



An  
Bord  
Pleanála

## Inspector's Report ABP-317319-23

<b>Development</b>	Demolition of existing dwelling and construction of 24 apartments
<b>Location</b>	Johnstown, Navan, Co. Meath, C15 K857
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	221640
<b>Applicant(s)</b>	Minson Property Limited.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary Kelleher & John McNamara.
<b>Observer(s)</b>	Andrew Hughes. Sergei Krapivin.
<b>Date of Site Inspection</b>	21 <sup>st</sup> of June 2024.
<b>Inspector</b>	Elaine Sullivan

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## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.51 hectares and is in the village of Johnstown, on the outskirts of Navan town. Access to the site is via a private driveway from the L5050 – Johnstown Road. The site is in a backland location to the rear of a terrace of two mixed-use buildings with commercial uses at ground floor and residential above and to the rear of a terrace of 4 houses at Chapelbrook Mews, all of which face onto the L5050. The car parking and open space areas for both developments back onto the western boundary of the subject site. On the opposite side of the site and to the east is the residential development of Cill Fioreann. No's 45 – 48 Cill Foireann back onto the eastern boundary of the site. To the north, the site is bounded by a detached dormer bungalow known as 'Leonora'. To the south, the site is bounded by a car park to the rear of a small terrace of two storey commercial units with residential use above, along with some private houses.
- 1.2. The site is generally rectangular in shape with an even topography. It currently contains a detached single storey house with some attendant hardstanding areas and garden landscaping. Only the entrance is visible from the public road and the site is bounded on all sides by rows of large Leylandii trees. Some of the trees had been subject to hard pruning and some had fallen along the entrance to the site. I could not gain access to the site during the site inspection, but it was possible to see the site through gaps in the trees. There are no protected structures within the site or adjacent to it. The nearest protected structure is located to the west of the site and on the opposite side of the road – Johnstown Church (RPS Ref. 90951).

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the demolition of the existing single storey house on the site and the construction of a three-storey apartment development comprising, 5 no. 1-bed units and 19 no. 2-bed units.
- 2.2. Surface car parking would be provided for 30 cars, with parking for 60 bicycles to be provided in a bike store. The development would be connected to the public mains water and wastewater services and would have a pumping station on the site to

pump wastewater to the public sewer. Ancillary works would include a new access arrangement, hard and soft landscaping, and a surface water management system.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority (PA) granted planning permission for the development subject to 25 planning conditions which were mainly standard in nature.

Conditions 3, 4, 5, 7, 8 and 19 are referenced in the grounds of appeal and are summarised below.

- Condition No. 3 – re. detailed design proposals for the main access onto the L5050.
- Condition No. 4 – re. implementation of road safety audits.
- Condition No. 5 – re. details of bicycle parking, communal parking spaces and EV charging points.
- Condition No. 7 – re. direction for disabled parking spaces to comply with Part M of the Building Regs.
- Condition No. 8 – re. direction regarding the width of footpaths.
- Condition No. 19 – re. details of the water attenuation system to be agreed.

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

##### **3.2.1. Planning Reports**

The decision of the PA was informed by two reports from the Planning Officer (PO). The first report dated the 13<sup>th</sup> of February 2023 recommended that a request for further information (FI) was issued to the applicant and the second report dated the 19<sup>th</sup> of May 2023 assessed the FI response and recommended a refusal of planning permission.

The first report of the PO includes the following,

- The PO notes the location of the site within the settlement boundary of Navan, which is designated as a Key Town in the county settlement strategy.
- The site is zoned Objective B1 – Commercial Town and Village Centre. Commercial development is the primary land use for the B1 zoning objective but residential development of up to 30% of the development site can be considered on a case-by-case basis. Exceptions may also be facilitated on a case-by-case basis.
- The PO considered that the principle of a 100% residential development was acceptable in principle on the subject site as the backland nature of the site does not provide any street frontage for commercial uses.
- The assessment of the PO found that the proposed development was generally in accordance with the quantitative standards set out in the Apartment Guidelines and the Development Plan in terms of internal space, private open space, public open space and separation distances. The development proposal was also considered to be in accordance with the provisions of Development Plan objectives DM OBJ 42 and DM OBJ 43 which relate to infill development and backland development.
- Additional information was requested regarding boundary treatments, shadow cast diagrams and the provision of car parking and adequate sightlines.

The second report of the PO assessed the information submitted by the applicant and was satisfied that the response had adequately dealt with the issues raised in the FI request. The report recommended that planning permission was granted.

### 3.2.2. Other Technical Reports

- Water Services – The development broadly meets the requirements of the PA. Planning conditions are recommended.
- Fire Officer – Fire Safety Certificate required.
- Transportation Department – The quantum of car parking is acceptable. Further information is requested regarding the provision of unobstructed sightlines, compliance with DMURS and Part M of the Building Regs for

parking spaces, cycle parking provision and internal road layouts. The report on the FI submission was satisfied that any outstanding details could be dealt with through planning conditions.

- Water Services – The development broadly meets the requirements of the PA with respect to the orderly collection, treatment, and disposal of surface water. Planning conditions are recommended.

### **3.3. Prescribed Bodies**

- Department of Housing Local Government and Heritage – The development is located in an area of high archaeological potential. It is recommended that planning conditions relating to archaeological monitoring are attached.
- Uisce Éireann – No objection.

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

9 third party submissions were received by the PA during the public consultation phase. The issues raised include the following,

- 100% residential development conflicts with the zoning objective for the site.
- The infrastructure in the village is deficient in terms of the roadway, footpaths and traffic calming.
- The development is unsympathetic to the existing pattern of development.
- Loss of Privacy and overlooking of adjoining development.
- Additional pressure on water and wastewater infrastructure.
- Lack of social infrastructure and facilities in the area.
- Increased in traffic in the small village.
- Potential link to adjoining lands could result in antisocial behaviour.

## 4.0 Planning History

**22/749** – Planning permission refused by the PA for the demolition of the existing single storey dwelling c.247m<sup>2</sup> and for the construction of 24 no. assisted living dwelling units, comprising 12 no. single storey dwellings in 3no. terraced blocks (3 no. 1 bedroom and 9 no. 2 bedroom houses); 12 no. apartment dwellings in a two storey apartment block (4 no. 1 bedroom units and 8 no. 2 bedroom units); 24 no. car parking spaces; attenuation area and pumping station, general provision of the public open space, landscaping, and associated site development works.

Permission was refused for the following three reasons,

1. The proposed development, by reason of the density of units proposed, the excessive carriageway width, the quantum and quality of public open spaces proposed and the lack of a sufficient quantum of car parking, would fail to provide a high-quality development of the subject site and would, by reason of its scale and design, be contrary to the provisions of the development plan and would represent an overdevelopment of the site. The proposed development would therefore materially contravene Development Management Policy DM POL 4 and Development Management Objective DM OBJ 13 of the Meath County Development Plan, 2021 to 2027 and would set an undesirable precedent for similar proposals into the future. In addition, the proposed development as presented does not adhere to recommendations contained in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government in May 2009. It is therefore considered that the proposed development, as presented, is contrary to the proper planning and sustainable development of the area.
2. The proposed development fails to comply with the B1 zoning objective which applies to the site under the Meath County Development Plan 2021-2027, under which it is an objective 'To protect, provide for and/or improve town and village centre facilities and uses.' The development, the scale of which has not been justified, does not include the provision of dedicated retirement resident supporting services and facilities, and, as such, is considered to be high-density residential in nature. To permit such a conventional residential



development on the site would serve to contravene the above zoning objective and would therefore be contrary to the proper planning and sustainable development of the area.

