



An
Bord
Pleanála

Inspector's Report

ABP-314744-22

Development	138 no. residential units (100 no. houses and 38 no. apartments) and associated site works.
Location	Lands north of Clonmagaddan road, Clonmagaddan, Navan, Co. Meath. (www.cluainadainlrd.ie).
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	22924.
Applicant(s)	Glenveagh Homes Ltd.
Type of Application	Large - Scale Residential. Development (LRD).
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party.
Appellant(s)	Denis Leavy.
Observer(s)	None.
Date of Site Inspection	11 th January 2023.
Inspector	Daire McDevitt.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Pre-application Opinion	6
4.0 Planning Authority Decision	7
5.0 Planning History.....	12
6.0 Policy Context.....	13
7.0 The Appeal	28
8.0 Assessment	32
9.0 Environmental Impact Assessment	41
10.0 Appropriate Assessment.....	74
11.0 Recommendation	85
12.0 Recommended Board Order	86

1.0 Site Location and Description

The site with a stated area of 6.96 hectares, is roughly triangular in shape. Its previous use is stated as agricultural. It is located c. 2km north of the centre of Navan town, to the north of Clonmagaddan Road which links to the east to Proudstown Road (R162) and the west to Rathaldon Road (CR283). The site is bounded to the west by Scoil Naomh Eoin, its access road and undeveloped greenfield land zoned for Community Infrastructure. To the southwest the site is bounded by Tailteann housing estate. To the north the site is bounded by undeveloped land zoned for General Enterprise/Employment. To the east the site is bounded by undeveloped land zoned for Open Space. To the east is Cluainn Adain housing estates which has been recently constructed by the current applicant.

A tree lined hedgerow traverses the site west to east which connects to a tree lined hedgerow in the eastern portion of the site that runs north to south. There are a number of trees on the northern portion of the site. An overhead 110Kv powerline traverse a portion of the site (over F1 lands).

Access to the site is via Cluainn Adain housing estate to the east. A pedestrian access is proposed off an access road to Scoil Naomh Eoin to the west.

The current proposal forms part of lands identified as Masterplan Area 4 (MP4) at Clonmagaddan and is Phase 3 of the development of MP4 lands.

The site contains recorded monument site no. ME025-068 (enclosure of archaeological interest).

2.0 Proposed Development

An application for a Large Scale Residential Development (LRD) was lodged to Meath County Council on the 8th July 2022. The development consists of an extension of the existing Cluain Adain residential estate to the east of the site.

The development includes the construction of 138 no. new residential dwellings comprises the following:

- 6 no. one bed triplex units in 2 no. three storey blocks located in the north-western and southwestern portions of the site
- 32 no. duplex units in 2 no. three storey blocks located centrally in the northern portion of the site, comprising 16 no. two bed units and 16 no. three bed units
- 24 no. two bed terraced houses
- 10 no. three bed, 2 storey, terraced/semi-detached edge houses. These houses are located on the eastern boundary of the residential zoned lands, and have been designed to provide an appropriate interface with the adjoining public open space zoned lands to the east and internal roadway to the west

- 63 no. three bed, two storey houses, comprising a mix of detached, semi-detached and terraced units
- 2 no. four bed, three storey, semi-detached houses located in the north-eastern portion of the site;
- 1 no. four bed, three storey, semi-detached courtyard house, located adjoining the main vehicular entrance to the development.

All residential dwellings and associated private amenity space, car parking spaces, bicycle parking spaces and bin storage areas are provided within the residential zoned lands of the subject site (3.97 ha of residential zoned lands).

A total of 19,561 sqm of landscaped public open space is provided in the proposed development, comprising the following:

- An area of 12,768 sqm on public open space zoned lands in the eastern portion of the site. This area incorporates the retention of an existing tree line/hedgerow, pathways, additional tree and shrub planting, wildflower meadow areas, seating areas, a play area for children, an area of open parkland and a kickabout space;
- An area of 5,925 sqm located centrally in the subject site and along the western boundary, on residential zoned lands. This open space area has been provided to ensure the protection of the archaeological feature on the subject site and to act as a buffer zone. This open space area incorporates a grassed area on the archaeological feature, the retention of the majority of an existing tree line/hedgerow along its southern boundary, together with a pedestrian pathway (comprising low-impact concrete aggregate on cellweb) and tree/shrub planting along its northern boundary;
- An area of 327 sqm at the entrance to the proposed residential development on residential zoned lands, incorporating tree/shrub planting;
- An area of 541 sqm located in the northern portion of the subject site on residential zoned lands, situated between the 2 no. proposed duplex blocks to ensure the provision of appropriate separation distances. This area has been designed to provide 2 no. courtyard gardens, including grassed areas, tree/shrub planting and paths. Whilst the area will be open to the wider public in the interest of permeability through the site, it is anticipated that this area would be utilised as a communal open space area by residents of the duplex blocks.
- The centrally located open space area and the area adjoining the main entrance to the proposed development has a combined area of 6,252 sqm, equating to 15.7% of the residential zoned lands on the subject site (3.97 ha).

A total of 248 no. car parking spaces are provided in the proposed development, comprising:

- 200 no. spaces to serve the house units at a ratio of 2 no. spaces per unit;
- 38 no. spaces to serve the duplex/triplex units at a ratio of 1 no. space per unit;
- 10 no. visitor parking spaces (including 6 no. accessible spaces) at a ratio of 1 no. space per 4 no. duplex/triplex units.

A total of 108 no. bicycle spaces are provided in the proposed development, comprising:

- 88 no. secure bicycle parking spaces to serve the residents of the duplex/triplex units at a ratio of over 1 no. space per bedroom;
- 20 no. bicycle parking spaces to accommodate visitors to the duplex/triplex units at a ratio of approximately 1 no. space per 2 no. units.

Vehicular access to the proposed residential development will be via an extension to existing internal access roads serving the wider masterplan lands, permitted and constructed under MCC Reg. Refs. NA/151046 and NA/181326.

The proposed development seeks to maximise permeability through the site, incorporating a number of pedestrian and cycle connections to surrounding lands within the masterplan area. An extension to the existing footpath and 2-way cycle path serving the masterplan lands (constructed under MCC Reg. Refs. NA/151046 and NA/181326) is provided along the southern and south-western boundary of the site. A shared footpath and cycle path defines the northern and western boundary of the site, connecting the northern portion of the existing Cluain Adain residential development to the east with Scoil Naomh Eoin to the south-west and adjoining community infrastructure zoned lands to the north-west.

A densely planted area is provided along the northern boundary of the site to provide a buffer between the proposed residential development and the General Enterprise & Employment zoned lands to the north thereof. 2 no. pedestrian only connections are also provided along the eastern boundary of the proposed residential development, together with 4 no. on the western boundary at the end of homezones. This allows for ease of movement from the existing Cluain Adain estate to the east to Scoil Naomh Eoin/Community Infrastructure zoned lands to the west via the proposed development.

The development will be served by surface, foul and potable water infrastructure, and roads, footpaths and cycle paths to connect with existing infrastructure on the masterplan lands. The existing surface water drainage infrastructure in the north-western corner of the subject site is proposed to be upgraded to accommodate the proposed development, comprising an extension of the exiting below ground attenuation tank, an extension of the existing surface level detention basin and the replacement of the existing hydrobrake. A foul water pumping station is also proposed in the north-western section of the subject site.

The development also includes 2 no. ESB substations, boundary treatments, bin storage, public lighting and infrastructure for Electric Vehicles, together with all associated and ancillary site and development works.

The subject site (6.96 ha) forms part of a masterplan for the entire landholding at Clonmagaddan (Masterplan Area 4 – MP4 as designated in the Meath County Development Plan 2021-2027). Masterplans for the landholding were agreed with Meath County Council in 2016 and 2018 in respect of now implemented permissions on the Clonmagaddan lands. The development which is the subject of the current appeal is Phase 3 of residential development on the Clonmagaddan MP4 landholding. An updated masterplan, including the proposed site layout was submitted with the application with is the subject of this appeal. It is submitted by the developer that this demonstrates how the proposed development is appropriately integrated with the implemented phases of the Clonmagaddan development and its wider physical context.

Development Parameters:

Total site Area: c.6.96ha.

Net Developable area: c.4.0ha (excludes lands zoned open space, road/pedestrian and other infrastructure serving the wider masterplan lands).

Masterplan: Phase 3 of larger development.

Density: 35uph.

Public open space on OS zoned lands: c.12768sq.m.

Public open space on Residential Zoned lands: c.6793sq.m.

Unit Mix:

	Houses	Triplex/Duplex	Total	% of total
1 bed	0	6	6	4.43%
2 bed	24	16	40	29%
3 bed	73	16	89	64.5%
4 bed	3	0	3	2.2%
Total	100	38	138	100%
% of total	72.5%	27.5%	100%	

3.0 Planning Authority Pre-Application Opinion

A section 32 Consultation Meeting took place on the 5th April 2022 with representatives of the applicant and planning authority in attendance.

A Large Scale Residential Development (LRD) Opinion issued on the 28th April 2022. This set out that the documentation submitted required further consideration and/or amendment to constitute a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

The opinion considered that the density, mix of units and height strategy required further consideration. This has been addressed in the Response to the LRD Opinion. In summary:

- The density was increased from 34uph to 35uph.
- Unit Mix revised to include 4 bedroom homes and an additional one bedroom home.
- The height strategy has been revised to incorporate more 3 storey typologies, located to frame streets and open spaces and provide legibility within the proposed development and the wider development.

A response to the LRD Opinion issued by Meath County Council and a response to the 20 points of specific information requested is included in the documentation on file from the planning authority.

4.0 Planning Authority Decision

4.1. Decision

4.2. Planning Authority Reports

4.2.1. Planning Reports

Planner Report (4th September 2022)

The report provides a summary of the proposed development, the LRD process and submissions received. The Senior Executive Planner has set out their assessment under the following headings:

Principle of Development

- The priority of the Council is to support an encourage the delivery of residential development in Navan.
- There is capacity in the Core Strategy to accommodate the proposed development which will assist in meeting Navan's housing allocation for the Plan period.

- Land Use Zoning: A2 (New Residential), F1 (open Space), G1 (Community Infrastructure) and E2 (General Enterprise and Employment).
- Share E-W pedestrian /cycle route and minor portion of an ancillary internal roadway on F1 lands – complies with zoning. Permitted as necessary for the development of adjoining lands and does not adversely affect the integrity of the open space.
- Pumping station proposed on E2 lands – utilities are permitted on E2.
- Amendments to drainage infrastructure, including extension and the below ground attenuation tank and above ground detention basin on G1 lands – Utilities are permitted on G1.
- Acceptable plot ratio and site coverage and the planning authority is satisfied that the proposed development can be accommodated by the Core Strategy and accords with the land use zoning objectives in the County Development Plan.

Density & Phasing:

- Density complies with Sustainable Residential Development in Urban Areas (SRDUA), SPPR4 and County Development Plan (CDP) policy requirements. Density is considered appropriated taking into account of its compliance with relevant national and local planning policy, the quality of the layout and design proposal, the proposed house typologies which are responding to local housing demands, the site's' location and context both in the immediate area and the wider settlement. The proposed development will make a positive contribution to the area and will complement existing development.
- Proposed phasing arrangement is acceptable.

Design/Layout/Height/External Finishes/Unit Mix:

- Proposal is an extension of existing housing scheme, accessed from the southeast via the existing housing estate road network.
- The planning authority considers the layout innovative with strong urban edges throughout consequently, it will be beneficial level of residential amenity for future residents.
- The surrounding height, design and character is predominately two storey. Taking account of the prevailing development pattern in the vicinity, the height strategy as presented is considered to comply with the Guidelines and the CDP.
- External finishes: mix of render and brick. Final details should be agreed by condition.

Unit Mix:

- The scheme contains a mix of units that responds to the site's location and context, in particular the prevailing pattern of development in the vicinity of the site.
- Majority of units exceed the minimum standards. The planning authority is satisfied with the content of the HQA in respect of houses and apartments.

Landscape/Open Space Provision/Trees & Hedgerows/Boundary Treatment:

- Site is located within the River Blackwater Landscape Character Area (LCA) in the County Development Plan. No protected views relevant to the lands. The planning authority concur with the EIAR as the site is located within the northern built up suburb of Navan rather than the riverine landscape more typically associated with this LCA, the impact on the LCA is considered acceptable.
- 17% public open space (POS) proposed on lands zoned residential (A2). The Opens space on F1 lands is traversed by a 110Kv overhead powerline and existing tree lined hedgerow at the northern edge. The planning authority consider that POS accords with the CDP and results in the provision of a beneficial level of amenity for future residents.

Private Open Space/Separation distance/bin store/boundary treatment:

- Minimum separation distance have been generally observed in accordance with DM OBJ 18 and DM OBJ 19.
- Design of units ensures no windows on upper floors contribute to potential overlooking in cases where minimum separation distances are not achieved.
- Boundary treatment is considered acceptable.

Social Infrastructure Assessment:

- The application documentation in combination with existing and permitted social and community facilities at this location has addressed this matter to the satisfaction of the planning authority.

Part V:

- Refer to Housing Section report.

Traffic & Transportation:

- Access is via a point prevopusly permitted and via an extension of the existing road network which serves the exisintg housing scheme.

- MCC is progressing the delivery for the LDR4 and has procured and appointed consultants to complete the detailed design and oversee the construction of the project. Construction is expected to commence in 2023 with a construction period of c.18 months. It is recommended that a special contribution of €700,000 towards the costs of the LDR be attached by condition.
- The planning authority reviewed the TTA submitted and is satisfied that the local road network can accommodate the proposed development traffic. Overall MCC Transportation Section raised no objection subject to conditions.

Water Service & Drainage:

- The planning authority noted that Irish Water raised no issue with capacity in Navan WWTP or Navan Water Supply.
- The site is located in Flood Zone C and a SSFRA is submitted.

Archaeology:

- Addressed in the EIAR.
- Note National Monument Service raised no objection subject to conditions.

Ecology:

- Bat survey noted (June 2022 survey). % species of bats recorded (Common Pipistrelle, Soprano Pipistrelle, Leisler Bat, Nathusius Pipistrelle and Brown Long eared Bat).
- C.592m of hedgerow within the study area, 20m of which is proposed to be removed.
- No badger setts found
- Closest Natura 2000 site is River Boyne and River Blackwater SAC which is c. 1km from the site,
- Overall impact on ecology considered low having regard to the low value of the habitats. Mitigation measures set out and the planning authority noted the Department raised no objections.

