Blackwater SPA [004232]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.

8.5.1. European Sites

The following sites are subject to Appropriate Assessment:

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

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Tables 2, 3, and 4 of this report as part of my assessment. All the Annex I and Annex II species that are qualifying interests of the River Boyne and River Blackwater SAC and SPA are within the zone of influence of the subject site. As is discussed above, negative impacts on these species could arise during the construction and operational phases of the proposed development due to pollution, habitat loss, habitat fragmentation and disturbance.

The Main aspects of the proposed development that could adversely affect the conservation objectives of the European Sites include:

- Construction Phase: Contaminated or sediment laden water run-off
- Operational Phase: Contaminated surface water run-off and Pollution of Ground waters.
- Cumulative Impacts: Water quality impacts in culmination with other proposed or existing plans or projects.

During the construction phase, direct impacts on water quality at the River Boyne could occur as a result of contaminated surface water running downstream from the subject site to the river. During the operational phase, I consider that the most likely sources of water pollution would be hydro-carbon contaminated surface water run-off from the roads and car parking areas and ground water pollution from the proposed WWTP. Risks arising from surface water contamination or sedimentation would increase during periods of heavy rain.

Pollution of the River Boyne by hydrocarbons, cement, concrete, construction related materials and foul effluent could have a significant negative impact on fish and aquatic invertebrate populations including Salmon and Lamprey, which are sensitive to changes in water quality. Indirect effects of surface water pollution include a reduction in prey species, which would impact negatively on Otter and Kingfisher populations. Any increase in siltation levels as a result of sediment laden surface water entering the river could impact negatively on Lamprey near Slane bridge through loss of habitat. Sedimentation from surface water run-off could also damage fish eggs and fish, thereby reducing the availability of food other species. Drawing from the above, I consider that mitigation measures are required during the construction and operational phases to prevent contaminated surface water run-off at the site.

I note that suitable surface water attenuation works are proposed at the site and that the proposed development would connect to existing surface water infrastructure, which would prevent contaminated surface water entering the river during the operational phase. The submitted Site Characterisation Form illustrates that wastewater arising from the development can be suitably treated at the site, subject to the proper installation, operation and maintenance of the WWTP. I do not consider that site-specific mitigation measures, beyond standard site practice, would be required in respect of these aspects of the development.

I have assessed cumulative impacts in respect of two pathways; the persistent addition or losses of the same materials or resource integral to the protected site, and the compounding effects as a result of the coming together of two or more effects. I have reviewed the National Planning Application Database and note that the only construction works recently permitted adjoining the River Boyne and River Blackwater SAC and SPA in the vicinity of the subject site occur within the existing Millhouse complex (Reg. Refs. LB160484, LB181173, LB190734, 22298 and 221418). In this way, neither the subject site nor recently permitted development take land or materials from the European Sites and, therefore, would not cause cumulative impacts in respect of habitat loss or fragmentation. In respect of compounding effects, my review of the planning history in Slane for the previous 2 years found that small-scale residential development was the predominant development type in the area. Works of the scale and nature recently permitted in

the locality would not give rise to undue emissions or effluent during their construction or operational phases. I agree with the findings of the NIS that all future developments have been suitably assessed with reference to the ecological sensitivities of the area during the consenting process and, where necessary, development proposals have been changed to remove potential risks or refused planning permission. In this way, I do not consider that likely significant cumulative impacts arise in this instance.

The proposed mitigation measures are largely drawn from the submitted NIS, and are summarised as follows:

- Topsoil storage and re-use at site.
- Construction phase surface water management.
- Hydrocarbon/fluid storage and management
- Concrete / aggregate management
- EPA Code of Practice for WWTP
- Site preparation and construction standard best practice measures.
- Construction waste management.
- Maintenance of treelines.
- Landscape planting and maintenance.
- Construction and Environmental Management Plan (CEMP).
- Education of site workers and Ecological Clerk of Works (ECoW).

Most measures listed are standard practice however, I consider that their implementation will ensure that the proposed development will have no likely significant impacts on the QI's (habitats and species) in the River Boyne and River Blackwater SAC and SPA. The mitigation measures would be implemented by the Applicant and their contractors at the site.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the River Boyne and River Blackwater SAC and SPA in view of their Conservation Objectives. This conclusion has been based on a complete

assessment of all implications of the project alone and in combination with plans and projects.

8.6. Appropriate Assessment Conclusion

The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effects on the River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) could not be excluded. 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 River Boyne and River Blackwater SAC (002299) and River Boyne, the River Blackwater SPA (004232), 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.