3. The plans and particulars lodged with the application do not provide the planning authority with sufficient information to make a determination on the development with respect to potential ecological impact, traffic safety, wastewater treatment and disposal, and the orderly collection, treatment and disposal of surface water and, if permitted, may be prejudicial to public health and endanger public safety by reason of a traffic hazard or obstruction to road users or otherwise.

**NT/900057** – Planning permission granted by the PA in 2010 for the demolition of existing habitable dwelling and construction of 22 residential units, 2 No. two bed town houses, 9 No. two bed ground floor apartments and 9 No. three bed duplex units in addition to 2 No. one bed apartments at first and second floor over retail unit and store to include new entrance, bin store and connection to services.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The operative Development Plan for the site is the Meath County Development Plan 2021-2027, (MCDP).
- 5.1.2. The subject site is located within the settlement boundary of Navan, which is the county town for Meath and is designated as a Key Town in the county settlement strategy.
- 5.1.3. The site is zoned objective B1 – Commercial / Town or Village Centre. This objective seeks 'To protect, provide for and/or improve town and village centre facilities and uses'.
- 5.1.4. Development Plan guidance on the B1 zoning objective states that, *'The primary land use in B1 zones is employment generating, service and retail provision. In order to achieve balanced development and create vibrant urban communities, residential use can also be considered on these lands. In order to ensure the delivery of commercial uses commensurate with the status of the settlement the percentage of*

*residential development in B1 zones shall generally not exceed 30 % of the quantum of a development site in any development proposal in Key Towns, Self- sustaining Growth Towns, Self-Sustaining Towns. Exceptions may be facilitated on a case by case basis.'*

## **Chapter 6 – Infrastructure**

**INF OBJ 38** – To establish riparian corridors free from new development along all significant watercourses and streams in the County as follows: A 10-metre-wide riparian buffer strip measured from the top of the bank either side of all watercourses in urban areas; A 30m wide riparian buffer strip from top of the bank to either side of all watercourses is required as a minimum outside of urban areas.

## **Chapter 8 – Cultural and Natural Heritage Strategy**

**HER OBJ 31** - To ensure that the ecological impact of all development proposals on habitats and species are appropriately assessed by suitably qualified professional(s) in accordance with best practice guidelines – e.g. the preparation of an Ecological Impact Assessment (EclA), Screening Statement for Appropriate Assessment, Environmental Impact Assessment, Natura Impact Statement (NIS), species surveys etc. (as appropriate).

**HER POL 47** – To protect the ecological, recreational, educational, amenity and flood alleviation potential of navigational and non-navigational waterways within the County, towpaths and adjacent wetlands.

## **Chapter 11 – Development Management**

### **11.5.17 – Apartments –**

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

**DM POL 13:** In towns and villages, there will be a general presumption against apartment developments however there are opportunities for infill developments and consolidation which would contribute to the regeneration of these settlements.

**DM POL 14:** All planning applications for apartments are required to demonstrate compliance with 'Sustainable Urban Housing; Design Standards for New Apartments', Guidelines for Planning Authorities (2018) and any updates thereof.

While these Guidelines set out minimum design standards, the Council strongly encourage the provision of apartments above these standards, in the interest of creating attractive living environments and sustainable communities.

#### **11.5.9 a) – Infill Sites in Urban Areas –**

**DM OBJ 42:** Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways etc.

#### **11.5.20 b) Backland Sites in Urban Areas –**

**DM OBJ 43:** Backland development proposals shall avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development.

### **11.9.1 – Parking Standards**

Table 11.2 – Car Parking – Apartments – 2 per unit and 1 visitor space per 4 apartments. 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 transport links.

### **11.9.2 – EV Charging Points**

**DM OBJ 94:** All car parks shall include the provision of necessary wiring and ducting to be capable of accommodating future Electric Vehicle charging points, at a rate of 20% of total space numbers.

**DM OBJ 95:** In any car park in excess of 20 spaces where public access is available, four fully functional charging points for Electric Vehicles shall be provided in accordance with IEC 61851 Standard for Electric Vehicle Conductive Charging Systems.

### **11.9.3 – Cycle Parking**

Table 11.4 – Cycle Parking Standards – Apartments – 1 private, secure bicycle space per bed space, minimum 2 spaces. 1 visitor bicycle space per two housing units.

## **Volume 2 – Written Statement – Navan**

**Section 5.0 – Land Use Strategy** – promotes the delivery of compact growth through the redevelopment of infill and brownfield sites close to the town centre.

**Section 5.1 – Settlement and Housing** – acknowledges that residential development has increased since 2016 with the main focus of development in the Johnstown area. The focus for this plan period will be primarily on the catch-up of the acknowledged deficiency of community facilities in this area.

**NAV OBJ 1** - To support and encourage residential development on under-utilised land and/or vacant lands including ‘infill’ and ‘brownfield’ sites, subject to a high standard of design and layout being achieved.

**NAV OBJ 21** - To support improvements to the bus network, including accessibility, facilities, and services and junction upgrades, in partnership with the National Transport Authority.

## 5.2. National Planning Policy

### 5.2.1. Project Ireland 2040, National Planning Framework, (NPF).

The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements. Some of the NPO's are listed below.

- NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements.
- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.
- NPO 6 - Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area\*.

- NPO 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

\*The grounds of appeal argue that the development is not in accordance with NPO 6.

## **Section 28 Guidelines –**

### **5.2.2. Sustainable Residential Development and Compact Settlement Guidelines 2024**

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it will be necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

Section 3.3.3 – Navan is identified as a ‘Key Town’. Within this settlement, the subject site would be categorised as a ‘Suburban / Urban Extension’ and the subject site is ‘Centre and Urban Neighbourhood’. It is a policy and objective of the

Guidelines that residential density in range of 30 - 50 dph (net) shall generally be applied in these areas.

Section 5 sets out the Development Standards for Housing and contains four specific planning policy requirements (SPPR's) which take precedence over Development Plan standards.

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling.
- SPPR 4 – relates to cycle parking and storage facilities.

#### **5.2.3. Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2023.**

- The guidelines support the use of infill sites in urban locations to provide higher density apartment developments.
- Within the guidelines, the site would be defined as a Central and/or Accessible Urban Location as it is within walking distance of the town centre and within reasonable walking distance to a high-capacity urban public transport stop, (Bray DART station).
- Central or Accessible Urban Locations are generally suitable for small to large scale and higher density development.
- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units, (with no more than 25% as studios).
- SPPR2 – For urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, (notwithstanding SPPR1), there shall be no restriction on dwelling mix.

- SPPR3 – Sets out the standards for minimum apartment floor areas.
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options is located in close proximity.

### 5.3. Natural Heritage Designations

- No designations apply to the subject site.

### 5.4. EIA Screening

- 5.4.1. The PA considered the development to be sub-threshold development under Class 10(b)(i) of Schedule 5 of the Planning and Development Regulations 2001 (as amended). The requirement for an EIA was queried in the grounds of appeal. In response, the applicant submitted an Environmental Impact Assessment Screening Report which was prepared in accordance with the requirements of Schedule 7 and Schedule 7A of the Planning and Development Regulations 2001 (as amended). I have carried out an EIA screening determination on the project which is set out in Appendix 2 of this report.