Appropriate Assessment:

- Potential for pollutant to mobilise into surface water run off during the construction phase which could travel 2.7km and adversely affect the water quality in the Natura 2000 site. NIS and CEMP set out mitigation measures to prevent pollutants during construction phase. The Department noted a number of conditions.

EIAR:

The planning authority note the submission of the EIAR. Refer to its content being fully considered in the planning assessment carried out. The planning authority is satisfied that the contents of the EIAR represents a reasonable assessment of the environmental impacts of the proposed development. And considering the location of the proposed development and the environmental sensitivity of the area, the proposed development is unlikely to have significant effects on the environment. The planning authority concurred with the EIAR conclusions and considered that the proposed development does not have the potential to have effects, the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility.

The report recommended a grant of permission subject to 26 no. conditions. This a broadly standard in nature. Conditions of note include:

- No. 2 refers to phasing.
- No. 4 refers to mitigation measures contained in the NIS and CEMP.
- No. 5 refers to clearance of Vegetation.
- No. 6 refers to archaeology.
- No. 21/22/23 refer to Section 48 contributions of €344,000 (social infrastructure), €473,000 (roads & public transport infrastructure), €43,000 (surface water drainage) respectively.
- No. 24 refers to Cash Deposit of €231,600
- No. 25 refers to the sum of €200.00 per residential unit as a contribution towards the expenditure of eh PA in the monitoring of the construction phases of the development.,
- No. 26 refers to Section 48 (2)(c) Special Contribution of €700,000 towards the cost of providing necessary local distributor road infrastructure.

4.2.2. Other Technical Reports

Internal departmental reports to:

Public Lighting (19/07/22) recommendation to grant subject to conditions.

Environment General (29/08/22) recommendation to grant subject to conditions.

Environment Flooding (19/08/22) no objection.

Housing Section (19/07/22) recommendation to grant subject to conditions.

Broadband Officer (20/07/22) recommendation to grant subject to conditions.

Transportation (12/08/22) recommendation to grant subject to conditions.

Fire Service (12/08/22) recommendation to grant subject to conditions.

Plan Energy Consulting (no copy on file) recommendation to grant subject to conditions.

Water Services: Report outstanding

Heritage Officer: Report outstanding

4.3. Prescribed Bodies

The planning authority referred to the application to the following Prescribed Bodies:

Irish Water (9/08/22) recommendation to grant subject to conditions.

Development Applications Unit (15/08/22) recommendation to grant subject to conditions.

An Taisce: Report outstanding

The Heritage Council: Report outstanding

Inland Fisheries Ireland: Report outstanding

ESB: Report outstanding

Commission for Regulation for Utilities: Report outstanding

EHO: Report outstanding

Meath County Childcare Committee: Report outstanding

4.4. Third Party Observations

One submission was received from the current appellant on the grounds of inappropriate densities.

5.0 Planning History

Site:

No history as per MCC Planning Register.

Masterplan Lands under applicant's control:

MP4 lands Phase 1:

Lands to the North of the Windtown / Proudstown link road, Clonmagadden, Navan, Co. Meath:

P.A. Ref. No. NA/151046 (ABP Ref. No. PL.17.246513 – appeal withdrawn) refers to a MCC 2016 grant of permission for of 106 2-storey dwellings together with all associated works and services. (PHASE 1). (Targeted Investment Opportunities PLC).

P.A. Ref. No. NA/151044 (ABP Ref. No. PL17.246510) refers to a 2016 grant of permission for a convenience store (464m² gross floor area) on the opposite side of the access road serving Cluain Adáin residential scheme. (Targeted Investment Opportunities PLC.)

MP4 lands Phase 2:

PA Ref. No. 21304 (ABP Ref. 310884-21) refers to a March 2022 decision to refuse permission for amendments to residential development permitted under NA/181326. Replacement of 4-storey apartment block with 23 dwellings and all associated works. (Glenveagh Homes Ltd). Reason related to density and unit mix. (Glenveagh Homes Ltd).

P.A. Ref. No. NA/181326 refers to a 2019 grant of permission for the construction of 99 no. residential units together with all associated site works and services. This development included 40 no. apartment units (comprising 17 no. 1-bedroom units; 20 no. 2 bedroom units; and 3 no. 3 bedroom units) contained within a 4-storey apartment block and 59 no. two storey houses (comprising 31 no. 2 bedroom units; 26 no. 3 bedroom units and 2 no. 4 bedroom units). Infrastructure provision to include access roads (and associated pedestrian footpaths) serving the proposed dwellings which integrates and links with the road network previously permitted under PA Ref. NA151046 (Phase 1). (Glenveagh Homes Ltd).

MP4 Lands Phase 3A:

PA Ref. No. 22395 refers to a May 2022 grant of permission for the construction of 36 no. sheltered housing units, 2 no. communal open spaces, 1 no. single storey community building and associated car/cycle parking, 1 no. childcare facility, 1 no retail unit and ancillary cafe unit, 1 no. public plaza, 2 no. public open spaces and associated site works and infrastructure. (Glenveagh Homes Ltd).

6.0 Policy Context

6.1 National

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

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

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

Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35. Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which:

Objective 27 seeks to: "ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages".

Objective 33 seeks to: "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location";

Objective 35 seeks to: "increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

Housing for All – A New Housing Plan for Ireland to 2030 (2021).

It is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The government's overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability

- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

Climate Action Plan, 2023.

Section 28 Ministerial Guidelines

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

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Design Manual for Urban Roads and Streets (DMURS).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)

6.2 Regional

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

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

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

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

RSO 2 Compact Growth and Urban Regeneration - Which seeks to promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.

RSO 4 Integrated Transport and Land Use – Which seeks to promote best use of Transport Infrastructure, both existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning. Of note the settlement of Navan is identified under this document as a 'Key Town' and that it is the primary retail and employment centre of County Meath with 20% of all jobs in Meath in 2016 located in Navan.

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

The following RPOs are of relevance:

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

- **RPO 8.8 Rail Infrastructure.**

6.3 Local

Meath County Development Plan 2021 – 2027

Volume 2 of the Development Plan sets out the written statements and maps for settlements including Navan. The vision for Navan seeks for it “to continue to function and develop as a multi-modal key town in Meath; and important employment centre for administrative, retail, health, and education services, where development in the town centre is balanced by investment in the business and industrial parks, which will enhance its attractiveness as a place to work, live, and invest and thereby support the creation of a sustainable community”.

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

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

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

Section 5.1.3 deals with residential design and scale. It indicates that these shall support the creation of high quality living environments with higher densities concentrated along public transport corridors and in proximity to the town centre. It states that “as part of the strategy of delivering more compact growth, any development in town centre or strategic locations in the towns will be required to deliver high density development of up to 45 units/ha”. It further states that “this includes town centre and mixed-use lands and the residential lands to the west of Academy Street and residential lands adjacent to future rail stations in the town” and that “these lands would be the most appropriate locations for apartment developments and should be considered as part of the household mix in these locations”. In relation to remaining lands within the settlement it sets out that these “should be development at a density of up to 35 units/ha”.

Section 6 sets out that Master Plan 4 was agreed in 2018¹ and that it includes lands between Clonmagadden Road and Kilsaran Lane with an area of c27.5ha. It indicates that this land is zoned for residential, community, open space and notes that a residential development ‘Cluain Adáin’ is under construction in this area. The subject site is located on lands zoned under the following land use objectives:

The bulk 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’.

A portion along the eastern boundary and a small strip along the northern boundary is zoned **F1 Open Space** with a stated objective ‘to provide for and improve open spaces for active and passive recreational amenities’

A small section on the northwestern portion of the site is **zoned G1 Community Infrastructure** with a stated objective ‘to provide for necessary community, social and educational facilities’ and **E2 General Enterprise and Employment** with a stated objective ‘to provide for the creation of enterprise and facilitate opportunities for employment /enterprise uses in a good quality physical environment’.

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

Section 2.4.3 of the Development Plan has regard to the Regional Strategy which identifies Navan as a Key Town and that these areas contain a level and range of services and amenities available in them with potential to continue their development as important residential, employment and service centres in the county and within the wider region. It is also set out in relation to the delivery of a rail line to Navan that as integral to the development strategy for Navan is that it demonstrates the capacity to support the population increase associated with a rail-based settlement. Objective CS OBJ 9 indicates that a new local area plan will be prepared for Navan during its lifetime.

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

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

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

DM OBJ 14: When considering densities of residential densities for Key Towns a density of between 35 to 45 units per hectare is encouraged. It is further noted that SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities December 2018 shall be considered in the implementation of the above densities.

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

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

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

Section 11.15 sets out a list of Masterplans. The site forms part of a larger tract of land identified for Masterplan under **MP4** which is located in Clonmagaden and is situated to the north of the link road between Proudstown Road and Ratholdren Road and south of Kilsarin Lane.

Core Strategy figures taken from Table 2.12:

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

3.4.3 Future Settlement Growth

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

3.4.7 Key Towns

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

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

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

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

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

Chapter 11 Development Management Standards and Land Use Zoning Objectives.

This chapter contains the Development Management Standards , the list is extensive and I do not propose to set them all out in detail. Below is a summary of ones of note, these include inter alia:

Public Lighting:

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

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

DM OBJ 10: The design of all new developments shall take into consideration the layout of the proposed public lighting column locations and the proposed landscape

design. Both layouts should achieve the 7 metres separation between all trees and public lighting columns.

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

11.5.1 Residential Development

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

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

11.5.3 Density

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

DM OBJ 14: The following densities shall be encouraged when considering planning applications for residential Development:

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

It should be noted that SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities December 2018 shall be considered in the implementation of the above densities.

11.5.4 Plot Ratio

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

11.5.5 Site Coverage

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

11.5.7 Separation Distances

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

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

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

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

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

11.5.8 Dwelling Design, Size & Mix

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

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

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

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

11.5.11 Public Open Space

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

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

11.5.12 Private Open Space

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

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

Table 11.1 Minimum Private Open Space Standards for Houses

11.5.13 refers to **boundary treatments**

11.5.15 refers to the requirement for **public art work** for proposals for residential developments over 75 units or a development contribution in lieu.

11.5.16 Light and Overshadowing

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

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

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

SOC POL 5 which requires that all new residential development applications of 50 units or more on zoned lands are accompanied by a Social Infrastructure Assessment (SIA) to determine if social and community facilities in the area are sufficient to provide for the needs of future residents. The policy also sets out what details should be included. (non-compliance with this is raised in the grounds of appeal).

11.9.1 Parking Standards

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

Table 11.2 Car Parking

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

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

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

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

11.9.3 Cycling Parking

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

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

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

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

Table 11.4 Cycle Parking Standards

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

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

Navan

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

Master Plans

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

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

Master Plan 4	Master Plan 4 relates to lands between Clonmagaddan Road and Kilsaran Lane with an area of c. 27.5 hectares zoned for residential, community, open space and mixed uses. This Masterplan was agreed in 2018. There is a residential development 'Cluain Adáin' presently under construction in the MasterPlan area.
----------------------	---

Town Development Policies and Objectives

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

NAV OBJ 20 refers to the delivery of the following key road projects, this includes: Distributor Road LDR 4 Ratholdron Road to Kells Road

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

6.4 Natural Heritage Designations

The appeal site is situated c1km to the north of the River Boyne & River Blackwater SAC (Site Code: 002299) and c1.1km to the north of the River Boyne and River Blackwater SPA (Site Code: 004232) at its nearest point.

7.0 The Appeal

A third party appeal has been received from Denis Leavy in respect of Meath County Council's recommended decision to grant permission. The grounds of appeal also include a copy of the original submission on the application which related to inappropriate density.

7.1 Grounds of Appeal

The grounds of appeal are as follows:

Material Contravention of Land Use Zoning Objective:

- The internal road layout is shown through the open space zoned lands as opposed to within the residential zoned land.
- No residential roads should be permitted within open space zoned lands.
- The scheme materially contravenes the Open Space land use zoning objective.

Density:

- The net density of the proposed development fails to comply with the density range for Navan as set out in DM OBJ 14 in the Meath County Development Plan 2021-2027.
- Proposal is for 35uph, the Development Plan requires 35-45 uph.

Unit Mix:

- The mix of units does not comply with policy SH POL 5 in the Meath County Development Plan.
- Proposed mix of 3 bed (64.5%) results in over c.90% of the units as either 2 or 3 bed and an under provision of 1 and 4 bed units.

Social Infrastructure:

- The applicant does not include a social infrastructure assessment as required under SOC POL 6 in the Development Plan.

Private Amenity Space:

- Provision of private open space for the edge houses is substandard and inappropriate for a family living in a 3 bed roomed house.

- The edge houses only have c.31.77sq.m of private open space which is below the minimum standard. Its recreational utility is further restricted due to the hard surface of the garden.
- Quality of private open space for the linear house (type F) is also substandard. Rear garden depths are less than 6.5m.
- Many of the type F are single aspect east facing units that substantially overshadow the short rear gardens.

Car Parking:

- Proposed car parking provision is excessive and should be reduced to encourage a modal shift away from private car usage to sustainable forms of transport.
- If permission is granted, parking should be reduced to 1 space per house (off street) in lieu of the proposed 2 no. spaces. And 25 no. communal spaces to be shared between residents.

Environmental Impact Assessment

- The EIA Is deficient as it does not adequately describe or quantify in chapter 3 the type of materials that would be used to construct the proposed dwellings and apartments and it fails to adequately address embodied carbon including that associated with the production of the materials to build the proposed development.

The appellant has requested that the Council's decision be overturned and that permission be refused on the grounds of unsustainable development of scarce, zoned and serviced (tier 1) land, material contravention of the open space zoning, substandard provision of private open space and the unsustainable provision of off street car parking.

7.2 Applicant's Response

The applicant submitted their response to the Third Party Appeal on the 1st November 2022.

The applicants request that the third party appeal is dismissed under section 138 of the Planning and Development Act 2000 (as amended) as the grounds of appeal are similar in nature and content to a number of observations and appeals made by the appellant in respect of applications lodged by the applicants in a number of counties (Meath, Kildare, Westmeath & Fingal). The applicants have not submitted a formal request for an oral hearing. On page 5 of their response refer to the provisions of section 138 (3) and section 134 of the Planning and Development Act And submit that there is precedent for the Board to use its powers under s.138 to request an oral hearing to assist the Board in its Determination. Reference to two appeals (ABP Ref. PL.04.243695 and ABP 302403-18) where the Board facilitated oral hearings under s.138 resulting in the appeal being withdrawn and dismissed respectively.