Table 4. Appropriate Assessment Summary Matrix

Site	Qualify Interest Feature (screened in)	Potential Adverse Effects	Mitigation Measures	In-Combination Effects	Can Adverse Effects on Integrity be Excluded?
River Boyne and River Blackwater SAC (002299)	River Lamprey (Lampetra fluviatilis)	Water Pollution	<ul style="list-style-type: none"> • Topsoil storage and re-use at site. • Construction phase surface water management. • Hydrocarbon/fluid storage and management. • Concrete / aggregate management. • EPA Code of Practice for WWTP. • CEMP. • Education and ECoW. 	None	Y
		Habitat Loss/Sedimentation	<ul style="list-style-type: none"> • Topsoil storage and re-use at site. • Concrete / aggregate management. • Site preparation and construction. • Landscape planting and maintenance. • CEMP. • Education and ECoW. 	None	Y
	Salmon (Salmo salar)	Water Pollution	<ul style="list-style-type: none"> • Topsoil storage and re-use at site. • Construction phase surface water management. 	None	Y

			<ul style="list-style-type: none"> • Hydrocarbon/fluid storage and management. • Concrete / aggregate management. • EPA Code of Practice for WWTP. • CEMP. • Education and ECoW. 		
		Sedimentation	<ul style="list-style-type: none"> • Topsoil storage and re-use at site. • Concrete / aggregate management • Site preparation and construction. • Landscape planting and maintenance. • CEMP. • Education and ECoW. 	None	Y
	Otter (Lutra lutra)	Water Pollution	<ul style="list-style-type: none"> • Topsoil storage and re-use at site. • Construction phase surface water management. • Hydrocarbon/fluid storage and management. • Concrete / aggregate management • EPA Code of Practice for WWTP • CEMP. • Education and ECoW. 	None	Y
River Boyne and River	Kingfisher (Alcedo atthis)	Water Pollution	<ul style="list-style-type: none"> • Topsoil storage and re-use at site. • Construction phase surface water management. 	None	Y

Blackwater SPA (004232),		<ul style="list-style-type: none"> • Hydrocarbon/fluid storage and management. • Concrete / aggregate management • EPA Code of Practice for WWTP • CEMP. • Education and ECoW. 		
	Habitat Loss	<ul style="list-style-type: none"> • Site preparation and construction. • Construction waste management. • Maintenance of treelines. • Landscape planting and maintenance. • CEMP. • Education and ECoW. 	None	Y
	Human Disturbance	<ul style="list-style-type: none"> • Site preparation and construction. • Construction waste management. • CEMP. • Education and ECoW. 	None	Y

9.0 Recommendation

- 9.1. I recommend that planning permission be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The proposed development, by reason of its inadequate qualitative and quantitative provision of private open space and public open space and insufficient provision of car parking would conflict with the provisions of the Meath County Development Plan 2021-2027. The proposed rear gardens would not be of sufficient residential amenity value to future residents owing to their size, orientation, and position relative to retaining walls and, therefore, contravene Policy DM POL 7 of the Development Plan. The proposed public open space is undersized with reference to the total site area and DM OBJ 26 and a statement of compliance with this objective has not been submitted. Insufficient car parking has been provided with reference to DM OBJ 89 of the Plan, and the Applicant has not sufficiently illustrated that adequate car parking is provided to meet the needs of future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Sinead O'Connor

Planning Inspector
03 January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	313246-22		
Proposed Development Summary	Construction of 11 housing units. NIS lodged with application.		
Development Address	Riverview, Slane, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
Yes	X	10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Sinead O'Grady

Date: 20 December 2023

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	313246-22	
Proposed Development Summary	Construction of 11 housing units. NIS lodged with application.	
Development Address	Riverview, Slane, Co. Meath	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises residential development in an area with existing residential and commercial development. In this way, the proposed development is not exceptional in the context of the existing environment.</p> <p>Owing to the size of the proposed development, no significant waste, emissions or pollutants would occur during the construction phase. No significant waste, emissions or pollutants would arise during the operational phase due to the residential nature of the proposal.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>	<p>The proposed development of 11 no. units has a higher residential density than the surrounding residential areas but the scheme would not be of an exceptional size.</p> <p>Owing to the urban character of the surrounding area and residential character of the scheme I do not think that there is potential for significant cumulative impacts.</p>	No

<p>considerations having regard to other existing and/or permitted projects?</p>		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site is not located within or immediately adjoining any protected area. There are no waterbodies at the site and there are no hydrological links between the subject site and any designated site. Therefore, there is no potential for significant ecological impacts as a result of the proposed development.</p> <p>Owing to its small size and location within an established settlement, I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: Sinead O'Gara

Date: 20 December 2023

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)