- 5.4.2. I consider that the location and scale of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.
- 5.4.3. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

The grounds of appeal include the following,

- The grounds of appeal relate to the potential impacts of the development on existing residential amenity such as dust, noise, traffic safety privacy and amenity.
- The appellants submit that the information accompanying the application is not sufficient to provide a full assessment of the development. They argue that the Existing Site Plan is lacking in detail and that there is insufficient detail on the proposed Pumping Station. Reference is made to High Court rulings on *Balscadden Road SAA Residents Association Ltd. V An Bord Pleanála* [2020] IEHC 390, and *Sweetman V An Bord Pleanála* [2020] IEHC 390 and *Sweetman V An Bord Pleanála* [2021] IEHC 662.
- An argument is also made that the riparian corridor to be provided is insufficient and is not set back from the stream at a distance recommended by guidance issued by Inland Fisheries Ireland (IFI).



- The attachment of planning conditions 3, 4, 5, 7, 8 and 19 to the PA's decision is queried. It is put forward that the conditions require design to be completed on issues that relate to EU Law related to Habitats and the Environment as a stream running through the site is a tributary of the Boyne and that such conditions cannot be attached without full assessment.
- It is submitted in the appeal that the fully residential development is not in accordance with the B1 – Commercial/Town or Village Centre zoning for the site, which envisions the primary land use to be employment generating, service and retail provision with a maximum quantum of 30% residential development in Key Towns, Self-sustaining Growth Towns and Self-Sustaining Towns. Provision of a fully residential development instead of a mixed-use development would contribute to commuting and unsustainable travel patterns.
- The backland nature of the development is contrary to Development Plan Policy set out in DM OBJ 43, which states that, '*Backland development proposals shall avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development*'.
- The development proposal does not comply with National Policy Objective 6 (NPO6) of the National Planning Framework (NPF), which seeks to rejuvenate all settlement types as assets that can accommodate increased population and employment activity and enhanced levels of amenity and design quality to sustainably influence and support the surrounding area.
- The appellants state that the Board must consider the application under the Habitats Directive and the EIA Directive. Reference is also made to the lack of a bat survey or assessment.

## 6.2. Applicant Response

- 6.2.1. A response was received from the applicant on the 10<sup>th</sup> of July 2023. The response included an Appropriate Assessment Screening Report and Natura Impact Assessment, an Environmental Impact Assessment Screening Report and a Bat Fauna Survey. These submissions are assessed in full in Sections 8.0 and 7.4

respectively of this report. Responses to other issues raised in the appeal are summarised below.

- Regarding the details of the application, the applicant notes that the validation of any planning application is a matter for the local authority and not the Board. No concerns regarding the validity of the application were raised during the request for FI and the applicant is satisfied that the drawings referenced in the appeal, (Existing Site Plan Drwng. No. 2112-SITE-0504, and J22-014-003 – Surface Water Layout) contain sufficient information to comply with the requirements of the Planning and Development Regulations.
- Likewise, the applicant is satisfied that a sufficient level of detail on the proposed pumping station was provided in documents WS-01-A, Engineering Services Report, Appendices F and G, and Drawings J22-014-007-A and J22-014-003-A. The applicant also notes that no concerns regarding the pumping station were raised by the PA or Uisce Éireann during the application.
- The applicant notes that the key points of the legal cases referenced, (Balscadden and Sweetman) also relate to a lack of detail submitted with an application. In response the applicant lists the reports and drawings submitted with the application, which they consider sufficient, and has submitted a Bat Survey, NIS and EIA to further enhance the suite of information for the Board.
- Regarding the objection to planning conditions attached by the PA, the applicant notes that the conditions referenced in the appeal are standard in nature and relate to issues to be refined at detailed design stage. The response states that it is incorrect to say that the conditions were applied in the absence of any assessment, as they were applied in response to the assessment by the Planning Officer and the relevant department of the PA.
- The applicant is of the opinion that the proposed development complies with the B1 zoning for the site. Residential use is identified as a use which is permitted in principle and the development is in a location with access to local services and public transport in accordance with national and local policy.

- The backland location of the site renders it unsuitable for commercial development and the applicant argues that this presents an 'exceptional circumstance' which allows for a 100% residential scheme. The applicant also considers the development to be in accordance with Section 11.5.19(a) and Objective DM OBJ 42 and Section 11.5.20(b) and Objective DM OBJ 43 of the Development as they relate to infill sites in urban areas.
- It is not anticipated that the scale of the development will place an onerous imposition on the area's existing infrastructure. The site is not considered to be suitable for residential and community infrastructure as a community use has the potential to negatively impact residential amenity by virtue of large gatherings or late-night events.
- Climate change was considered in the design of the development which would comply with energy efficiency requirements of the Building Regs. The development would also include SUDS and would provide EV charging points.
- The development has been designed in accordance with DMURS and the site layout was subject to a DMURS compliant and independent Road Safety Audit (RSA) report undertaken to Transport Infrastructure Ireland (TII) standards and by an audit team consisting of 2 independent TII auditors.
- The appeal referred to the lack of a Ground Investigation Report for the development. The applicant notes that this is not a statutory planning requirement and that the details of the building structure would be subject to Building Regulations.
- Regarding overlooking the response notes that there is a separation distance of 21m between the neighbouring house, 'Leonora', and apartments A.03, A.11 and A.19 which are the closest units to the existing house. In addition to the existing northern boundary wall and hedge, extra screening would be provided by a row of trees, as shown in the Landscaping Plan.

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

- 6.3.1. A response from the PA was received on the 7<sup>th</sup> of July 2023. The PA were satisfied that all matters outlined in the appeal and observations were considered during its

assessment and that the proposed development is consistent with the proper planning and sustainable development of the area.

- 6.3.2. The applicant's response to the appeal, including Bat Survey, NIS and EIA, was circulated to the PA for comment but the PA had no further comment to make.

#### **6.4. Observations**

- 6.4.1. Observations were received from, Sergei Krapivin and Andrew Hughes. As both observations raised several similar issues, I have combined and summarised the contents of the submissions in the following list,

- Local services are limited with the local doctor, school, and pre-school services all at capacity. There is no local public transport and the No. 136 bus mentioned in the application does not serve the village. Bus Eireann services are at capacity by the time they reach the village and users need to use stops in Athlumley to use the bus. This leaves no alternative to car travel.
- A fully residential development will result in increased commuter traffic to other settlements, such as Navan, and would result in unsustainable travel patterns.
- The proposal is too high for the surrounding area and the removal of trees will impact on residential privacy. The layout of the development does not provide sufficient public space or safe play spaces for children and the proposal for 30 car parking spaces is insufficient given the lack of public transport options.
- The 'potential link' to Cill Foireann at the east of the site should be removed as it could lead to antisocial behaviour.
- The fully residential development is not in accordance with the B1 – Town / Village centre zoning for the site.
- No details provided on the environmental impact the development would have on the stream flowing through the site. No details provided on excavations or tree removal on the site.
- The proposal does not meet the requirements regarding private open space.
- The proposed entrance is in a dangerous location.