The remainder of the response broadly reiterates issues addressed in the documentation submitted with the application. Points of note include:

Density:

- Density with section 5.11 of the Sustainable Residential Development in Urban Areas Guidelines which generally recommend densities of 35-50uph, with densities less than 30uph discouraged.
- Complies with Section 3.8.10 DM OBJ 14 and the written statement for Navan (densities of 35-45 uph).

Unit Mix:

- For justification for unit mix refer to chapter 5 of EIAR and assessment of population and household compositions.
- When considered in conjunction with other development on the wider masterplan lands for a total of 343 units, the breakdown is 23 no.1 bed (c.6.7%), 105 no.2 bed (c.30.6%), 176 no.3 bed (c.51.3% and 39 no.4 bed (c.11.4%). As such c.40% of the overall units would be 1 and 2 bed units with c.60% comprised of 3 and 4 bed units.
- Complies with section 11.5.8 of the Development Plan requires that all residential units should ensure an appropriate mix of dwelling types and sizes.

Social Infrastructure:

- Refer to chapter 5 of the EIAR which incorporates a social infrastructure assessment and childcare capacity assessment of Navan and its northern environs.
- The proposed development and wider masterplan lands include significant areas of public open space and playground facilities that will contribute to recreational amenities in the northern environs.

- Future anticipated phases of the masterplan include provision of social/community, educational facilities, open space and employment generating developments.

Private Amenity Spaces:

- The edge houses are in response to specific design considerations along the eastern portion of the site.
- Refer to appendix and architect's submission.
- Justification set out for the distribution of the proposed private amenity space at ground level and upper floor amenity area. Overall c.63.03sq.m is provided, the minimum requirement for a 3 bed is c.60sq.m. It is also argued that the carparking is designed to be multi-functional.
- The purpose of the linear type F1 housing is to terminate housing cells and minimise the length of garden walls that face onto the public realm.
- No bedrooms on rear elevations at first floor level, therefore rationale for 22m for opposing windows does not arise.
- Designed to maximise solar gain and reduce overshadowing of rear garden amenity. Appellant has not submitted evidence to support claims of overshadowing.

Road infrastructure and public open space zoned lands:

- The bulk of the site is zoned A2 – New Residential “to provide for new residential communities with ancillary community facilities as considered appropriate.”
- A portion of the site is zoned objective F1-Open space “to provide for and improve open space for active and passive recreational amenities.”
- Section 11.14.6 of the Development Plan states that permitted uses on F1 zoned lands include playgrounds and utilities with ‘vehicular /cyclist/pedestrian access to zoned lands where appropriate’ being open for consideration. The Plan sets out that the planning authority will consider development proposals for utility development and transportation infrastructure on F1 open space on a case by case basis subject to works being ancillary to and necessary for the appropriate development of adjacent lands. And that the integrity of the open space land as an amenity area shall not be significantly reduced.
- The application includes works and development on land zoned open space comprise of a) usable amenity space and b) roads, pedestrian and cycling infrastructure and water services infrastructure necessary to service the proposed development. These uses are permitted or open for consideration and as such the issue of contravention of the land use zoning does not arise.

- Roadway to the southeast (east of cell 1) was permitted and constructed on public open space zoned lands as part of previous phases of development on the masterplan lands.
- MCC Planner confirmed the proposal as acceptable and the works on land zoned open space compliant with the Development Plan.

Car Parking:

- The car parking is in accordance with Table 11.2 of the Meath County Development Plan which sets out 2 spaces per conventional dwelling.
- The car parking is in accordance with DM OBJ 89 of the Meath County Development Plan which requires that parking shall be provided in accordance with Table 11.2.

EIAR:

- Chapter 3 provides a comprehensive description of the proposed development which describes the materials to be used and details of design measures to reduce climate impacts.

The applicant submits that the proposed development is Phase 3 of residential development on the Clonmagaddan Masterplan 4 landholding for which masterplans have been previously agreed with the planning authority. The proposed development is a plan-led and integrated extension of the Cluain Adain residential development.

Request that the decision of the planning authority be upheld and permission granted.

7.3 Planning Authority Response

The Planning Authority's response to the third party appeal received on the 1st November 2022 is summarised as follows

- The issue of density was addressed in the Planners report for the application and no new information has been provided in the appeal submission regarding this topic.
- The scheme contains a mix of units that responds to the site location and context.
- Regarding the requirement for a SIA under SOC Pol 6, the application in combination with existing and permitted social and community facilities at this location has addressed this matter to the satisfaction of the Planning Authority.
- The planning authority is satisfied that private amenity space is compliant with the required standards and results in a development of good environmental quality for future residents.

- Regarding provision of roads/infrastructure on lands zoned open space, this was addressed in the planners report at the time of the application as follows:

“The planning authority will consider development proposal for utility development and transportation infrastructure on F1 Open Space zoned lands. IN all instances the integrity of the open space lands as an amenity shall not be significantly reduced.”

The proposed development accords with the above policy.

- Refer to the report prepared by the SEE in Transport at the time of the application. This notes that the applicant has applied the relevant standards in respect of car and bicycle parking.
- The planning authority addressed the content of the EIA.

The planning authority concluded that the site is suitably zoned , serviced and the unit numbers can be accommodated within the Core Strategy housing allocation for Navan, Navan is designated a key Town in the RSES. It is therefore the priority of the Council to support and encourage the delivery of residential development in Navan and urge An Bord Pleanála to uphold its decision in this case.

7.4 Observations

None received.

8.0 Assessment

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

- Compliance with F1 Open Space land Use zoning
- Density
- Unit Mix
- Private Amenity Space
- Social Infrastructure
- Parking
- Other

8.1 Compliance with F1 Open Space land Use zoning

The appellant in the grounds of appeal has submitted that the development which is the subject of the current appeal before the Board materially contravenes the lands use objective for the site as set out in the Meath County Development Plan 2021-2027, in particular the F1 Open Space zoning and requests that permission be refused on these grounds.

A Master plan for MP4 lands was agreed in 2018 with Meath County Council, This included lands between Clonmagadden Road and Kilsaran Lane with an area of c27.5ha. It indicates that this land is zoned for residential, community, open space and notes that a residential development 'Cluain Adáin' is under construction in this area. I draw the attention of the Board to an updated Masterplan dated July 2022 which was submitted with the application documentation to Meath County Council and considered acceptable by the planning authority (p.30 of the Planner's Report dated 04/09/22).

The subject site is located on lands zoned under the following land use objectives as per the current Meath County Development Plan:

- The bulk 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'.
- A portion along the eastern boundary and a small strip along the northern boundary is zoned F1 Open Space with a stated objective 'to provide for and improve open spaces for active and passive recreational amenities'
- A small section on the northwestern portion of the site is zoned G1 Community Infrastructure with a stated objective 'to provide for necessary community, social and educational facilities' and E2 General Enterprise and Employment with a stated objective 'to provide for the creation of enterprise and facilitate opportunities for employment /enterprise uses in a good quality physical environment'

Section 11.14.6 sets out 'Utilities' comprise of water, wastewater, electricity, telecommunications, transport infrastructure.

The planning authority raised no issue with the proposed development and compliance with the land use zoning objectives attached to the site.

I note that a shared east-west pedestrian /cycle route and minor portion of an ancillary internal roadway is proposed on F1 lands. Guidance set out in the Development Plan states “ *The Planning Authority will consider development proposals for utility development and transportation infrastructure on F1 Open Space zoned land on a case by case basis subject to the works being ancillary to and necessary for the appropriate development of adjacent lands. In all instances the integrity of the open space land as an amenity area shall not be significantly reduced.*” I consider current proposal one such scenario as it is phase 3 of the development of the MP4 lands and includes infrastructure and utilities on the F1 lands that serve the wider MP4 lands which is acceptable in principle. I do not consider it to constitute a material contravention of the F1 land use zoning objective.

While not raised in the ground of appeal in the interest of clarity I shall also address compliance with the other land use zoning objectives

A pumping station proposed on E2 lands, this is acceptable in principle as utilities are permitted on E2 zoned lands.

Amendments to drainage infrastructure, including extension and the below ground attenuation tank and above ground detention basin are proposed on the section of the site zoned under land use objective G1. This is also acceptable in principle as utilities are permitted on G1 lands.

Having regard to the forgoing I am satisfied that the principle of the residential development at this location is acceptable in principle and does not constitute a material contravention of the land use zoning objectives relating to this site asset out in the Meath County Development Plan 2021-2027 and the grounds of appeal relating to this matter should be dismissed accordingly.

8.2 Density

The appellant has requested that permission be refused on the grounds of unsustainable development of scares, zoned and serviced (tier 1) land.

The appellant has raised concern that the proposed density (35uph) does not comply with DM OBJ14 of the Meath County Development Plan 2021-2027 and request that permission be refused on these grounds.

DM OBJ 14 of the current County Development Plan sets out that densities for Regional Growth Centres/Key Towns: (Navan/Drogheda) of 35-45 uph shall be encouraged when considering planning applications for residential development. The Plan also sets out that it should be noted that SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities December 2018² shall be considered in the implementation of the above densities. I note that DM OBJ14 encourage a density range of 35-45 uph for key towns such as Navan. The planning authority consider the proposed density acceptable. I consider the proposed density of 35uph, while on the lower side, is acceptable given the context of the site and complies with the requirements of the current Meath County Development Plan.

The site is located in an area classified as 'outer suburban/greenfield' in the Sustainable Residential Development in Urban Areas Guidelines, where a net density range of this set out a density range of 35-50uph is encouraged. Appendix A of the Sustainable Residential Development in Urban Areas Guidelines states that in calculating net density, major local distributor roads, primary schools, churches, local shopping and open spaces serving a wider area and significant landscape buffer strips can be excluded for the purposes of the net density calculation. In the case before the Board, the net developable area is c.4ha, this excludes the lands zoned F1, roads/pedestrian and other infrastructure serving the wider MP4 lands. I consider this acceptable.

The site while located proximate to a number of amenities such as school, childcare and neighbourhood retail it is located c. 2km from the town centre. The site and immediate area are well served by pedestrian and cycle links, these however do not currently extend to the town centre. The site is considered as greenfield/edge of city/town under the Urban Development and Building Height Guidelines. Overall the proposal needs to be considered in the evolving context of the area and as an integral part of the development of the MP4 lands at this location. In this context and given the nature of the receiving environment and development proposed I consider the proposed density acceptable and complies with the densities requirement of the Meath County Development Plan and accords with national guidance. I am satisfied that development which is the subject of this appeal complies with the Meath County Development Plan requirements and is appropriate for this location, on the edge of Navan is located in an area traditionally developed for residential uses as noted by older estates in the vicinity such as Tara Court on the other side of the Clonmagadan Road, earlier phases of Cluain Aláin adjoining the site, Clonmagaddan Park, Nangle Court and Tailteann to name a few. Furthermore it is on lands identified for development under Masterplan 4 in the current County Development Plan.

Having regard to the foregoing I consider the proposed quantum and density appropriate in this instance having regard to local and national policy, the site's size and locational context and do not consider that permission should be refused on the grounds of density and the grounds of appeal relating to this matter dismissed

8.3 Unit Mix

The appellant has set out the proposed unit mix which includes c. 64.5% of the development comprising 3 bed units results in over c.90% of the units as either 2 or 3 bed and an under provision of 1 and 4 bed units. It is submitted that the proposed unit mix does not comply with policy SH POL 5 in the Meath County Development Plan which seeks to secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households.

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

The Development Plan as noted above does not prescribe or quantify unit mix. I note that the planning authority considered the proposed mix acceptable.

The development includes the construction of 138 no. new residential dwellings comprises the following:

- 6 no. one bed triplex units in 2 no. three storey blocks located in the north-western and southwestern portions of the site
- 32 no. duplex units in 2 no. three storey blocks located centrally in the northern portion of the site, comprising 16 no. two bed units and 16 no. three bed units
- 24 no. two bed terraced houses
- 10 no. three bed, 2 storey, terraced/semi-detached edge houses. These houses are located on the eastern boundary of the residential zoned lands, and have been designed to provide an appropriate interface with the adjoining public open space zoned lands to the east and internal roadway to the west
- 63 no. three bed, two storey houses, comprising a mix of detached, semi-detached and terraced units
- 2 no. four bed, three storey, semi-detached houses located in the north-eastern portion of the site;
- 1 no. four bed, three storey, semi-detached courtyard house, located adjoining the main vehicular entrance to the development

The unit mix breakdown is:

	Houses	Triplex/Duplex	Total	% of total
1 bed	0	6	6	4.43%
2 bed	24	16	40	29%
3 bed	73	16	89	64.5%
4 bed	3	0	3	2.2%
Total	100	38	138	100%
% of total	72.5%	27.5%	100%	

As set out in the table above the proposed unit mix for the overall development is good. It equates to 4.43% 1 bed, 29% 2 bed. 64.5% 3 bed and 2.2% 4 bed overall. The development offers a good mix of unit types which would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. In my opinion the proposed unit types will improve the range of housing types available in the area which is predominately characterised by low density suburban housing. The provision of duplex/triplex within the scheme and at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential.

I am satisfied that the proposed housing mix which offers a good variety within the development and contributes to the housing mix in the general area. The proposed mix complies with the County Development Plan requirements and is in line with national guidance.

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

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

Having regard to the foregoing I consider the unit mix and typologies proposed acceptable and in accordance with local and national policy requirements, as such the grounds of appeal relating to this matter should be dismissed.

8.4 Private Amenity Space

The appellant has set out in the grounds of appeal that the provision of private open space for the edge houses is substandard and inappropriate for a family living in a 3 bedroomed house. With the edge houses only having c.31.77sq.m of private open space which is below the minimum standard and that its recreational utility is further restricted due to the hard surface of the garden. It is also submitted that the quality of private open space for the linear house (type F) is also substandard. Rear garden depths are less than 6.5m. And that many of the type F are single aspect east facing units that substantially overshadow the short rear gardens.

I note that the planning authority has not raised the quantum, quality or arrangement of private amenity space as a concern and refer to the submitted HQA which shows that each house is compliant with DM POL7 in respect of private open space.

I have reviewed the current Development Plan, the proposed layout, the HQA along with all relevant plans, drawings and particulars and I note that the Development Plan while setting out requirements for private open space in DM POL7 and Table 11.1 does not prescribe that this minimum area is required to be provided in one area. The current appeal before the Board includes units where the private amenity space is provided in 2 smaller areas which are clearly defined within the curtilage of the houses and have a cumulative area complying with or exceeding the Development Plan requirements. The subdivision of the private amenity has not compromised the amenity of prospective residents of these houses or those of adjoining houses in terms of overlooking or overshadowing/access to daylight/sunlight and I consider this acceptable and good design solution for this development. I wish to highlight to the Board that I am excluding the reference to the use of carparking spaces as private amenity space (dual usage so to speak) as I do not consider this acceptable. While anecdotally this space may be used by residents for such purposes I am not including it in my assessment nor consider it to form part of the private amenity space provision for the purposes of complying with DM POL7.

I note the concerns raised by the appellant but overall I am satisfied that the private amenity space is acceptable in term of both quantity, quality and disposition of private amenity space given the context of the units/houses and the overall layout of the scheme which offers high quality integrated public open spaces adjoining units. I do not consider that permission should be refused on these grounds and appeal dismissed relating to this matter.

8.5 Social Infrastructure

The appellant has raised concerns that the application does not comply with SOC POL 5 of the current Meath County Development Plan as no Social Infrastructure Assessment (SIA) is submitted.

SOC POL 5 of the current County Development Plan requires that all new residential development applications of 50 units or more on zoned lands are accompanied by a Social Infrastructure Assessment (SIA) to determine if social and community facilities in the area are sufficient to provide for the needs of future residents. The policy also sets out what details should be included. (non-compliance with this is raised in the grounds of appeal).

An EIAR accompanied the application and was considered by the planning authority as part of their assessment of this LRD. I note that the planning authority considered that based on the information provided in the EIAR that the applicant had complied with the requirement to carry out an SIA under SOC POL 5.

The Senior Executive Planner in her report set out that she is of the view that the documentation, in conjunction with existing and permitted social and community facilities at this location has addressed the matter to the satisfaction of the planning authority.

I note the requirement for a SIA under SOC POL5, I have reviewed the documentation submitted with the LRD application to Meath County Council and as set out previously note that this includes an EIAR. In this regard I refer the Board to section 9 of this report. While I recognise that there is no document submitted entitled 'Social Infrastructure Assessment' I am of the view that that the information that would form part of an SIA is provided within other documentation submitted by the applicant to Meath County Council as part of the LRD application. I am satisfied that there is sufficient information provided in the documentation for an assessment of the Social infrastructure to be carried out.

Having regard to the foregoing I do not consider the absence of a standalone document entitled 'Social Infrastructure Assessment' as non-compliance with SOC POL 5 notwithstanding that it states "the policy also sets out what details should be included" as this refers to an 'assessment' which I am satisfied has been carried out by the applicant and not a 'document' as the appellant infers. Therefore I am of the view that the grounds of appeal relating to this matter should be dismissed.

8.6 Parking

The appellant has requested that permission be refused on the grounds of unsustainable provision of off street car parking. The grounds of appeal submit that the proposed car parking provision is excessive and should be reduced to encourage a modal shift away from private car usage to sustainable forms of transport. The appellant requests that if permission is granted, parking should be reduced to 1 space per house (off street) in lieu of the proposed 2 no. spaces and 25 no. communal spaces to be shared between residents.

Objective DM OBJ 89 of the Meath County Development Plan 2021 – 2027 requires that car parking be provided in accordance with Table 11.2 and associated guidance notes. Table 11.2 requires 2 no. car parking spaces per conventional dwelling, 2 no. car parking spaces per apartment and 1 no. visitor space per 4 apartments.

The car parking proposed is in accordance with Table 11.2 of the Meath County Development Plan which sets out 2 spaces per conventional dwelling. In this regard the development complies DM OBJ 89.

I note Section 11.9.1 sets out that residential car parking can be reduced at the discretion of the Council, where development is proposed in areas with good access to services and strong public transport links and non-residential car parking standards are set down as “maxima” standards. The subject site is located c.2km from the town centre and while served locally by good pedestrian and cycle links these do not connect to the town centre at present. And while it has good connectivity with the immediate area east of the Kells Road, linkages to the town centre have yet to be delivered. In terms of pedestrian/cycle links to encourage a shift away from private car usage are in the process of being delivered and future linkages to the town centre have yet to be provided.

MCC Transportation Section has raised no objection to the proposed parking.

I note that appellant is of the view that permission should be refused on the grounds of unsustainable provision of off street car parking. In my opinion the site while located in an area undergoing significant development, on lands identified as forming part of the MP4 lands, given its location on the edge of Navan town, the context of the surrounding area and the nature of the units proposed I consider the proposed parking which complies with the Meath County Development Plan standards is acceptable in this context and a refusal of permission on these grounds is not warranted.

8.7 Other

The applicants in their response to the third party appeal requested that the appeal be dismissed under section 138 (1) (a) and (b) of the Planning and Development Act 2000 (as amended) on the basis that the grounds of appeal are similar in nature and content to a number of observations and appeals made by the appellant in respect of applications lodged by the applicants in a number of counties (Meath, Kildare, Westmeath & Fingal). To support this the applicant has included a list of planning application reference numbers (planning authority and An Bord Pleanála) of applications/appeals where the appellant has lodged observations/appeals.

The applicants request that the third party appeal is dismissed under section 138 of the Planning and Development Act 2000 (as amended) as the grounds of appeal are similar in nature and content to a number of observations and appeals made by the appellant in respect of applications lodged by the applicants in a number of counties (Meath, Kildare, Westmeath & Fingal). The applicants have not submitted a request for an oral hearing. Page 5 of their response refers to the provisions of section 138 (3) and section 134 of the Planning and Development Act And submit that there is precedent for the Board to use its powers under s.138 to request an oral hearing to assist the Board in its Determination. Reference to two appeals (ABP Ref. PL.04.243695 and ABP 302403-18) where the Board facilitated oral hearings under s.138 resulting in the appeal being withdrawn and dismissed respectively.

I have reviewed the ground of appeal and consider them valid. I do not consider ground of appeal vexatious, frivolous or without substance or foundation. I also note that the appellant has given as his address one that is in the immediate vicinity of the site. I note that the appellant has lodged appeals against the applicant on adjoining lands, this is commonplace for local residents to object to development in the area. With regard to the applications in Westmeath, Kildare and Fingal. I note no supporting evidence has been submitted to support the applicant claims that the appellant only considers applications lodged by Glenveagh Homes Ltd. Furthermore I have no evidence before me to support the claim that the sole intention of the appeal is to delay the development or the intention of securing the payment of money, gifts, consideration or other inducement. I also note that the applicant's response was not circulated to the appellant for comment on this matter.

I acknowledge the concerns raised by the applicant however I note that there is nowhere in the legislation that set out that a third party is restricted in making submissions/appeals in terms of who the applicant is.. In this regard I further note that both planning authorities and An Bord Pleanála considered the submissions/observations/grounds of appeal to be valid.

Having regard to the foregoing I do not consider that an oral hearing is warranted in this instance under section 138 of the Planning and Development Act 2000 (as amended).

9.0 Environmental Impact Assessment (EIA)

Environmental Impact Assessment Report

This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The proposed development provides for 138 no. residential units and associated site works at Clonmagaddan, Navan, Co. Meath. The site is located within the administrative area of Meath County Council.

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

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

This section sets out an Environmental Impact Assessment (EIA) of the proposed development. The development provides for the construction of 138 no. residential units and associated site works. On a site with a stated area of c. 6.96 hectares. I refer to the more detailed description of the proposed development set out in section 3.0 above. A number of topics and issues raised by observers that concern environmentally related matters have already been addressed in the wider planning assessment described above, and where relevant I have cross-referenced between sections to avoid unnecessary repetition.

This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001-2020 identifies projects in respect of which the submission of an EIAR is mandatory.

The proposed development is not identified within Part 1 of the schedule, nor does it exceed the thresholds identified in Part 2 thereof. I note the following relevant criteria in respect of Class 10 – Infrastructure Projects

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

Whilst the proposed development does not exceed these thresholds, the proposed development represents the third phase of residential development of an overall landholding known as Masterplan Area 4 (MP4), therefore having regard to the extent of recently completed and planned development in the surrounding area, the applicants have provided an EIAR to allow a comprehensive assessment of the development.

The EIAR dated June 2022 comprises a non-technical summary (Volume 1), a main volume/written statement (Volume 2) and supporting appendices (Volume 3). Chapter 15 of the main volume addresses interactions and Chapter 16 provides a summary of the mitigation measures described throughout the EIAR. Each chapter describes the expertise of those involved in the preparation of the EIAR.

Volume 2 includes:

Chapter 1 sets out an introduction and background to the EIAR and the EIA process. The requirements of the Directive and the methodology used in preparing the EIAR are set out and the contributors to the report and their qualifications are identified in Table 1.3.

Chapter 2 sets out the site location, context and planning history.

Chapter 3 describes the proposed development, including the construction process, and considers the cumulative effects with other projects. I note that the appellant raised concerns that the EIAR is deficient as it does not adequately describe or quantify in chapter 3 the type of materials that would be used to construct the proposed dwellings and apartments and it fails to adequately address embodied carbon including that associated with the production of the materials to build the proposed development. I note table 3.2.1.1 sets out a description of the materials, these are standard in nature and I am satisfied that the information contains in chapter 3 adequately address this matter and the grounds of appeal relating to this issue should be dismissed. I also refer the Board to my assessment of chapter 9 where I consider the climatic impacts of the proposed development.

Chapter 4 sets out the consideration of alternatives.

The EIAR considers Effects on the Environment. The likely significant direct and indirect effects of the proposed development are considered in the following Chapters, in accordance with Article 3 of the EIA Directive 2014/52/EU:

5. Population and Human Health
6. Biodiversity
7. Land, Soils and Geology
8. Water: Hydrology and Hydrogeology
9. Air Quality, Dust and Climate Factors
10. Noise and Vibration
11. Material Assets – Traffic and Transport
12. Material Assets – Water Supply, Drainage and Utilities.
13. Cultural Heritage and Archaeology.
14. Landscape and Visual Assessment.
15. Interactions of the Foregoing.
16. Summary of EIA Mitigation Measures.

As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

In terms of cumulative impacts of the proposed development with other planned projects in the immediate area and are addressed within each relevant chapter of the EIAR.

The appellant raised concerns that the EIAR is deficient, I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions during the course of the application and the appeal, the council and prescribed bodies and which are summarised in sections 7, 8 and 9 of this report above.

Consideration of risks associated with major accidents and/or disasters.

Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

The EIAR notes the requirements of Article 3 and observes that the surrounding pattern of development does not include any man-made industrial processes (including Seveso II Directive sites) which would be likely to result in a risk to human health and safety.

Annex IV of the Directive 2011/92/EU as amended by Directive 2014/52/EU refers to both a proposal's potential to cause accidents/disasters and to the vulnerability of the proposal to accidents/disasters. These risks can be from both man-made and natural disasters and there is a requirement to build resilience into projects and to invest in risk prevention. Principal risks include accidental spillages, ground instability, landslides, flooding, major traffic accidents, and work-place construction accidents. The EIAR concluded that none of these risks are considered to be significant.

The EIAR sets out that the scheme has been designed to minimise the climate impacts of the proposed dwellings. Tables 2 to 6 list the design features of the scheme that are intended to reduce climate impacts through energy efficiency, reduction of waste and carbon emissions.

The application is accompanied by a site-specific flood risk assessment, and Chapter 8 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding and will not give rise to flooding impacts elsewhere. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

Alternatives

Article 5(1)(d) of the 2014 EIA Directive requires “a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

Chapter 4 identifies the alternatives considered and the reasons for not proceeding with each. In the context of current planning and housing policy for the area, county and the region, I do not regard the Do-Nothing option or alternative locations or uses to be reasonable alternatives. A series of alternative design and layout options were considered and are briefly described. Alternative phasing approaches are also considered. The construction and mitigation measures presented in the EIAR represent the best practice and alternatives not considered necessary. Having regard to the policy and zoning objectives for the area and the location and brownfield nature of the site, it is considered that the issue of alternatives has been adequately addressed in the application documentation.

I have reviewed the documentation submitted and I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

In carrying out this EIA I have examined all the information presented by the applicant, including the EIAR, and the submissions and observations received during the course of the application. A summary of the submissions made by observers, the planning authority and prescribed bodies in this regard has been set out in the sections 7, 8 and 9 respectively of this report.

Overall, I am satisfied that, the Directive requirements in relation to the consideration of alternatives have been satisfied.

Consultations

I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions

Assessment of Likely Significant Effects

The likely significant indirect effects of the development are considered under the headings below and reflect the factors set out in Article 3 of the EIA Directive 2014/52/EU.

- Population and Human Health.
- Biodiversity.
- Land, Soils and Geology.
- Water: Hydrology and Hydrogeology.
- Air Quality, Dust and Climate Factors
- Noise and Vibration
- Material Assets – Traffic and Transport
- Material Assets – Water Supply, Drainage and Utilities.
- Cultural Heritage and Archaeology.
- Landscape and Visual Assessment.
- Interactions.
- Summary of EIA Mitigation Measures.

Population and Human Health

Chapter 5 of the EIAR chapter examines any potential effects on Population and Human Health. The purpose of this assessment is to identify and assess the potential population, health and wellbeing effects of the proposed project and to deliver evidence-based recommendations that maximise health benefits and mitigate or remove potentially negative impacts associated with the Proposed Development. The methodology for assessment is described as well as the receiving environment. Recent demographic and socio-economic trends are examined.

The chapter considers the likely significant effects under numerous headings that correspond with chapters 5 to 14 and also potential for major accidents or disasters. There EIAR concluded that are no adverse, long-term permanent impacts on population and human health arising from the operational phase of the proposed development. The construction phase of the proposed development may give rise to some short-term impacts to the locality such as construction traffic and surface contaminants, dust, exhaust emissions, noise, and littering. However, these disturbances will be kept minimal through the implementation of mitigation measures and will not have any significant detrimental impacts on the area. Meanwhile, the study area will likely benefit from the long-term or permanent positive impacts brought by the proposed development.