## 6.5. Further Responses

Observer -

- A further response was received from Mr. Andrew Hughes on the 2<sup>nd</sup> of August 2023. The response reiterated the main points made in the original observation and raised an additional concern regarding the potential for construction traffic to damage the church opposite the development site.

Appellant -

- A further response was received from the appellant on the 2<sup>nd</sup> of August 2023. The appellant reiterated the points made in the grounds of appeal regarding the compatibility of the development with the town centre zoning objective. The appellant is of the opinion that the lands zoned B1 – Town Centre should be amalgamated and developed as a neighbourhood centre. Reference is made to court cases *An Taisce v ABP* [2020] IESC 39<sup>2</sup> and *Reid v ABP* [2021] IEHC 230<sup>3</sup> but the references are not expanded on in relation to the appeal. A statement is made that species which are protected within the Boyne SAC are also protected outside the SAC boundaries. Text is also provided regarding the statutory functions of the Inland Fisheries Ireland. The appellant is of the opinion that the Board erred in providing a date for the appellants response to the applicant's submission. The Board is requested to investigate the records relating to problems in the area with the sewage infrastructure. Reference is made to Development Plan policies HER POL 27 to 31 incl.

## 7.0 Assessment

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

- Principle of Development
- Procedural Matters

- Impact on Residential Amenity
- Additional Issues

## 7.2. Principle of development –

- 7.2.1. The subject site is zoned objective B1 – Commercial/Town or Village Centre, the objective of which is, *‘To protect, provide for and/or improve town and village centre facilities and uses’*. Development Plan guidance on B1 zoning states that, *‘The primary land use in B1 zones is employment generating, service and retail provision. In order to achieve balanced development and create vibrant urban communities, residential use can also be considered on these lands. In order to ensure the delivery of commercial uses commensurate with the status of the settlement the percentage of residential development in B1 zones shall generally not exceed 30 % of the quantum of a development site in any development proposal in Key Towns, Self- sustaining Growth Towns, Self-Sustaining Towns. Exceptions may be facilitated on a case by case basis’*.
- 7.2.2. The applicant argues that a fully residential development is appropriate for the site as the nature and location of the site, with low visibility and lack of street frontage renders it unsuitable for commercial development. It is also argued that the immediate environs of the village are well served by day-to-day commercial uses with higher order services provided in the town centre area. Previous planning history for the site, which includes a permission for 22 residential units in 2010, is also noted by the applicant.
- 7.2.3. In the PA’s assessment of the application the compatibility of the development with the B1 zoning is evaluated. The PO considered that the fully residential development could be assessed on its merits as residential use is ‘permitted in principle’; Development Plan guidance allows for exceptions to be made to the development mix on a case by case basis; the site is suitably located within a village centre, and, the status of Navan as a Key Town in the settlement strategy for the county. The PO also considered that the characteristics of the site, which is an infill, backland site with no street frontage, would be more suited for residential rather than commercial development. On that basis the principle of 100% residential use was acceptable.

- 7.2.4. Whilst the Development Plan makes an allowance for the consideration of 100% residential development on a case-by-case basis, the circumstances whereby this may be acceptable are not expanded on or listed in the plan. I would agree with the conclusion of the PA that the backland nature of the site may be unsuitable for some types of commercial development. Furthermore, the proximity of existing residential development to the site could further impinge on the development opportunities for the site. Third parties submitted that it may be possible to amalgamate the subject site with the adjoining site to the south, which is also zoned B1, to provide an opportunity for a large commercial development. However, this site is not shown as within the applicant's ownership and is therefore outside of the control of the applicant.
- 7.2.5. Section 5.1 of the written statement for Navan notes that the main focus of residential development in Navan has taken place in the Johnstown area and that the focus for this development plan period will be primarily on the 'catch-up' of the acknowledged deficiency of community facilities in this area. The B1 zoning objective for the site prioritises mixed use development on the site. However, objective NAV OBJ 1 also seeks *'To support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved' ...and NAV OBJ 4 – which seeks, 'To support the prioritisation of residential development in locations that adjoin, or provide easy access to the town centre'.*
- 7.2.6. Whilst the development strategy supports the delivery of commercial or mixed-use development for the site, I accept the argument put forward that the characteristics of the site are more suited to residential development rather than commercial. The lack of street frontage would not present an ideal situation for commercial development and the proximity of existing residential development could also impact on the type of commercial development that would be suitable for the site. As the B1 zoning allows for exceptions to the 30% restriction on residential use in key towns, on a case-by-case basis, I am satisfied that the fully residential proposal can be considered in this case. I base this decision on the location of the site to the rear of residential development on the L5050, the lack of visibility and street frontage for commercial development, the proximity of residential development on all sides of the site which may restrict certain commercial uses and the infill nature of the site which is suitable

for residential development. On this basis, I am satisfied that this does not materially contravene the B1 zoning objective for the site. However, should the Board disagree with my opinion, they may wish to consider the proposal under Section 37(2)(b) which allows for material contravention where –

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

7.2.7. I do not consider the development to be of strategic or national importance given the nature and scale of the development.

7.2.8. Regarding conflicting objectives, I do not consider that the Development Plan contains conflicting objectives as they relate to the subject development. There are a number of objectives in the Development Plan which promote the development of infill or underutilised sites. However, the B1 zoning objective also seeks to consolidate development in the town centres, albeit with a preference for commercial development.

7.2.9. Regional and national planning guidelines support sustainable development through directing residential development to existing settlements. The development proposal for an infill apartment development is in accordance with this guidance. However, there is no specific requirement in regional or national policy that specifically requires that the development is permitted.

7.2.10. The proposed development is not in accordance with the pattern of development in the area, which is predominantly traditional two storey houses. From the site inspection, it would also appear that apartment developments are not commonplace



in the area. As such the proposal would not be in keeping with planning permissions granted in the area since the making of the development plan.

- 7.2.11. Should the Board be of the opinion that a proposal for a fully residential development within a B1 zoning objective represents a material contravention of the Development Plan, it is my view that the proposal would not be in accordance with the conditions for material contravention as set out in Section 37(2)(b)(i)(ii)(iii) or (iv) of the Planning and Development Act 2000 (as amended).

### **7.3. Procedural and Other matters –**

- 7.3.1. The appellant submits that the application lacks sufficient detail to make an informed decision. Reference is made to a lack of detail in the 'Existing Site Map', (also referenced as the 'Existing Site Plan'), regarding invert levels and stream along the site boundary, a lack of detail regarding the proposed pumping station and the lack of a Ground Investigation Report in accordance with Section 3.2 and 3.4 of the EN 1997-2 Eurocode 7 Part 2.
- 7.3.2. I note to the Board that the validation of planning applications, which are subject to appeal under Section 37 of the Planning and Development Act 2000, (as amended) is a function of the Planning Authority and is not a matter for the Board to consider within the remit of the appeal. I have reviewed the information submitted with the appeal and I am satisfied that the applicant has submitted sufficient information for the Board to make an informed decision on the application before it. In their submission, the applicant also expanded on some points of detail raised by the appellant for the Board's information. The Ground Investigation Report referenced by the appellant is a non-statutory document that relates to European construction standards. Detailed construction design is not addressed under the Planning Act and is dealt with under a separate legislative code, i.e. the Building Control Act and the Building Regulations. Should the PA require non-statutory documents to inform their decision, they can request them under Further Information, which was not deemed necessary in this instance.
- 7.3.3. A lack of consideration of climate change by the PA, as per Section 10(2)(n) of the Planning Act, is also cited in the grounds of appeal. Section 6.14.2 of the Development Plan addresses climate change and sets out the policies and

objectives of the Council in this matter. Planning policies of the Council to address climate change include the consolidation and development of underutilised brownfield sites, the consolidation of settlements and the provision of appropriate densities and development close to public transport. I am satisfied that the policies and objectives set out in the Development Plan have considered the impacts of climate change through the overall settlement strategy and the development standards.