The potential cumulative impacts are assessed for the combined masterplan lands, containing constructed and permitted residential dwellings (Cluain Adain estate), together with a recently permitted sheltered housing/childcare/retail/community building development. The EIAR describes the cumulative impacts of the proposed development on population and human health which are envisaged to be positive. The increased population on the masterplan lands arising from the proposed development and permitted 4 storey apartment block that has yet to be constructed will contribute to the customer base of the identified study Aaea, increasing the viability of existing social/community and commercial entities. The proposed development will provide additional publicly accessible areas of open space and a children's play area, while the permitted sheltered housing, childcare, retail and community building development will ensure that the population increase is provided in conjunction with the delivery of local retail, childcare and employment opportunities.

The EIAR describes the temporary impacts associated with the construction phase as positive/ slight/short term.

Overall, subject to adherence to best practice and implementation of appropriate mitigation measures detailed in the EIAR, the overall temporary impacts associated with the construction phase (noise, dust, visual, traffic disruption) are considered to represent a slight / moderate impact for the population. In order to avoid and / or reduce impacts on the adjoining residents, a CEMP will be put in place prior to the commencement of development.

Residual Impacts include implementation of development plan proposals for the lands. In terms of cumulative impacts, the development will continue the development of the MP4 lands, with landscape and visual impacts. Adjacent development on MP4 lands to the east (phase 1), to the east/southeast (phase 2) is partially completed and construction on phase 3 (community building/childcare/retail and café) has yet to commence. Future development phases anticipated in the Masterplan area include the provision of social/community and educational facilities, public open spaces and employment generating developments. The EIAR sets out that such future development will be assessed for environmental considerations as part of planning applications for such developments. I consider this acceptable.

There will be an increase in housing provision in this area to contribute to meeting housing demand, including sheltered housing, while the increased population will impact on local services in the area.

Mitigation measures are set out through out the EIAR and summarised in chapter 16. It is considered that the monitoring measures outlined in chapters 10, 11, 12, 13 and 14 of the EIAR sufficiently address monitoring requirements for Population and Human Health.

I note third party submissions regarding social infrastructure capacity and the absence of a Social Infrastructure Assessment. I refer to section 8.5 of this report where I address this matter, and that there is sufficient capacity in the area to meet the demands of the proposed development and other documentation is submitted by the applicants, including the Social and Community Infrastructure Assessment. I consider that sufficient information has been provided to assess the effects of the development and conclude that significant adverse impacts will not arise. I have considered all of the application documentation and submissions received, and I am satisfied that predicted impacts in relation to Population and Human Health would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Population and Human Health. Overall, I concur with the conclusions of the EIAR with respect to population and human health.

Biodiversity

The purpose of chapter 6 is to describe the baseline biodiversity of the proposed development site, assess the potential effects of the impacts associated with the construction and operation of the proposed development, and put forward mitigation measures designed to avoid or minimise any negative effects, if required.

The chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 10 of this report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

Studies and surveys (bat survey (10-11-12 September 2015) and Bat Activity Survey (28 June 2022) have been carried out.

The site is former agricultural grassland, which is now dominated by bare and recolonising earth due to previous site works, with hedgerows and treelines. There are no surface waters within or adjacent to the site, with the nearest stream approximately 300 m to the north and flowing in an east-to-west direction for 2.4 km before meeting the River Blackwater. The drain to which the surface water drainage system discharges is located in the northeast corner of the site and was dry at the time of survey. A second stream, which is located 550 m to the south of the project area, flows south into the River Blackwater over 900 m away. The surface water drainage system for the development site utilises a variety of Sustainable Urban Drainage Systems (SuDS) in the form of modular permeable paving, swales, bio-retention areas and a detention basin, with two Stormtech attenuation areas, one to the northwest and one to the south.

The habitats present within the site were identified as: ED2/ED3 and mosaics – Spoil and bare ground and Recolonising bare ground, GS2 – Dry meadows and grassy verges, BL3 – Buildings and artificial surfaces, WL1 – Hedgerows, and WL2 – Treelines. Treelines running along the eastern and western boundaries of the project area were assessed as being High Significance Heritage Hedgerows. No rare or protected plant species were recorded within the site. No non-native invasive plant species were recorded within the site. Evidence of rabbit, brown rat and badger activity was recorded within the project area. Badger signs were restricted to footprints at the northern boundary and there were no setts present within the site. Five bat species: soprano pipistrelle, common pipistrelle, Leisler's bat, Nathusius' pipistrelle and brown long-eared bat, were recorded foraging and commuting along treelines within the survey area and occasionally crossing open ground, though no bat roosts were recorded and most of the trees within the site have low roost potential, though several are considered to have moderate roost potential. The hedgerow/treeline along the eastern boundary of the Phase 3 area is an important commuting route for bat species. A total of 24 bird species were recorded in the course of the field survey. Sixteen of the bird species recorded are listed as 'Green' on the Birds of Conservation Concern in Ireland (BoCCI), with five listed as 'Amber' and three listed as 'Red'. The development site is not within or adjacent to any designated sites, with the closest being the River Boyne and River Blackwater SAC

(site code: 002299), and the River Boyne and River Blackwater SPA (site code: 004232), which are a straight-line distance of 1 km and 1.1 km away, respectively.

Construction Phase Impacts:

Likely impacts related to the construction of the proposed development, in the absence of mitigation measures, have been identified as: loss and disturbance of habitat (permanent, moderate, negative impact), mortality of species (short-term, moderate, negative impact for birds, and short-term negative significant impact on bats), disturbance to species (short-term, slight, negative impact) and disruption of bat foraging and commuting (permanent, moderate, negative impact).

Operation Phase Impacts:

Likely impacts related to the operation of the proposed development, in the absence of mitigation measures, have been identified as: disturbance to species (permanent, slight, negative impact), disruption of bat foraging and commuting (long-term, significant, negative impact) and water quality (Imperceptible, negative impact).

Mitigation Measures

Mitigation measures set out in Table 6.4 will be implemented to reduce or remove impacts related to the proposed development and include:

- During construction, and into the operation phase, areas will be retained for nature conservation, notably the treelines and hedgerows along the eastern, northern and western boundaries of the area, as well as part of the hedgerow that runs across the middle of the Phase 3 site (which will be of particular value as bat commuting and foraging routes).
- Landscape planting will offset some of the loss of natural habitats due to the construction of the development.
- Clearance of vegetation during construction phase shall be carried out outside the closed season as set out in Section 40 of the Wildlife Act 1976 (as amended) to reduce potential impacts during construction phase.
- Implementation of bat sensitive felling procedures under the supervision of a bat specialist.
- Use of bat-sensitive lighting during operation phase and erection of bat boxes.

Residual Impacts:

The residual impact of the proposed development, after the implementation of mitigation measures, sees loss and disturbance of habitat remain a slight, negative impact, mortality of species is reduced to an imperceptible, negative impact, disturbance to species remains a slight, negative impact, disruption of bat foraging and commuting is reduced to a permanent, slight, negative impact, while effects on water quality remain a permanent, imperceptible, negative impact.

Cumulative impacts

The EIAR concludes that there will be no significant cumulative impact as a result of the proposed development.

Monitoring:

No specific ecological monitoring is required for habitats, birds and non-volant mammals, with protective measures for treelines and hedgerows (including the root protection zone) included in the CEMP (EIAR Appendix 3.C) to ensure its implementation. It is recommended that a bat activity survey be carried out during the appropriate season post-construction to ensure the continued use of commuting routes and foraging areas by bat species and that the bat-sensitive lighting approach is adequate.

Having regard to the present condition of the subject site and now mostly completed state of the adjacent development sites, significant cumulative effects are not considered likely. No significant negative residual impacts on the local ecology are anticipated. I refer the Boards attention to the AA section of my report (Section 10) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

The submission from the DAU, Department of Housing, Local Government and Heritage noted that the site is dominated by bare ground and dry meadow habitats with hedgerow running across the centre and part of a tree row its northern section. The Department raised no objections to the proposed development subject to standard conditions relating to timing of removal of vegetation, pre felling survey of trees and use of bat boxes. I also note that the Department concurred with the conclusions in the NIS submitted with the application to Meath County Council .

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Biodiversity

would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Biodiversity. Overall, I concur with the conclusions of the EIAR with respect to Biodiversity.

Land, Soil and Geology

Chapter 7 identifies and assesses the potential effects of the proposed development on the geological environment and identifies mitigation measures to eliminate or reduce adverse effects, where required. The potential impacts on the geological environment are considered under the headings short-term construction phase and the long-term operational phase

Construction Phase:

It is anticipated that the main construction activity impacting soils and geology will be loss of soils due to soil stripping across the site. Stripped soils will be stored on site and re-used in gardens and landscaping so the natural resource will not be lost. The significance of the loss of these soils to the geological environment is assessed as 'Slight'. There will be shallow excavation of subsoils across the site for foundations, roads, service trenches, stormwater attenuation tanks, foul sewer pumping station, etc. The significance of the loss of these soils to the geological environment is assessed as 'Imperceptible'. Site traffic in the construction phase will cause compaction of subsoils across the site. The significance of subsoil compaction to the geological environment is assessed as 'Imperceptible'. There is the potential for accidental leaks and spills of fuels, chemicals or wastewaters to impact on the geological environment, particularly during construction. Most leaks and spills are small and unlikely to cause significant impact on the geological environment (e.g., a subsurface resource, geological heritage feature, etc.).

There is the potential for cumulative impact on the geological environment when other local developments are considered, mainly from impacts of loss of soils and soil sealing. The significance of cumulative loss of soils and cumulative soil sealing to the geological environment is assessed as 'Slight'.

Operational Phase:

The covering of the site with permanent impermeable surfaces (soil sealing) will have the effect of sterilising any potential subsurface resources. The EIAR considered the significance of soil sealing to the geological environment is assessed as 'Slight'. No cumulative/synergistic impacts have been identified.

No significant effects have been identified on the geological environment in the construction phase, therefore mitigation measures are not required. Applying the precautionary principle, mitigation measures are include relating to dust and runoff generation, loss of resource (soil/subsoil), soil compaction, soil contamination.

Mitigation measures will be incorporated into the Construction Environmental Management Plan (CEMP) and Construction Waste Management Plan (CWMP) documents that will be prepared prior to construction. No significant effects have been identified on the geological environment in the operational phase, therefore mitigation measures are not required and no monitoring is proposed.

No residual impacts on the geological environment are anticipated in the construction phase. There are no predicted residual impacts on soils and geology during the operational phase.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Land, Soils and Geology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land, Soils and Geology. Overall, I concur with the conclusions of the EIAR with respect to Land, Soils and Geology.

Water, Hydrology & Hydrogeology

Chapter 8 of the EIAR describes the existing hydrology and hydrogeology of the proposed development area, the potential effects of the proposed development on the water environment, and mitigation measures to eliminate or reduce adverse effects, where required.

The EIAR noted that while there is limited site-specific information available on hydrogeology, it has been possible to reasonably infer subsurface conditions from the available regional information and the site investigations undertaken on adjacent sites.

There is a drainage divide across the proposed development site, with a gentle topographic gradient towards the northwest in the northern part of the site, and a gentle topographic gradient towards the southwest in the southern part of the site.

The nearest surface water body to the site is a stream c. 250m to the north of the proposed development site (Duog stream) which is a tributary of the Simonstown Stream, which flows into the River Blackwater c. 2.2km to the west of the proposed

development. The outfall from the existing stormwater attenuation system at the northern end of the site, serving the development to the east is to a field drain which drains to the Duog Stream.

A Site Specific Flood Risk Assessment of the proposed development has been carried and is submitted as a separate document to the EIAR, this confirms that it was determined that the site is within Flood Zone C. Pluvial flooding is identified as the only flooding mechanism that could possibly impact on the proposed development; the flood risk assessment report details that the surface water network has been designed to mitigate the risk of pluvial flooding. Surface water runoff exceeding the allowable outflow rate for the catchment will be stored in the Stormtech underground structures for rainfall events up to a 1 in 100-year return period with an allowance for climate change of 20%, detailed in Chapter 12 of the EIAR.

Likely Effects

Construction effects:

The primary impact on the water environment associated with the construction of the proposed development is subsoil compaction from site traffic in the construction phase. The potential effect of this on the water environment is reduced infiltration and poor soil drainage in areas of the final development subject to recharge (gardens, open spaces). The significance of subsoil compaction is assessed as 'slight'.

Operational Effects:

The covering of the site with permanent impermeable surfaces (soil sealing) will have the effect of reducing recharge over the site to the underlying aquifer.

Mitigation:

No significant effects have been identified on the water environment in the construction phase, therefore mitigation measures are not required. However, applying the precautionary principle, mitigation measures are include in the EIAR relating to soil compaction, ground water contamination (wheelwash water)/concrete wash water/effluent/bund water, storage of chemicals/fuels, accidental spillages, leaking sewers/drains).

Best practice measures to be incorporated into the Construction Environmental Management Plan (CEMP) and Construction Waste Management Plan (CWMP) documents that will be prepared prior to construction. No significant effects have been identified on the water environment in the operational phase, therefore mitigation measures are not required and none are proposed in the EIAR. No monitoring is proposed.

Cumulative Impacts:

The proposed development in combination with other surrounding developments and developments under construction has the potential for cumulative impact on the water environment in relation to: a) reduced recharge to the aquifer/baseflow to surface water bodies, b) increased runoff to the Duog Stream/River Blackwater and c) increased risk of impact on groundwater/surface water quality.

The potential cumulative effect on the aquifer (reduced recharge) is not considered significant as the loss of recharge over the combined site areas would be insignificant compared with the regional recharge over the extent of the aquifer/groundwater catchment. The potential cumulative effects on the Duog Stream/River Blackwater (excess flood risk) are not considered significant as stormwater runoff flows for all developments will be attenuated to greenfield rates, and the combined discharge would not be expected to exacerbate flooding. The proposed development is not expected to increase the baseline impact on groundwater quality, with the implementation of the mitigation measures set out in section 8.5, any potentially significant effect on groundwater will be mitigated against with appropriate measures to ensure the highest level of protection for groundwater.

No synergistic impacts have been identified.

No residual impacts on the water environment are predicted in either the construction phase or the operational phase.