7.3.4. It is contended by the appellant that the development does not provide a riparian corridor in accordance with the guidance issued by Inland Fisheries Ireland in their publication 'Planning for Watercourses in the Urban Environment'. This guidance document is a non-statutory publication which states that sufficient space should be set aside for the protection of watercourses, and this should be done through statutory Development Plans and Local Area Plans. Development Plan Objective INF OBJ 38 requires a 10-metre-wide riparian buffer strip measured from the top of the bank either side of all watercourses in urban areas. A buffer strip of 10m is clearly marked on the application drawings and I am satisfied that the development complies with the requirement of the Development Plan in relation to a riparian buffer strip.

7.3.5. An objection was made by the appellant regarding the application of specific planning conditions in the PA's decision to grant permission for the development. Conditions 3, 4, 5, 7, 8 and 19 were considered to represent details which could impact on matters that engage public participation. I have reviewed the planning conditions in question, and they are mainly standard in nature and relate to the detailed design of junctions, parking spaces, footpaths and surface water attenuation. I am satisfied that these conditions are standard in nature and would relate to the detailed design of the overall development. The application of the conditions would not represent material alterations to the development that would trigger additional public consultation.

#### **7.4. Impact on Residential Amenity**

##### Future Residential Amenity

- 7.4.1. The proposed development comprises a three-storey apartment development, centrally positioned within the site and containing twenty-four apartments: five one-bed apartments and nineteen two-bed apartments. I have reviewed the application documents, and I am satisfied that the apartments have been generally designed in accordance with the development standards set out in the Apartment Guidelines and in Chapter 11 of the MCDP (as varied). The apartment mix is in accordance with SPPR 1 and SPPR 2. The gross floor area of each unit either meets or exceeds the minimum standards set out in SPPR 3, and the floor to ceiling height is in accordance with SPPR 5. All units have been designed with the standards for private open space, internal floor space and storage as set out in Appendix 1 of the Apartment Guidelines. Of the 24 apartments proposed, 18 (75%) of them are dual aspect, which is in accordance with the requirement that a minimum of 33% dual aspect units are provided on more central and accessible sites as per SPPR4.
- 7.4.2. Third party submissions put forward that there was insufficient public open space for the development. Based on the unit mix, the Apartment Guidelines would require a minimum of 158 sq. m. of communal open space and the Development Plan requires public open space at a minimum rate of 15% of the total/gross site area, which would equate to c. 765 sq. m. The Proposed Site Layout shows a quantum of 785m<sup>2</sup> of public open space for the development, which is in accordance with Development Plan requirements. I note to the Board that Policy and Objective 5.1 of the Compact Settlement Guidelines recommend a quantum of public open space within the range of 10-15% of the net site area, which would be lower than the Development Plan standard which is based on the gross site area. A separate allocation of communal open space is not shown on the application drawings. However, I am satisfied that, given the backland nature of the site and the privacy afforded to the location of the public open space that it's quantum and positioning can have a dual function to serve the communal open space requirements of the Apartment Guidelines.
- 7.4.3. Car parking for 30 cars would be provided in the development. Under Development Plan norms, the development would generate a demand for 2 car parking spaces per unit with 1 visitor space for every 4 units. The Apartment Guidelines recommend reduced car parking in all cases with a benchmark of 1 car parking space per unit in 'Peripheral and/or Less Accessible Urban Locations', which would apply in the subject development. SPPR 3 of the Compact Settlement Guidelines requires that,

in intermediate and peripheral locations, (as defined in Chapter 3, Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. The development is in accordance with national and local policy to reduce the level of private car parking within urban settlements. Residents will have access to local bus services which are approximately 950m from the subject site. The concerns raised by third parties regarding the poor levels of public transport service are noted. However, the proposal is in accordance with national policy which seeks to restrict parking in residential developments located in existing settlements. The proposal is in accordance with national policy and the use of an underutilised site in an urban settlement would help to create a critical mass of population to support better public transport services. Furthermore, there is sufficient parking for each unit to have a dedicated car parking space with additional bicycle parking available on the site. On balance, I consider the provision of parking to be acceptable for a relatively small-scale development within an urban settlement on the outskirts of a key county town.

#### Existing Residential Amenity –

- 7.4.4. Concerns were raised by third parties regarding the potential impact of the development on existing residential amenity in terms of loss of privacy and/or overlooking. The subject site is bounded by residential development on three sides. To the east, the rear gardens of No's 45-48 Cill Foireann back onto the site. To the north is a detached house known as 'Leonora' and to the west a row of four houses on Chapelbrook Mews backs onto the site, as well as some mixed-use buildings with residential use to the rear.
- 7.4.5. Along the eastern site boundary, there would be separation distance ranging from 22 – 24m between the façade of the building and the site boundary and c. 34m between opposing first floor windows. Balconies on the eastern side of the building would have privacy screens facing east to prevent overlooking. To the north, a separation distance of c. 21m would be provided between the apartment building and the existing house, which is a dormer bungalow. There are no balconies on the northern elevation and although there would be living room and kitchen windows on this side,

they would be secondary windows. Surface car parking spaces would be positioned along the western site boundary which backs onto the parking area and private open space for the residential developments that face onto the L5050. Balconies would be positioned along the western elevation but separation distances of 31-38m are shown between the proposed and existing buildings, which is sufficient to prevent overlooking.

- 7.4.6. A Landscaping Plan has been prepared for the development and would involve the removal of all *Leylandii* trees around the perimeter of the site. The existing wall along the northern and eastern boundary would be retained and planted with climbing plants. A row of native woodland trees would be planted along the northern and eastern site boundaries to provide visual screening. Along the western site boundary, a 2m high wall is proposed along with a dense mixed native hedge that will extend to a height of approximately 3m.
- 7.4.7. I am satisfied that, given the separation distances proposed, the landscaping proposals and the screening details to the balconies on the eastern elevation that the existing residential development would not experience any loss of privacy by virtue of overlooking from the proposed development.
- 7.4.8. A series of Shadow Cast Images were produced for the application and were expanded on in a request for further information. I have reviewed the information submitted regarding potential overshadowing and I am satisfied that the proposed development will not result in any undue overshadowing of existing dwellings that would result in a significant negative impact.

## **7.5. Additional Issues**

### Height & Density

- 7.5.1. Third parties submitted that the scale of the proposed development was out of context with the existing pattern of development. Whilst the proposed 3 storey building would be higher than the prevailing two storey development, I do not consider it to be of excessive height and I am satisfied that it would not result in an overbearing impact on adjoining property or have a negative visual impact on the existing village/'streetscape'. Due to the backland nature of the site, the building

would not be visible within the streetscape and the proposed landscaping would further screen the development.