No monitoring is proposed for the construction or operational phase.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Water, Hydrology & Hydrogeology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Water, Hydrology & Hydrogeology. Overall, I concur with the conclusions of the EIAR with respect to Water, Hydrology & Hydrogeology

Air, Dust and Climate

Chapter 9 of the EIAR addresses the potential air quality and climate impacts on the surrounding environment that requires consideration for a proposed development of this type includes two distinct stages, the short-term construction phase and the long-term operational phase. The proposed development is the 3rd Phase of residential development on the overall MP4 Masterplan Lands at this location. The study area includes all areas that could potentially be affected by the emissions from the proposed project. The study area for the Construction Phase air quality impact assessment includes sensitive receptors (e.g. houses, schools and hospitals) that are located within 350m of construction activities. The study area for the Operational Phase air quality assessment includes receptors and ecological designated sites that could be affected by the proposed project. The potential impact on human receptors does not extend beyond a distance of 500m from the centre of the proposed development site.

Construction Phase:

The most significant potential impacts are those associated with excavation work which is dependent on weather conditions. There will be a short-term, slight impact on the closest receptors during the excavation programme and a short-term, not significant impact on the closest receptors during the construction works.

Construction traffic impacts will be not significant and experienced in the short-term. In the absence of mitigation measures, the overall impact of dust arising during the construction phase is considered to be short term in duration and its significance will vary from not significant to slight. Potential emissions from construction traffic using the local road network have been assessed to contribute less than 1% change to the existing air quality emission levels. It can therefore be concluded that the additional traffic will not generate significant emissions in terms of local air quality and no material change in air quality relative to the existing situation is predicted. In the absence of mitigation measures the construction phase activities will range from an imperceptible to slight impact on local air quality depending on the activities occurring and, in all cases, will be short term in duration.

The appellant raised concerns that the EIAR is deficient as it does not adequately describe or quantify in chapter 3 the type of materials that would be used to construct the proposed dwellings and apartments and it fails to adequately address embodied carbon including that associated with the production of the materials to build the proposed development. I am satisfied that no significant impacts arise from the proposed use of materials which as set out previously are standard in nature

Operation Phase:

The potential air quality impacts arise from emissions arising from traffic associated with the proposed development. The EIAR concluded that the potential impact on air quality associated with an unnoticeable traffic volume change is considered not significant in a local context and imperceptible in an overall context particularly considering the advanced developments made in cleaner and more efficient vehicle engines.

The design and construction of all buildings in the proposed development shall ensure that modern building materials are used and that they are designed to be thermally efficient resulting in eliminating the onsite fossil fuel requirement to heat the buildings. It is predicted that there will be no combustion gas emissions from the site associated with heating and therefore heating will not have an adverse impact on the existing ambient air quality in the vicinity of the proposed development site. The operational phase activities will have a not significant impact on local air quality and will be long term in duration.

In terms of "Climate", there is the potential for a number of greenhouse gas (GHGs) emissions to atmosphere during the construction of the development. Construction vehicles, generators etc., may give rise to CO₂ and N₂O emissions. During Operation Phases indirect emissions of GHGs (CO₂ and CH₄) arising from energy usage. Natural gas as a heating source is proposed as the optimum strategy.

The scheme has been designed to provide thermally efficient buildings which will eliminate the consumption of fossil fuels within each individual unit. This will reduce the impact the operational phase of the development will have on the micro and macro climate. There will be no passive air vents in the residential units which are thermally inefficient and Mechanical Ventilation and Heat Recovery (MVHR) systems shall be incorporated into the design of the apartments.

Due to the size and nature of the development, greenhouse gas emissions resulting from the development will be imperceptible in the national context. There will therefore be no adverse impacts on climate and no significant contribution to Irelands greenhouse gas budget. The construction phase activities will have a not significant impact on climate and will be short-term in duration while the operational phase activities will have an imperceptible impact on climate and will be long-term in duration.

During the construction phase of the proposed development there will be some dust impacts experienced at the nearest receptors to the subject site. It is predicted that the mitigation measures proposed will ensure that the air quality impacts are kept to a minimum. The predicted air quality impacts on the receiving environment during the construction phase are considered to be slight and short term and only affecting a small number of properties. The only predicted air quality impacts associated with operation of the development are emissions to atmosphere from traffic associated with the development. The change in traffic movements will have no quantifiable impact on air quality. The predicted air quality and climate impacts on the receiving environment during the operational phase are considered to be not significant and long-term.

Mitigation measures are set out in Table 9.9 and include measures relating to dust deposition (construction phase) and include:

- Dust Management Plan.
- Monitoring programme.
- Roadways where possible to be hard standing.
- Use of fixed and mobile water sprays.
- Daily inspection programme.

Overall no significant Air quality or Climatic impacts are predicted. Compliance with EU ambient air quality legislative limit values, based on the protection of human health, will ensure that the no significant construction impacts on human health are likely.

Cumulative Impacts:

The development subject of this application represents the 3rd Phase of residential development on the overall MP4 Masterplan Lands at Clonmagaddan. The cumulative air quality impact assessment submitted considered the proposed development in conjunction with the completed residential development on the MP4 lands (Phases 1 and 2 to the east) and the future development of the remaining MP4 lands generally in accordance with the submitted Masterplan.

In the event that the construction phase of the proposed development coincides with the construction of any other permitted developments within the zone of influence of the subject site (< 350m) there is the potential for cumulative dust impacts to the nearby sensitive receptors. The dust mitigation measures outlined should be applied throughout the construction phase of the proposed development and with similar mitigation measures applied for other permitted developments then this will prevent any significant cumulative impacts on air quality. With appropriate mitigation measures in place, the predicted cumulative impacts on air quality and climate associated with the construction phase of the proposed development are deemed not significant and temporary. I consider this acceptable.

The proposed residential developments for the area have the potential to add further additional vehicles to the local road network and additional heating systems to local area. The traffic and heating impact for the proposed development has been predicted to have a not significant impact on air quality and climate and it is considered unlikely that the other proposed residential developments both under construction and planned and any other future developments of similar scale would give rise to a significant impact during the operational stages of those projects.

Residual Impacts:

During the construction phase there will be some dust impact experienced at the nearest receptors to the site, mitigation measures will keep this to a minimum. The predicted air quality impacts on the receiving environment during the construction phase are considered to be slight and short term and only affecting a small number of properties. Once the development is completed and operational, there will be no residual adverse air quality or climate impact on the receiving environment as a result of the proposed development or in conjunction with other local residential developments that are planned for the area.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Air, Dust and Climate would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Air, Dust and Climate. Overall, I concur with the conclusions of the EIAR with respect to Air, Dust and Climate.

Noise and Vibration

Chapter 10 provides an assessment of the likely noise and vibration impacts associated with the proposed development. During the construction phase the main site activities will include site clearance and excavation, building construction, road works, and landscaping. It is noted that this phase has the greatest potential for noise and vibration impacts on the surrounding environment, but this phase will be of short-term impact. During the operational phase of the proposed development, no significant sources of noise or vibration are expected from within the development. The primary source of noise in the operational context relates to any changes in traffic flows along the local road network and any operational plant noise.

Baseline noise monitoring has been undertaken across the development site to determine the range of noise levels at 3 no. representative noise monitoring locations. Baseline noise monitoring surveys were carried out on 22 June 2021.

Likely impacts identified include:

- The predicted construction noise levels associated with site works will not exceed the assessment criteria for construction works of 70dB LAeq,1hr for the works assessed. There is potential for this to be exceeded at one noise sensitive receptor location when construction works are occurring at the closest boundary point, however installation of an acoustic screening barrier in the form of site hoarding will ensure that the impact will remain within acceptable noise levels.
- The additional traffic generated as a result of the construction phase of the proposed development results in a very small increase in peak hour traffic. Therefore, the noise contribution from site traffic during the construction phase will not be observable and can be classified as Imperceptible and Temporary.
- During the operational phase the only predicted contributions to the noise environment in the vicinity of the site will result from increased traffic movements as a result of the increased activity in the area.

Mitigation:

Whilst the construction phase is not expected to give rise to significant negative noise impacts at sensitive receptors. Table 11 sets out mitigation measure, these include measures relating to traffic and plant noise, traffic noise, impact noise and general site noise such as:

- Adherence to relevant standards for control of noise and vibration on construction sites.

- Noise control measures include the timing and phasing of works, selection of quiet plant, enclosure and screening of noise sources, construction working hours.
- Construction site hoarding of sufficient density to provide adequate sound insulation.
- Preparation of a NVMP.
- Noise monitoring at the nearest noise sensitive locations to check compliance with the construction noise criterion and liaison with local residents.

Construction noise and vibration will have a negative, moderate to significant and short-term impact on the surrounding environment. No adverse noise impacts associated with the operation phase are identified as such no mitigation measures proposed for operational phase.

Residual Impacts

During the construction phase there will be some noise impacts experienced at the nearest receptors to the subject site. It is predicted that the mitigation measures proposed will ensure that noise and vibration impacts are kept to a minimum. The predicted noise and vibration impacts on the receiving environment during the construction phase are considered to be moderate and temporary and only affecting a small number of properties over a short time-period. The potential for noise generation during the operational phase of the proposed development is limited to additional vehicles on the surrounding road network. The change in vehicle numbers predicted is not significant in an overall context. The predicted noise and vibration impacts on the receiving environment during the operational phase are considered to be not significant and long-term.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Noise and Vibration would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Noise and Vibration. Overall, I concur with the conclusions of the EIAR with respect to Noise and Vibration.

Material Assets: Traffic and Transportation

Chapter 11 assesses and evaluates the likely impact of the proposed development on the existing transportation system in the vicinity of the site, with a particular focus on the operation of nearby existing road junctions during both construction and operational phases. As well as identifying proposed mitigation measures to minimise any identified impacts arising from the development at the site. Traffic Count Survey carried out 12 May 2022.

Likely Effects:

- Construction activity and employee movements will impact on the surrounding road network over the phased construction period.
- The levels of traffic generated during the construction phase are estimated to be significantly less than the levels generated during the operational phase
- Potential blockages along local road network during construction phase due to stopped/parked vehicles, loading/delivery or dirt/debris from the construction site. The construction phase mitigation measures are intended to prevent and minimise these impacts, and these measures within the CMP will be strictly adhered to.

Cumulative Impacts:

In its operational phase, the development shall generate regular vehicular trips on the surrounding road network, with increases in traffic flows at nearby existing junctions. An assessment of nearby junctions was conducted under the predicted traffic conditions for the selected opening year 2025 and the associated design year 2040 (15 years after completion of the subject development), including traffic generated by the subject development and committed/permitted developments locally combined.

The proposed opening and operation of the entire residential development, with very low volumes of vehicular traffic added to the local road network, will not result in any significant or noticeable level of new trips on the local roads, with anticipated traffic increases beyond Clonmagaddan Road expected to be well below the level of 5% above which further assessment is required. During its operational phase, the subject development is predicted to result overall in a long term slight/imperceptible impact on the operation of junctions on the surrounding road network. The proposed development is also likely to have a long-term imperceptible effect upon the operation of adjacent pedestrian and cyclist facilities

Mitigation:

- Preparation of a detailed Project Construction Environmental Management Plan (CEMP), together with a Construction Traffic Management Plan (CTMP) and agreed within the local authority prior to the commencement of development and implemented.
- Construction of permitted traffic signal controlled junction.

- Pedestrian, cyclist and vehicular links to permitted phases of the development and the local network.

Monitoring:

- Compliance with the measures identified in the CMP.
- The lead contractor will also be required to monitor the travel habits of construction personnel and to tailor supports for public and shared transport use accordingly.
- Normal post-planning consultation and liaison with Meath County Council will be undertaken to ensure that any adverse impacts of the proposed development are minimised and reviewed.

Cumulative effects:

Cumulative effects with adjoining committed developments were considered in the assessment of traffic impacts.

Residual Impacts:

Expected to be positive, with increased pedestrian and cyclist activity, with an increased demand for public & alternative transport created through contributing to a vibrant sustainable active Residential Area adjacent schools and services. The construction stage of the proposed development will still result in increased vehicle movements, particularly HGVs. However, the relative increases will be sufficiently low so that when combined with the mitigation measures outlined, will have a negligible residual impact. The operational stage of the proposed development will result in increased traffic but the local road network has been shown to be capable of catering for this given the sub-threshold nature of the traffic impact

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets: Traffic and Transportation would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Traffic and Transportation. Overall, I concur with the conclusions of the EIAR with respect to Material Assets: Traffic and Transportation.

Material Assets: Water Supply, Drainage and Utilities

Chapter 12 contains a review of the current infrastructure in the area. The proposed development will install and commission, to Irish Water standards, new potable water and wastewater infrastructure to facilitate the scheme, including a foul water pumping station to the north-west of the site. The proposed potable water and wastewater infrastructure will connect to existing infrastructure at Cluain Adain, constructed during previous phases of development on the masterplan lands

The material assets considered include Surface Water Drainage, Foul Drainage, Water Supply, Power, Gas and Telecommunications.

Likely Effects:

- Connection to utilities, including gas networks and telecoms, may result in temporary interruption of services. Such impacts would be temporary negligible.
- Accidental contamination of surface water runoff during construction phase.
- Cross contamination of potable water supply to construction compound during construction phase.
- Reduced local ground water recharge and potentially increased run-off .
- Accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network.
- Potential impacts on existing over and under ground power infrastructure and potential loss of connections.
- Increased demands on power and telecommunications networks is not anticipated to impact on the existing power, gas or telecommunications network.

Mitigation

Mitigation measures are set out in table 13 and include measures to address during the construction phase: damage to existing utilities, contamination of surface water runoff due to construction activities, improper discharge of foul drainage from contractor's compound, cross contamination of potable water supply to construction compound, damage to existing underground and overground infrastructure and possible contamination of the existing systems with construction related materials, relocation or diversions to existing ESB lines may lead to loss of connectivity to and/or interruption of supply from the electrical grid, potential loss of connection to the Gas Networks Ireland or Telecommunications infrastructure while carrying out works to provide service connections. During the operational phase: increased impermeable surface area will reduce local ground water recharge and potentially increase surface water runoff, accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network, increased discharge to foul drainage network, increase potable water consumption and contamination of surface water runoff from foul sewer leaks.

Residual Impacts:

Provided mitigation measures are adhered to there is unlikely to be any adverse impacts on material assets during the construction stage and any residual impacts on the existing foul and waste systems would be temporary and minor.

No significant residual impacts are expected during the construction phase subject to mitigation measures being adhered to. Subject to all surface water drainage, foul water drainage and watermain design being carried out in accordance with the relevant guidelines, there are no predicted residual impacts on the drainage and water supply arising from the operational phase. All utilities ducting and diversion will be carried out as per the supplier instructions, therefore no predicted residual impacts are expected from the operational phase.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets: Water Supply, Drainage and Utilities would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Water Supply, Drainage and Utilities. Overall, I concur with the conclusions of the EIAR with respect to Material Assets: Water Supply, Drainage and Utilities.