- 7.5.2. The Compact Settlement Guidelines replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and came into effect after the PA had made their decision on the application. Within the Compact Settlement Guidelines, the subject site is categorised as a 'Suburban / Urban Extension' to a Key Town. It is a policy and objective of the Guidelines that residential density in range of 30 - 50 dph (net) shall generally be applied in these areas. The proposed development would yield a gross density of 47 units per hectare (gross site area). Development Plan guidance encourages densities of 35-45 unit per hectare in Navan. Although the proposed density is slightly higher than the Development Plan range, I consider it to be acceptable given the location of the site and the overall objectives of the plan to utilise infill sites in existing settlements.

#### Potential Access to adjoining land

- 7.5.3. A Potential connection to the adjoining site at Cill Foireann is noted on the application drawing and third parties have raised concerns regarding this. However, this connection does not form part of the subject application and is not proposed as part of the development. Any further connections would be subject to a separate planning consent process.

#### Construction Phase

- 7.5.4. An Outline Construction Management Plan was submitted with the application and sets out the mitigation measures to be employed during the construction phase. The Plan contains a suite of traffic management measures to be employed within and outside of the site. It also states that an Outline Construction Traffic Management Plan will be designed and agreed with the PA prior to the commencement of construction. Concerns raised by third parties about disturbance during the construction phase will be addressed in the CEMP which will set out how the site is to be managed during the construction of the development. All details will be agreed in writing with the PA.

### New Issue – Bat Survey

- 7.6. A Bat Fauna Survey was submitted by the applicant in their response to the appeal. The survey found that two or possibly three Common pipistrelle bats are roosting in the garage on the site. Foraging of common pipistrelle bats was also noted across the site but the trees surrounding the site were not suitable for bat roosts. The proposed development would result in the loss of the roosts for the pipistrelle bats using the garage. In order to mitigate the impacts on bats using the site the applicant proposes to remove the bat roosts under a derogation licence from the National Parks and Wildlife Service, prior to the commencement of construction. Demolition of the garage will also be approved by the NPWS. Additional mitigation measures include the installation of lighting in accordance with bat lighting guidelines, reinstatement of the tree line around the site to provide foraging opportunity, the installation of bat boxes on the site and the carrying out of a post construction light spill assessment and bat foraging assessment to ensure foraging remains on the site.
- 7.7. I am satisfied that the issue of bats on the site has been adequately assessed by the applicant and that the measures put forward would mitigate against the loss of bat roosts and foraging opportunities.

## **8.0 AA Screening**

- 8.1. The grounds of appeal queried whether the requirements of the Habitats Directive had been fully considered. A Stage 1 Screening Report and a Natura Impact Statement was submitted by the applicant in response to the grounds of appeal. The Screening Report concluded that,
- 8.2. *‘The project is limited in scale and extent and the potential zone of influence is restricted to the immediate vicinity of the proposed development. However, in the absence of mitigation measures there is a potential for silt laden material and contaminated surface water drainage to enter the Johnstown Stream (watercourse traversing through subject site) River Boyne and Natura 2000 sites located downstream of the works.*

- 8.3. *A NIS is required in respect of the effects of the project on the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA (downstream impacts) because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures that their plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Site/s'.*
- 8.4. Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have carried out a full Screening Determination for the development and it is attached to this report this report in Appendix 3.
- 8.5. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would have a likely significant effect 'alone' on the Special Conservation Interests of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the uncontrolled discharge of pollutants in surface waters. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

## **Stage 2 – Appropriate Assessment**

- 8.6. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO's) of River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA based on the scientific information provided by the applicant and taking into account expert opinion and submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Board.
- 8.7. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were



also considered. A full description of the proposed development and the potential impacts from the construction and operational phases are set out on Page 36 of the NIS. A full list of the Attributes, Measures and Targets for each of the SCI's in both sites are also listed in Table 6 of the NIS.

### Relevant European Sites –

8.8. In the absence of mitigation, the potential for significant effects could not be excluded for:

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

A description of the sites and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS. I have also reviewed the Conservation Objectives listed for each of the sites on the NPWS website ([www.npws.ie](http://www.npws.ie)). Table 8.1 below summarises the information considered for the Appropriate Assessment and the site integrity test. This information has been compiled from the information contained in the NIS as well as information from the NPWS.

**Table 8.1 – AA summary matrix for River Boyne and River Blackwater SAC and SPA:**

<b>River Boyne and River Blackwater SAC (Site code 002299)</b>			
		<b>Summary of Appropriate Assessment</b>	
<b>Special Conservation Interest (SCI)</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
Alkaline fens [7230]  Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion)	To maintain the favourable conservation condition of the SCI –  To restore the favourable conservation conditions of the SCI –	Deterioration of water quality from pollution of surface and/or ground water during the construction and operational phases.  Pollution from concrete or oil/fuels could result in	Mitigation measures are listed in Section 8 of the NIS and in the Outline Construction Management Plan which accompanied the application.  Detailed pollution control measures are outlined in Table 8 of

<p>incanae, Salicion albae) [91E0]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To restore the favourable conservation conditions of the SCI –</p> <p>To restore the favourable conservation conditions of the SCI –</p> <p>To maintain the favourable conservation condition of the SCI –</p>	<p>changes to water quality and vegetation.</p>	<p>the NIS. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.</p> <p>Post construction measures require the treatment of surface waters with sediment and oil interceptor traps prior to discharge.</p> <p>Mitigation measures to treat wastewater from the site during the operational stage relate to the onsite wastewater treatment system which includes an attenuation tank with restricted flow rates and SuDS measures.</p>
Overall Conclusion – Integrity Test			

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site. In-combination effects were considered in the NIS by reviewing recent planning applications in the area. The developments listed were minor in nature and the NIS determined that 'in-combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised'.

I have reviewed the mitigation measures proposed for the subject development and I am satisfied that impacts from the development in terms of pollution from surface water runoff containing silt, sediment, hydrocarbons or other pollutants would be unlikely following the implementation of the mitigation measures proposed.

**River Boyne and River Blackwater SPA (Site code 004232)**

<b>Special Conservation Interest (SCI)</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
<b>Kingfisher (<i>Alcedo atthis</i>) [A229]</b>	To maintain or restore the favourable conservation condition of the Special Conservation Interest for the SPA.	<p>Pollution from concrete and oil/fuels could result in changes to water quality and vegetation which could impact on foraging opportunities for the SCI.</p> <p>Pollution from untreated wastewater could impact on fish populations with a resulting impact on feeding opportunities for the SCI.</p>	<p>Mitigation measures are listed in Section 8 of the NIS and in the Outline Construction Management Plan which accompanied the application.</p> <p>Detailed pollution control measures are outlined in Table 8 of the NIS. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures</p>

			<p>such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.</p> <p>Post construction measures require the use of a by-pass separator prior to discharge to the attenuation tank.</p>
<p><b>Overall Conclusion – Integrity Test</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.</p> <p>I have reviewed the mitigation measures proposed for the subject development and I am satisfied that impacts from the development in terms of pollution from surface water runoff containing silt, sediment, hydrocarbons or other pollutants, which could impact on the foraging potential for the SCI would be unlikely following the implementation of the mitigation measures proposed.</p>			

### Appropriate Assessment Conclusion

- 8.9. In screening the need for Appropriate Assessment, it was determined that the proposal for an apartment development had the potential to result in significant effects on the River Boyne and River Blackwater SAC and on the River Boyne and River Blackwater SPA and that Appropriate Assessment was required in view of the conservation objectives of those sites.
- 8.10. Following a detailed examination and evaluation of the NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account submissions of third parties, I am satisfied that the design of the proposed development, combined with the proposed mitigation measures to address impacts from surface water runoff pollution during the construction and operational phase would prevent adverse effects on the integrity of River Boyne and River Blackwater SAC and on the River Boyne and River Blackwater SPA. This conclusion is based on,

- A full assessment of the wastewater treatment system proposed and the characteristics of the site.
- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects.

## 9.0 Recommendation

I recommend that planning permission is granted for the application.

## 10.0 Reasons and Considerations

10.1. Having regard to the nature of the development for the construction of 24 apartments on an infill site in the village of Johnstown, which is within the settlement boundary of the Key Town of Navan, it is considered that the application can be assessed on its merits under the provisions of the B1 zoning objective for the site as set out in the Meath County Development Plan 2021-2027. The proposed development is in accordance with the development standards and, policies and objectives of the Meath County Development Plan 2021-2027 and in particular with NAV OBJ 1, which seeks to support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved. The proposed development would

not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 15<sup>th</sup> day of December 2022 and on the 3<sup>rd</sup> day of April 2023, and by the further plans and particulars received by An Board Pleanála on the 12<sup>th</sup> day of June 2023, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application, as modified by further information submitted on the 3<sup>rd</sup> day of April 2023 and in accordance with the mitigation measures contained in the submitted Natura Impact Statement (NIS), save as may otherwise be required by the following conditions.</p> <p><b>Reason:</b> To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the NIS are implemented to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>

4.	<p>Proposals for an estate numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interests of urban legibility and to ensure the use of locally appropriate placenames.</p>
5.	<p>The developer shall engage with Uisce Éireann prior to the commencement of development and shall comply with their requirements regarding the proposed development.</p> <p><b>Reason:</b> To ensure a proper standard of development.</p>
6.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p><b>Reason:</b> In the interest of orderly development, residential amenities, public health and safety.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the</p>

	<p>planning authority for such works and services and shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
9.	<p>All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the Landscaping Plan submitted to the planning authority on the 15<sup>th</sup> day of December 2022 and as amended by further information submitted on the 3<sup>rd</sup> day of April 2023. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 2 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of biodiversity and the visual and residential amenity of the area.</p>
10.	<p>The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.</p> <p><b>Reason:</b> In the interest of the amenities of the occupants of the proposed housing</p>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>



	<p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, sightlines, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.</p> <p><b>Reason:</b> In the interests of amenity and of pedestrian and traffic safety.</p>
13.	<p>60 no. bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
14.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p><b>Reason:</b> In the interest of wildlife protection.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated</p>

	<p>underground as part of the site development works, at the developer's expense.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
18.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>

19.	<p>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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
20.	<p>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 of roads, footpaths, watermains, drains, 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 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and</p>

	<p>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.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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.Elaine Sullivan  
Planning Inspector

27<sup>th</sup> of June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-317319-23			
<b>Proposed Development Summary</b>	Demolition of a detached house and the construction of a 3-storey apartment building of 24 apartments with 30 surface car parking space, hard and soft landscaping and all ancillary works.			
<b>Development Address</b>	Johnstown, Navan, Co. Meath, C15 K857.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<span style="color: red;">X</span>	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
Yes			EIA Mandatory EIAR required	
No	<span style="color: red;">X</span>		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
No		N/A		No EIAR or Preliminary Examination required
Yes	<span style="color: red;">X</span>	Class 10(b)(i) – Threshold 500 units		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	X	Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix 2 – Form 3

### EIA – Screening Determination

#### A. CASE DETAILS

An Bord Pleanála Case Reference (317319-23)		
Development Summary	Demolition of a single storey dwelling and the construction of 24 apartments, (5 x 1-bed units and 19 x 2-bed units), within a centralised 3-storey block with 30 surface car parking spaces, 60 bicycle spaces, bin storage, boundary and open landscaping, pumping station, attenuation tank and associated works.	
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the appeal. A Bat Assessment Report was also submitted with the appeal.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Meath County Development Plan 2021-2027



B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	The site is 0.51 hectares in size and is an infill, backland site in Johnstown village on the outskirts of Navan town. There is currently a single storey detached house in place on the site, which is set back from the road. The site is bounded by residential development on all sides with some commercial development to the west and south.	<b>No</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The site is a relatively flat, brownfield site which had been previously developed for residential use. The proposed residential development would result in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. Uses proposed are consistent with land uses in the area.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale. The loss of natural resources as a result of the development are not regarded as significant in nature.	<b>No</b>

<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CMP and the Waste Management Plan (WMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Outline CMP and the WMP, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Foul water will discharge to the public network. Other operational impacts in this regard are not anticipated to be significant.</p>	<p><b>No</b></p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Operation of the standard measures listed in the Outline CMP and the WMP will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS.</p>	<p><b>No</b></p>

	Surface water drainage will be separate to foul services within the site. A Natura Impact Statement was prepared for the application and contains mitigation measures to prevent the release of pollutants into surface waters from the site.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Outline CMP. No operational impacts in this regard are anticipated.	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions and surface water runoff. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated.	<b>No</b>
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. The site is not at risk from flooding. Any risk arising from demolition and construction will be localised and temporary in nature. There are no Seveso/COMAH sites in the vicinity.	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)?	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area. However, the scale of the population increase would be small in the context	<b>No</b>

	of the wider urban area. No social environmental impacts anticipated.	
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes, the Development Plan notes that the village of Johnstown has undergone significant residential development in recent years. However, the immediate area around the subject site has not been subject to large scale development and is unlikely to be, given the built-up nature of the village and the lack of large development sites.	<b>No</b>
<b>2. Location of proposed development</b>		
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are the River Boyne and River Blackwater SAC and SPA, which are approximately 0.9km to the west of the site. The Conservation Objectives for these sites relate to freshwater habitats and species and the Kingfisher.  A ground/surface water pathway has been identified from the site to the SAC and the SPA. The NIS concluded that the proposed development will not adversely affect the integrity of these European sites. The potential for significant effects on Natura 2000 sites has been screened out. Refer to Section 8.0 of the Inspector's Report.	<b>No</b>
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Yes. A Bat Fauna Survey was carried out on the site and found that two or three bats were roosting in the garage of the house. The survey included mitigation measures to prevent the long-term impact on bats in the site. The proposed development would not result	<b>No</b>

	in significant impacts to protected, important or sensitive species	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No. There are no protected structures or archaeological features within the site. The closest protected structure is the Johnstown Church and is on the opposite side of the road from the site. The proposed development will not impact on this protected structure.	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features are in this outer-urban location.	<b>No</b>
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The Johnstown Stream flows through the site and on to the river Boyne. The development will implement attenuation and SuDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. Subject to the proposed mitigation measures as part of the Outline CMP it is not considered that the proposed development would result in significant impacts to water resources. The site is not located in Flood Zone A or Flood Zone B.	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	<b>No</b>
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to	No	<b>No</b>

congestion or which cause environmental problems, which could be affected by the project?		
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No
<b>3.3</b> Are there any other relevant considerations?	No	No
<b>C. CONCLUSION</b>		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/> Yes	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	<input type="checkbox"/>
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to</p> <ul style="list-style-type: none"> <li>The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001 (as amended);</li> </ul>		

- The location of the proposed residential development on zoned lands where the proposed use is permitted in principle, within the Meath County Development Plan 2021-2027, and the results of the Strategic Environmental Assessment of the Development Plan;
- The nature of the existing site and the pattern of development in the surrounding urban area;
- The availability of mains water and wastewater services to serve the proposed development;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Outline Construction Management Plan, the Waste Management Plan, the Engineering Services Report and the Natura Impact Statement.