Cultural Heritage and Archaeology

Chapter 13 assesses the impact of the development on the Cultural Heritage of the site. The report includes a desktop assessment and a field walk in 2018 and 2020. Site visits undertaken in May 2019 and June 2020. The desktop section was compiled using the Records of Monuments and Places; buildings of Ireland, historic maps; aerial photographs; place names and historic books and journals.

The site is located in the townland of Clonmagaddan to the north of Navan Town Centre. The study area comprises former agricultural grassland, which is now dominated by bare and recolonising earth due to previous site works, with hedgerows and treelines. As part of a planning application for development across the subject site and wider MP4 masterplan lands, a geophysical survey and archaeological test trenching was undertaken in 2009. This revealed 2 no. enclosures named Arch 01 and Arch 02. Arch 1 is within the study area and was identified as a significant enclosure with numerous associated pits, internal structures, and external field systems. The enclosure measured 35-40m in diameter. As part of the Phase 1 development on the MP4 lands, to the east of the subject site, a heavily truncated enclosure was excavated in 2018 (Licence No. 18E0105). The study area and the subject site includes an enclosure uncovered during archaeological geophysical survey and testing in 2007 (RMP Ref. ME 025068). This area has been incorporated into the current proposed development as a public open space area.

The site subject includes an enclosure recorded during archaeological surveys previously undertaken at the site. This was included in the RMP for County Meath (RMP ME025 068). The DAU noted in their submission on the LRD at application stage to Meath County Council the mitigation measures contained in section 13.7 and Table 13.2 and recommended that they should be included as a planning condition that should be attached to any grant of permission.

Likely Significant Impacts:

The greatest threat to the feature to be retained in situ is during the construction stage, which could include the movement of machinery and the storage of material on the enclosure (which does not have any surface expression), resulting in compaction/ground disturbance. In the absence of the mitigation measures, the impact on the enclosure as a result of the construction phase would be profound. Ground works at the site in the absence of mitigation could result in accidental damage to sub surface remains and obliterate sensitive remains. Heavy machinery crossing and storage of material would damage deposits not visible at ground level. With the appropriate mitigation strategies, the impact on the enclosure will be low and will not cause significant consequences to the archaeological remains at the site. Preventing traversing of machinery and storage of equipment in the area will prevent accidental damage to archaeological deposits.

The associated field system is within the area proposed for development. In addition, a number of additional archaeological features are located outside of this public open space and buffer zone surrounding the enclosure. Should development proceed in this area without appropriate mitigation strategies the impact on these features would be profound and could cause damage to sensitive sub surface remains . However, if the proposed mitigation is implemented this will be reduced.

The proposed development has been designed to ensure the preservation of the enclosure in situ, incorporating the enclosure within the proposed development as a green public open space area that does not incorporate any development proposals. Where grass exists this will be maintained, in the remainder of the site seeding will take place. A 20m buffer zone has also been provided around the enclosure to the north and east, with a 17m buffer zone to the west of the enclosure. An existing hedgerow to the south of the enclosure is proposed to be retained to the greatest extent possible in the proposed development and forms a natural protective boundary at the south of the enclosure.

There are no potential impacts on archaeological cultural heritage expected as a result of the operational phase of the proposed development, as it is anticipated that issues of archaeological and cultural heritage interest will have been resolved prior to or during the construction phase.

Mitigation

Mitigation measures are set out in Table 13.2 and include measures to address accidental damage to ME 025 068, damage to archaeological features outside the central public open space green area and unidentified subsoil remains and include:

- Mitigation measures are required during the construction phase. The identified enclosure on the site is retained in situ within a proposed public open green space in the development. This public open space area is to be fenced prior to construction to prevent machinery traversing the area and prevent storage of materials in this area. This will reduce the potential for accidental damage to the known sub surface remains in the area.
- No deep excavation will take place in this area and all works will be archaeologically monitored.
- A number of archaeological features have also been identified outside this public open space green area. If development proceeds in this area, preservation by record, or archaeological excavation of these features will be required. These works will be undertaken under licence to the National Monuments Service at the Department of Housing, Local Government and Heritage.
- A suitably qualified archaeological consultant shall be appointed to undertake licenced archaeological monitoring of all topsoil excavation during the construction phase of the development. This will be under license from the National Monuments Service of the Department of Housing, Local Government and Heritage. Should additional archaeological or architectural heritage features, deposits or structures be uncovered during archaeological monitoring the NMS should be contacted and a strategy for the resolution of these features be formulated.

No mitigation measures are required for the operational phase as it is anticipated that archaeological requirements for this scheme will be largely implemented prior to and during the construction phase and resolved before the operational stage.

Residual Impacts:

Archaeological impact will be resolved prior to or during the construction stage of the proposed redevelopment.

If the mitigation measures are implemented then the impact will be slight due to the preservation in situ of the enclosure on the site, together with the production of a full archaeological excavation report for any further archaeological sites and material uncovered.

The enclosure to be preserved in situ under green space may be negatively impact from human traffic degrading the archaeological feature. However, remaining topsoil will provide a protective buffer rendering this potential impact imperceptible.

I have considered all of the application documentation and submissions received, and I am satisfied that the impacts predicted to arise in relation to Archaeology and Cultural Heritage and Archaeology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. Overall, I concur with the conclusions of the EIAR with respect to Cultural Heritage and Archaeology.

Landscape and Visual Impact

Chapter 14 addresses the potential landscape and visual effects of the proposed development with an emphasis on the significant effects of the proposal. The chapter outlines the methodology for the assessment, a description of the proposed project, the existing landscape as well as landscape policy and relevant guidance. A site assessment was undertaken in September 2020. Desktop studies were undertaken to evaluate the existing site conditions such as topography, vegetation, settlement patterns, contiguous land use, drainage, landscape character as well as overall visibility of the site from surrounding areas. Information was also collated on protected views, scenic routes, special and protected landscapes etc.

The site is located at the northern fringe of the town which can be categorised as 'semi-urban' or peripheral urban area. The area is largely influenced and characterised by recent development, manmade structures and interventions. To the south, east and west, the presence of existing residential development has a significant influence on the perceived character of the site. To the northeast, a quarried area and plant creates a more industrial character. To the north, agricultural fields and farmsteads are bounded by mature and expanding hedgerows and tree belts. A significant ESB pylon runs across the eastern boundary of the site. The landscape around the site is predominantly flat, the boundary to the north is defined by sparse mature trees and hedgerow. To the west the school forms the boundary. Elsewhere the site is defined by the edge of existing residential communities. The subject site is exposed to the north and medium distance views are available towards the site from the rural areas. The site is surrounded by existing built-up areas and that views are generally foreshortened and limited. The lands to the north are also part of the MP4 Lands which are zoned for future developments. It is envisaged that eventually the proposed development will be screened from the north when future developments are in place.

The EIAR refers to LCA - Blackwater Valley under landscape sensitivities and effect. Overall the landscape change is consisted of to be of 'moderate significance and adverse' at constructing stage. There are no protected views identified that affect the site. I note, and concur with the planning authority, that the site is located in the northern suburbs of Navan town and does not display the characteristics of the riverine landscape with which LCA 20 is typically associated with. In this regard I consider the impact of the site within the LCA acceptable and I concur with the planning authority in this regard,

Likely significant impacts:

- Change of the site from an open field to a new residential area.
- Locally some trees and hedgerows will be affected, however the new development has been laid out to incorporate many of these existing landscape 'green infrastructure' features within its landscape structure of open spaces and networks.
- Based on the assessment of the landscape characteristics, values and sensitivities, 11 representative viewpoints (VP) were selected to assess visual impact and effects. (survey and verified views dated July 2021). No view points experience an adverse effect.
- During construction phase there will be a change to the landscape and there will be negative visual impacts for residents and visitors to the areas adjacent to the site associated with construction activity.

Mitigation

Mitigation measures are set out in table 14.8 and include measures to address the visual impact of construction works, landscape character and existing vegetation and include:

Construction Phase:

- Proposed remedial measures which revolve around the implementation of appropriate site management procedures – such as the control of site lighting, storage of materials, placement of compounds, delivery of materials, car parking, etc.
- Visual impact during the construction phase will be mitigated somewhat through appropriate site management measures and work practices to ensure the site is kept tidy, dust is kept to a minimum, and that public areas are kept free from building material and site rubbish.
- Site hoarding will be appropriately scaled, finished and maintained for the period of construction of each section of the works as appropriate.

- To reduce the potential negative impacts during the construction phase, good site management and housekeeping practices will be adhered to.
- The visual impact of the site compound and scaffolding visible during the construction phase are of a temporary nature only and therefore require no remedial action other than that set out in the EIAR.
- Existing trees to be retained are particularly sensitive to negative impacts during the construction phase if proper protection measures are not adhered to.

Operational Phase:

The mitigation of effects is through the delivery of a quality design rather than in addressing residual effects post design and implementation.

- The design of the architectural layout is based on best practice and to successfully integrate the scheme into the receiving environment. The layout aims to address visual impacts by proposing variety in scale and massing of buildings. The proposed elevations and materiality complement local styles and character.
- The retention of hedgerows and trees where feasible and the planting of additional trees and shrubs throughout the site and open spaces where possible will reduce the visual mass of the buildings, soften and partially screen the development over time from various viewpoints.
- The planting of substantial numbers of new trees and other planting in the open spaces, the site boundaries and internal roads, both native and ornamental varieties, will enhance the overall appearance of the new development.
- Public open spaces have been designed as part of an overall design strategy that focuses on creating a 'sense of place' and individual character for the development area. The quality of the public realm scheme is of a high standard and the quality of materials proposed is similarly high and robust and reflects the receiving environment.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Landscape and Visual Impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape and Visual Impact. Overall, I concur with the conclusions of the EIAR with respect to Landscape and Visual Impact

Interactions with the foregoing

Chapter 15 provides an assessment of the interactions and interrelationships of the different environmental factors / impacts that will occur as a result of the proposed development including synergistic and cumulative impacts. This assessment of interactions arising concluded that the proposed development will not result in any significant synergistic interactions or cumulative adverse impacts on the environment. In all instances, mitigation measures have been proposed to avoid, remedy or reduce identified impacts. These are proposed and outlined within individual EIAR chapters to ensure that any potential adverse impacts that may arise as a result of the proposed development are minimised/neutralised.

The EIAR recognises that all factors are inter-related to some extent and Chapter 16 seeks to identify and set out in one location all potential impacts of the subject scheme. All of the potential significant effects of the proposed development and the measures proposed to mitigate them have been outlined in the preceding chapters of the EIAR. However, for any development with the potential for significant environmental effects, there is also the potential for interaction amongst these potential significant effects. The result of interactive effects may exacerbate the magnitude of the effects or ameliorate them or have a neutral effect.

Chapter 15 provides a detailed summary of all interactions and categorises them as 'weak', 'some' and 'strong'. The EIAR quantified interactions as: 'weak' interaction is where an interaction is stated to be neutral or imperceptible, 'some interaction' is where the interaction is not significant or slight, and a 'Strong' interaction is where the interaction is moderate or significant. The chapter identified the 'some' and 'strong' interactions as follows:

- Noise & vibration, water, air/dust & climate factors, MA water supply/drainage and utilities with population and human health;
- Land, soils & geology, cultural heritage and landscape & visual impact with biodiversity;
- Land, soils and geology with water.
- Cultural heritage with landscape & visual impact

Table 15.1 provides a matrix of interactions. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Tables 15.2.1 to 15.2.9 set out the lists of the receptor interactions and interrelationships for each factor assessed.

The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, which seek to avoid, remedy or reduce identified

impacts, the development will not result in any significant adverse interactions or cumulative adverse impact on the environment.

Summary of EIA Mitigation Measures

Chapter 16 contains a summary of all the mitigation and monitoring measures proposed throughout the EIAR document for ease of reference.

Cumulative Impacts

The proposed development would occur in tandem with the development of other sites that are zoned in the area. Such development would reflect land uses envisaged under the county development which have been subject to Strategic Environment Assessment. A number of developments in the surrounding area have been specifically identified as being considered in the submitted EIAR, including the other permitted developments on MP4 lands.

Each individual chapter provides an assessment of the cumulative impact of the development. The proposed land use of the development is in keeping with the different zonings of the site, and the proposed development is generally within the provisions of the relevant plan. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR, CEMP and other information provided by the developer, and the submissions from the planning authority, prescribed bodies and appellant in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area. After implementation of these measures there is no risk of significant negative residual effects.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and

subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Design measures to reduce to a minimum CO₂ emissions—After implementation of these measures there is no risk of significant negative residual effects.
- A positive effect on the wider area as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Cultural Heritage and archaeology would be mitigated by incorporating features into the landscaping plan and adherence to the mitigations set out in particular relation to the protection of archaeological features on site. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area. With mitigation in place no significant residual impacts will result.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

The EIAR has not consistently considered all the land use zonings on the site or material assets in terms of waste. I do not consider these issues to be significant in terms of assessment of likely environmental impacts and I don't advise the Board to seek further information on these topics. I am satisfied that there is adequate information submitted with the application to carry out an EIA.

10.0 Appropriate Assessment

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

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

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

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

10.2 Introduction

The Natura Impact Statement (NIS) dated June 2022 submitted with the application to Meath County Council includes screening that was carried out. (section 2 of the NIS). This noted that as the proposed development has the potential to impact on two European sites, avoidance and mitigation measures have been included as part of the proposed development to ensure that, in view of the European sites' conservation objectives and beyond reasonable scientific doubt, the proposed development will not adversely affect the integrity of the sites concerned.

Included with the application, amongst other reports are an EIAR and a Construction Environmental Management Plan. I have also had regard to the submission from the DAU.

10.3 Screening for Appropriate Assessment (Stage 1)

10.4 Description of Development

The applicant provides a description of the project in section 2.1.1 of the NIS. I refer the Board to section 2 of this report.

10.5 Test of likely significant effects

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

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

10.6 Designated sites within Zone of Influence

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the site to the European Sites, and any potential pathways which may exist from the site to a European Site. The site is not within or directly adjacent to any European Site. The site is former agricultural grasslands located adjacent to a school to west and bounded by existing residential development to the east and southeast. To the north is Proudstown lane which also serves a recycle facility and Kilsaran quarry. The site has been the subject of site works in the past and is now predominantly bare and recolonising earth due to these site works. The nearest surface water feature is a stream c.300m to the north of the site. This flows in an east to west direction for c.2.7km before entering the River Blackwater. A second stream is located c. 550m to the south of the site, this flows south for c.900m before entering the River Blackwater.