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

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 3

### AA Screening Determination

#### Screening for Appropriate Assessment Screening Determination

##### Step 1: Description of the project

A full description of the development is set out on Page 7 of the Screening Report submitted by the applicant. The development involves the construction of a 3-storey apartment block of 24 units with all associated site works, including surface car parking, landscaping and surface water management. The subject site is a brownfield, urban site located in the outskirts of Navan. It is a backland, infill site with residential development on all sides. The development would be served by the public mains and wastewater system. The Johnstown Stream flows through the southern section of the site and ultimately outfalls to the river Boyne at a point approximately 1.3km downstream.

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is not located within, or directly adjacent to, any Natura 2000 sites. The closest European sites to the development are the,

- River Boyne and River Blackwater SAC (Site Code 002299) at a hydrological distance of c. 1.2km to the west of the site, and the,
- River Boyne and River Blackwater SPA (Site Code 004232) approximately 1km to the west of the site.

The NIS submitted with the application also considered the potential of the project to impact on the Boyne Coast and Estuary SAC (Site Code 001957) and the Boyne Estuary SPA (Site Code 004080) as the river Boyne would eventually discharge to these European sites.

However, the Screening Report concluded that the development would not have an impact on the European sites due to the weak hydrological link between the sites



and the separation distance of c. 23 km between the sites. I agree with this conclusion.

### **Step 2: Potential impact mechanisms from the project**

The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the apartment development. The proposed development will not result in any direct effects on any European Site.

There is a potential for indirect impacts during the construction and operational phase through uncontrolled surface water runoff discharging to the stream onsite. During the construction and operational phase potential impacts would be limited to pollution entering the watercourse on the site and travelling downstream to the river Boyne. This could occur from,

- Surface water runoff which has been contaminated with dust, silt, cement or other contaminants entering the watercourse / stream and travelling downstream to the river Boyne.
- Spills from plant or machinery and/or from the storage of construction materials, oils fuels and chemicals entering the stream on the site.
- Runoff from topsoil stored on the site could enter the stream and cause pollution.

Where an ecological / hydrological pathway exists, indirect impacts could negatively affect qualifying interests, species and habitats, that rely on high water quality.

### **Step 3: European Sites at risk**

Using the source-pathway-receptor model, an indirect hydrological pathway exists between the subject site and the River Boyne and River Blackwater SAC and SPA via the Johnstown Stream which traverses the site and flows to the river Boyne.

The potential for significant impacts from the development on the Boyne Estuary SPA and the Boyne Coast and Estuary SAC have been excluded on the basis of

the relatively small scale of the project and the hydrological distance between the subject sites and the European sites.

**Table 1 European Sites at risk from impacts of the proposed project [example]**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
<p>Deterioration of water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stage.</p> <p>Deterioration of water quality through the discharge of contaminated surface water during the operational stage.</p>	Johnstown Stream	River Boyne and River Blackwater SAC	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
Deterioration of water quality in the SPA from uncontrolled polluted surface water runoff.	Johnstown Stream	River Boyne and River Blackwater SPA	Kingfisher ( <i>Alcedo atthis</i> ) [A229]

**The River Boyne and River Blackwater SPA** (004232) is a long, linear site that comprises stretches of the river Boyne and several of its tributaries. Most of the site is in Co. Meath, but it extends also into Co's Cavan, Louth and Westmeath. The site is a Special Protection Area (SPA) under the E.U. Birds Directive of special conservation interest for the Kingfisher. A survey in 2010 recorded 19 pairs of Kingfisher (based on 15 probable and 4 possible territories) in the River Boyne and River Blackwater SPA.

**The River Boyne and River Blackwater SAC** (002299) comprises the freshwater element of the river Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. The main areas of alkaline fen in this site are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough, (to the east of Navan). Wet woodland fringes many stretches of the Boye with notable

occurrences on a chain of small islands c. 2.5km to the west of Drogheda. The dominant habitat along the edges of the river is freshwater marsh with a secondary habitat of wet grassland. Along much of the Boyne and along tributary stretches are found areas of mature deciduous woodland on the steeper slopes above the floodplain marsh or wet woodland vegetation. Many of these are planted in origin. Other habitats present along the Boyne and Blackwater include lowland dry grassland, improved grassland, reedswamp, weedy waste ground, scrub, hedge, drainage ditch and canal.

Atlantic Salmon use the tributaries and headwaters of the Boyne as spawning grounds. Salmon stocks in the Blackwater River suffered from an arterial drainage scheme in the 1970's and are still recovering. River Lamprey are present in the lower reaches of the Boyne and Otter can be found throughout the site.

#### Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'					
River Boyne and River Blackwater SAC	To maintain or restore the favourable conservation condition of the Qualifying Interests	Could the conservation objectives be undermined (Y/N)?			
		Deterioration of water quality through pollution	Effect B	Effect C	Effect D
Alkaline fens [7230]	Maintain	Y			
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	Restore	Y			
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	Restore	Y			
<i>Salmo salar</i> (Salmon) [1106]	Restore	Y			
<i>Lutra lutra</i> (Otter) [1355]	Maintain	Y			

<b>River Boyne and River Blackwater SPA</b>					
Kingfisher (Alcedo atthis) [A229]	Maintain or Restore	Y			

### **River Boyne and River Blackwater SPA**

The Kingfisher is listed as the only Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA. Specific conservation objectives for the SPA are not listed. The Screening report states that the subject site is not an important foraging or nesting habitat for Kingfisher. However, as the Kingfisher is a piscivorous bird species, there is a potential for significant impacts on foraging activity via contaminated surface water drainage. Silt laden or contaminated surface water from the site has the potential to negatively impact the fish populations of downstream watercourses and therefore to impact the feeding opportunities for Kingfisher. In the absence of mitigation measures, significant effects on the SCI for this SPA are likely.

### **River Boyne and River Blackwater SAC**

There is a direct hydrological pathway from the subject site to the SAC via the Johnstown Stream which crosses the site along the southern boundary and flows to the river Boyne. Given the nature and scale of the development, the presence of a pathway and the proximity of the SAC (c. 1.3km via a hydrological pathway), there is a potential for significant effects on the qualifying interests of the SAC. In the absence of mitigation measures significant effects are likely via dust silt and contaminated surface water runoff. Mitigation measures are required to ensure that all surface water discharged to the stream is clean and uncontaminated.

I conclude that the proposed development would have a likely significant effect 'alone' on the Special Conservation Interests of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the uncontrolled discharge of pollutants in surface waters. An appropriate assessment is required on the basis of the effects of the project 'alone'.

Further assessment in-combination with other plans and projects is not required at this time.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would have a likely significant effect 'alone' on the Special Conservation Interests of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the uncontrolled discharge of pollutants in surface waters. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.