There is a hydrological link with the River Boyne and River Blackwater SAC via surface water runoff into a stream c.300m from the site via land drains and there is the potential for pollutants mobilised into surface water runoff from the development in its construction phase to reach the River Boyne River Blackwater SAC River Boyne and River Blackwater SPA. through surface drains and streams by a c.2.7km long route and adversely affect the European site and the QI habitats and species from which these site are designated.

The applicant's screening noted that there is a hydrological link to the Boyne Estuary SPA (site code 004080) and the Boyne Coast and Estuary SAC (site code 001957) which are allocated in excess of 30km from the site and for this reason and the assimilative capacity of the River Boyne, it was concluded that there is no potential for any adverse effect on these sites from the proposed development. I concur with this conclusion and am satisfied that it can be excluded from my zone of influence.

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

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
<p>River Boyne and River Blackwater SAC (site code 002299)</p> <p>Alluvial forest (91E0), Alkaline fens (7230), Atlantic salmon <i>Salmo salar</i> (1106), River lamprey <i>Lampetra fluviatilis</i> (1099), Otter <i>Lutra</i> (1355)</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.</p>	<p>c. 1km downstream</p>
<p>River Boyne and River Blackwater SPA (site code 04232)</p> <p>Kingfisher <i>Alcedo atthis</i> (A229)</p> <p>The Kingfisher is considered to be of medium (amber) conservation concern and is listed in Annex I of the Birds Directive.</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>c.1.1km downstream</p>

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

10.7 Potential Effects on Designated Sites

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

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

- Possibility that the release of sediment and pollutants from the proposed development into the streams and transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself.

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

The site does not support suitable habitats for protected species associated with the SPA and SAC, therefore no ex situ impacts arise.

There is no direct pathway via groundwater, air or land to Natura 2000 sites and the nearest European site is c.1km from the proposed development.

There is a potential direct pathway to both SPA and SAC via land drains and streams in the proximity of the site. In the absence of mitigation, an accidental pollution event could occur during the construction phase of the proposed development arising from polluting materials, such as accidental spillage of oil, hydraulic fluid and concrete, entering the streams via land drains and being transported downstream could have detrimental impacts on the Otter and two other QIs (Atlantic Salmon and River Lamprey) for the River Boyne and River Blackwater SAC. Similarly, by causing a deterioration in water quality such pollution could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

10.8 Screening Determination

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

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

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

10.9 Stage 2 Appropriate Assessment

I have read the NIS in conjunction with an Environmental Impact Assessment Report' and the Construction and Environmental Management Plan. All of which I consider critical documents which contain mitigation in relation to the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 0004232). The NIS submitted should be considered in conjunction with these other documents and submissions. I note all the information is on file and therefore available for my appropriate assessment.

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

Appropriate Assessment of implications of the proposed development

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

I have relied on the following guidance:

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

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

- Possibility that the release of sediment and pollutants from the proposed development into the streams and transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself.

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

River Boyne and River Blackwater SAC (002299):

The River Boyne and River Blackwater SAC has been designated for the protection of a range of habitats and species associated with the River Boyne and River Blackwater and tributaries. NPWS publications highlight the specific attributes and targets for the various qualifying interests in the SAC. This SAC is located c.1km from the proposed site at its closest point. The proposed development is connected to the River Boyne and River Blackwater SAC via surface water that drains from the site and discharges of surface water from the site via land drains that feed into streams that feed into the River Blackwater.-Therefore, potential pathways via surface water cannot be screened out of the assessment given the potential of polluting materials from the proposed development being transported downstream

Extensive surveys and research undertaken in the preparation of the NIS and EIAR Environmental Reports submitted with the application are noted.

The appeal site does not support populations of any fauna species linked with the QI populations of the River Boyne and River Blackwater SAC).

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

The River Boyne and River Blackwater SPA has been designated for the protection of the Kingfisher. The SPA is located c.1.1km from the proposed site.

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

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

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

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

Section 3.4 of the submitted NIS describes protective measures to be implemented during the construction of the proposed development to avoid adverse effects on the SAC and SPA. This sets out that measures/actions have either avoided or reduced the potential for the proposed development to affect the conservation objectives of the identified European sites:

- All works to be carried out in accordance with the submitted CEMP and EIAR.
- SuDs measures constructed in line with manufacturer's guidelines/best practice methods.
- A combined attenuation system consisting of a stone base or stormtech underground to cater for the 100-year return period.
- During construction phase, any surfaces which are intended to enable infiltration to be protected from compaction, this includes protection from heavy traffic or storage of materials.
- Measures to prevent silt entering a watercourse or drain.

- All parts of the drainage system to be protected from construction runoff to prevent silt clogging the system and causing pollution downstream. This will include the construction of sediment management basins, channelling runoff away from watercourses and surface water drains and erosion prevention measures. Following construction, compacted subsoil (due to construction phase) should be broken up prior to re-application of top soil to reinstate the natural infiltration performance to the ground.
- Pipe systems and orifices will be checked for blockages or partial blockages.
- Removal of silt deposited during construction.
- Stabilisation and protection of soils from erosion whilst planting becomes established.
- Storing of hydrocarbon or any hazardous chemical in specific bunded areas. Refuelling of plant and machinery to be carried out in bunded areas to minimise risk of any potential pollutants being discharged from the site.
- Pollution control measures to be implemented to control runoff from the site and prevent runoff (potentially contaminated with sediments or hazardous chemicals) entering the drainage network.
- Pouring of cement-based materials for works to be only carried out in dry conditions. Pumped concrete to be monitored to ensure no accidental spillage. Mixer washings and excess concrete will not be discharged directly into the drainage network. Concrete washout areas to be created to avoid any accidental discharge from the development site.
- Foul drainage from site offices and compound, where not directed to the existing wastewater network, will be contained and disposed of off-site in an appropriate manner and in accordance with the relevant statutory regulations to prevent the pollution of water courses.
- A response procedure to be put in place to deal with any accidental pollution events. Spillage kits to be available on site and construction staff to be familiar with the emergency procedures and use of equipment.

Construction mitigation measures are also required and will be implemented, under supervision of the Ecological Clerk of Works (employed by the Contractor) to ensure that the proposed development will not affect the conservation objectives of any of the identified European sites. An appropriate condition in this regard should be attached to any grant of permission if it is forthcoming. It is considered that the implementation of the CEMP ensures that any direct or indirect impacts to the conservation objectives supporting the QI/SCI species of the River Boyne and River Blackwater SPA, River Boyne and River Blackwater SAC will not arise and will ensure that adverse effects on site integrity are avoided.

Mitigation measures are set out in the NIS and in the Construction Environment Management Plan (CEMP) to avoid surface water pollution in the course of the construction of the proposed project as set out above. Consequently downstream detrimental impacts on the QIs and SCI for the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA should be avoided. The NIS, taking account of the likely effects of the implementation mitigation measures set out above, concludes that the proposed development does not pose a risk of adversely affecting the integrity of any European site. The Department of Housing, Local Government and Heritage have stated in their submission that they accept the NIS conclusions.

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

I note that additional mitigation measures are detailed in the Environmental Impact Assessment Report (EIAR) and Construction Environmental Management Plan (CEMP) along with those set out in the 'Natura Impact Statement' (NIS) submitted with the application. I have reviewed these documents and assessed them in this report.

The elements of the project likely to give rise to significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) is the transportation of polluting materials from the development transported downstream could have detrimental impacts on the otter and two other QIs for the River Boyne and River Blackwater SAC, river lamprey and salmon, in the SAC itself. And the deterioration in water quality could detrimentally affect the kingfisher, the Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA.

The mitigation measures proposed are robust and satisfactory.

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

10.10 In-Combination Effects

The site is located in an urban environment on the edge of Navan town. Construction on this site will create localised light, dust and noise disturbance. The site is the third phase of development on the MP4 lands at this location. Phase 1 and 2 were subject to appropriate assessment. A review of permitted and constructed development in the vicinity has been carried out and I conclude:

- The principle sources of in combination effect arises from run off of contaminated surface water to the local drains during the construction phase. With mitigation measures to prevent and minimise this there is no potential for a significant adverse effect due to in combination effects with other phases of development of the MP4 lands.
- The surface water drainage has been designed to cater for the entire MP4 lands and there is no potential for a significant adverse effect due to in combination effects with other phases of development of the MP4 lands.
- In light of the controls in place to limit inputs into the Navan WWTP there is no likely hood of a significant adverse effect on nay of the identified sites as a result of in combination effects due to the proposed development.

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

10.11 Evaluation of Effects

I consider that the proposed mitigation measures set out in the NIS, EIAR and CEMP are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not have an adverse effect on the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 04232).

10.12 Appropriate Assessment Conclusion

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

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

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

This conclusion is based on:

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

11.0 Recommendation

Having regard to the land use zoning of the site as 'A2, F1, G1 and E2' and the site's location on Master Plan 4 lands, where residential development is deemed to be permissible, the site's location on the northern edge of the settlement of Navan c.2km from its centre in urban area within walking distance of local services, the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, 2009, the scale, design, layout and density of the proposed development, and to the nature and pattern of development in the vicinity, the NIS and EIAR submitted with the application to Meath County Council I am satisfied that the development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on archaeological heritage and would be acceptable in terms of pedestrian and traffic safety, I also consider that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere.

On the basis of the above planning assessment, Environmental Impact Assessment and Appropriate Assessment, I recommend that, subject to the conditions outlined below permission should be granted for the proposed development in accordance with the recommended Board Order in section 12 and the reasons and considerations contained therein.

12.0 Recommended Board Order

Planning and Development Acts 2000 to 2020 as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 22/924

Appeal by Denis Leavy of Proudstown Road, Navan Co. Meath, against the decision made on the 5th day of September 2022 by Meath County Council to grant permission to Glenveagh Homes Ltd for the proposed Large Scale Residential Development application subject to conditions.

Location: Lands north of Clonmagaddan Road, Clonmagaddan, Navan, Co. Meath.

Proposed Development:

Large Scale Residential Development for the construction of 138 no. new residential dwellings comprising: 6 no. one bed triplex units in 2 no. three storey blocks located in the north-western and southwestern portions of the site; 32 no. duplex units in 2 no. three storey blocks located centrally in the northern portion of the site, comprising 16 no. two bed units and 16 no. three bed units; 24 no. two bed terraced houses; 10 no. three bed, 2 storey, terraced/semi-detached edge houses; 63 no. three bed, two storey houses, comprising a mix of detached, semi-detached and terraced units; 2 no. four bed, three storey, semi-detached houses and 1 no. four bed, three storey house. A total of 19,561 sqm of landscaped public open space is provided in the proposed development, including an area of 12,768 sqm on public open space zoned lands in the eastern portion of the site and incorporating a play area for children. The proposed development includes a total of 248 no. car parking spaces, 108 no. bicycle spaces, internal roads, pedestrian and bicycle infrastructure, boundary treatments, bin storage, public lighting, electrical infrastructure (including 2 no/ ESB substations), water supply and drainage infrastructure (including foul water pumping station) and all associated and ancillary site and development works. The proposed development integrates with the existing residential development (known as Cluain Adain) to the east and south-east of the site, permitted and constructed under Meath County Council Planning Reg. Ref. NA/151046 and NA/181326, incorporating vehicular access from Cluain Adain Way and connections to existing pedestrian, bicycle, drainage, water supply and service infrastructure. The proposed development includes associated and ancillary upgrade works to existing drainage infrastructure in the north-western corner of the subject site. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development,

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

Matters Considered

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

Reasons and Considerations

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

- (a) the location of the site contiguous to the established urban settlement area of Navan an area zoned for residential under zoning A2 New Residential, F1 Open Space, G1 Community Infrastructure and General Enterprise and Employment under the Meath County Development Plan 2021-2027.
- (b) the policies and objectives of the Meath County Development Plan 2021-2027
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The planning history of the site and the zoning of adjacent lands;
- (f) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
 - i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2022;
 - (j) 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;
 - (k) The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
 - (l) The Architectural Heritage Protection Guidelines for Planning Authorities 2011.
- (m) The provisions of the Climate Action Plan 2023
- (n) The policies and objectives set out in the National Planning Framework
- (n) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly
- (p) The EIAR submitted with the application
- (q) The NIS submitted with the application;

(r) The submissions received.

(s) The Chief Executive Report from the Planning Authority

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

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 in a serviced urban area, the Natura Impact Statement Report and other documentation submitted with the application to Meath County Council, the Inspector's report, and submissions on file received at application and appeal stage. 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 effect on any European Site in view of the conservation objectives of such sites, other than The River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 04232) which are European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

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

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the

integrity of the European site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

Environmental Impact Assessment:

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the Inspector's report.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area. After implementation of these measures there is no risk of significant negative residual effects.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Design measures to reduce to a minimum CO₂ emissions—After implementation of these measures there is no risk of significant negative residual effects.
- A positive effect on the wider area as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Cultural Heritage and archaeology would be mitigated by incorporating features into the landscaping plan and adherence to the mitigations set out in particular relation to the protection of archaeological features on site. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area. With mitigation in place no significant residual impacts will result.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

Conclusions on Proper Planning and Sustainable Development

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

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Meath County Council on the 12th day of July 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Environmental Impact Assessment Report and Construction Environmental Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

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

Reason: In the interest of visual amenity.

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

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

5. All links/connections to adjoining lands (within and outside the applicants control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

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

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

heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

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

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

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

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

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

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;

- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

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

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

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

Reason: In the interest of public health.

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

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

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

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

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

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

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

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

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

16. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the , and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first

planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

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

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

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

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

19. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

20. The developer shall engage the services of a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures (preservation in situ, preservation by record and archaeological monitoring).

The archaeologist shall provide detailed plans for the preservation in situ, conservation and preservation of archaeological features outside the public space and the archaeological monitoring of all ground disturbance aspects of

the development. The plans for the preservation of the enclosure and excavation of other features shall be agreed within the planning authority in writing prior to the commencement of construction works.

Should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision of how best to deal with archaeology.

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

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed,
- b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

21. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

Reason: In the interests of visual and residential amenity.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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

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

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

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

26. 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

27. 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

Dáire McDevitt
Senior Planning Inspector

19th January 2023