



An
Bord
Pleanála

Inspector's Report ABP-317995-23

Development

Construction of a mixed-use development comprising 43 apartments, 24 independent living units and 2 retail/commercial units. A Natura Impact Statement (NIS) was submitted with this application.

Location

Academy Street & Dublin Road,
Navan, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

22/1581

Applicant(s)

Academy Point Group.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal

Appellant(s)

Academy Point Group.

Observer(s)

Vincent O'Reilly and Katherine O'Reilly.

Date of Site Inspection

25th September 2024.

Inspector

Susan McHugh

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1.0 Site Location and Description

- 1.1. The subject site is located at the junction of Academy Street and Dublin Road (R147), approx.1km to the south of Navan town centre, County Meath.
- 1.2. The site which originally formed part of the adjoining Academy Square development is unfinished / vacant and is hoarded off from the public. The site itself is landlocked surrounded on three sides by existing roads and to the north by an existing mixed-use scheme and comprises an existing basement level and partially completed floor slab. An existing ESB substation is located along the western boundary of the site with Academy Street.
- 1.3. The site is bounded to the north by the existing Academy Square mixed-use development comprising blocks of apartments and creche. The blank gables of a 3-storey residential apartment block and 6 storey block (which each address an internal linear area of hard landscaped open space) bookend the northern boundary of the site. The 6-storey apartment block is currently unoccupied.
- 1.4. The site is bounded to the east by the R147 which serves as the main entrance route into Navan on approach from Dublin. Traffic speeds along the R147 are 50km/hr and is a heavily trafficked route. The River Boyne flows northwards along the eastern side of the R147.
- 1.5. The site is bounded to the south by Academy Street and junction with Dublin Road (R147), south of which adjoins an area of landscaped public open space.
- 1.6. The site is bounded to the west by Academy Street, west of which is a large residential construction site known as Belmont. This is a permitted Strategic Housing Development.
- 1.7. The appeal site is currently accessed via the existing pedestrian and vehicular access point from Academy Street to the Academy Square development. Access to the ramp and basement car park serving the Academy Square development and the proposed development is currently closed off and the basement car park is vacant.
- 1.8. The site has a stated area of c. 0.18 hectares.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 05/12/2022 with further plans and details submitted on the 23/06/2023. The latter triggered revised public notices.
- 2.2. The proposed development as lodged comprises:
- Demolition of existing structures on site
 - Construction / completion of the basement level car park, with a total of 65 no. car parking spaces
 - Relocation of existing ESB substation
 - Provision of 106 no. bicycle parking spaces
 - Construction of a ten-storey building comprised of:
 - 2 no. ground floor retail / commercial units fronting onto Academy Street
 - 24 no. Independent Living Units (ILUs) located on the 1st to 3rd floors, together with ancillary services/facility rooms, which are targeted at the senior living sector
 - 43 no. private apartments located on the 4th to 9th floors.
 - Vehicle access will be from the existing vehicular access point on Academy Street development to the north & north-west of the site.
 - Pedestrian access is provided from Academy Street and Dublin Road (R147).
- 2.3. The ground floor of the building is comprised of 2 no. retail/ commercial units (c.184 sq.m & c.139 sq.m respectively), relocated ESB substation, switch room, 2 no. bin storage areas and 1 no. bicycle store area (total capacity: 90 no. bicycle parking spaces).
- 2.4. The stated floor area of the 24 no. ILUs together with their 7 no. ancillary services and facility rooms located on the ground and first floor have a total gross floor area of c. 2,033.5sqm. The stated floor area of the 43 no. apartments is c. 2,705.50 sqm.
- 2.5. External communal open space is provided on the first floor of 74sqm in the form of a roof terrace and 2 no. communal rooms each of 57sqm on the second floor.

2.6. The proposed development also includes for infrastructural services and connections, drainage, signage, hard and soft landscaping and boundary treatments, balconies and terraces, communal open spaces, solar panels, green roofs, bicycle parking, and all associated site development works above and below ground.

2.7. Table 1: Unit Mix

| Residential | Unit Type | No. units proposed | % of units |
|--------------------------|------------------|---------------------------|-------------------|
| Independent Living Units | 1 bed | 11 | 46 |
| | 2 bed | 13 | 54 |
| Total | | 24 | 100% |
| Apartments | 1 bed | 24 | 56 |
| | 2 bed | 19 | 44 |
| Total | | 43 | 100% |
| Overall Total | | 67 | |

2.8. The application was accompanied by the following

- Planning Statement
- Building Lifecycle Report
- Social Infrastructure Assessment
- Architectural Design Statement
- Preliminary Construction and Environmental Management Plan
- Water Services and Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- Landscape Design Rationale
- Housing Quality Assessment

- Part V Proposal
- Letter of Consent from property owner

2.9. Pursuant to further information, the applicant submitted revised public notices.

2.10. The overall height of the proposed development was not altered but revisions to the overall design include a reduction in the no. of units from 67 no. apartments to 56 no. apartments. The revised scheme provides for 18 no. 1 & 2 bed Independent Living Units, 38 no. 1 and 2 bed apartments and 1 no. retail/commercial unit.

2.11. Table 2 Unit Mix

| Residential | Unit Type | No. units proposed | % of units |
|--------------------------|------------------|---------------------------|-------------------|
| Independent Living Units | 1 bed | 8 | 44.5 |
| | 2 bed | 10 | 55.5 |
| Total | | 18 | 100% |
| Apartments | 1 bed | 11 | 29 |
| | 2 bed | 26 | 68.5 |
| | 3 bed duplex | 1 | 2.5 |
| Total | | 38 | 100% |
| Overall Total | | 56 | |

2.12. The response to further information was accompanied by the following:

- Natura Impact Statement
- Architectural Design Statement
- Water Services and Flood Risk Assessment
- Sunlight, Daylight and Shadow Assessment
- Outdoor Lighting Report

2.12.1. This assessment makes reference to the plans submitted at further information stage and the original application stage.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority recommended permission be **refused** for the following reason.

1. It is the policy of the Meath County Council Development Plan 2021-2027, to implement the 'Planning System and Flood Risk Management – Guidelines for Planning Authorities' (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan. (INF POL 18) and to require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the 'Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change (INF POL 20).

The applicant has failed to address the Further Information request in that they have not clearly demonstrated that safe access can be provided to proposed residents of the development. The proposed development does not pass the Justification Test and specifically Parts 2(ii) and 2(iii) of same.

The proposed development, if permitted, would be contrary to the aforementioned Ministerial Guidelines and would materially contravene policies INF POL 18 and INF POL 20 of the Meath County Development Plan and therefore not be in the interests of proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Planners Report** dated 03/02/2023 recommended further information.

1. The proposed development is considered excessive in terms of height (35.61metres), scale and is out of character with the adjoining apartment

blocks and general streetscape. The applicant is requested to redesign the proposed development and to significantly reduce the overall height of the proposed structures.

2. The proposed density is excessive at this location of 372 units hectare. Meath County Development Plan 2021-2027 recommends 35-45uph for this location adjacent to Navan town centre. In the absence of a rail link and in the context of the setting adjacent to a number of Protected Structures, the proposed density should be significantly reduced. The applicant is requested to reduce the proposed number of units per hectare in line with the Meath County Development Plan 2021-2027.
3. The development has a gross site area of 0.18hectares (1,800sqm) and a total floor are of 5,062sqm, this provides a plot ratio of c. 1:2.81. This is slightly outside the required ratio of 2 in town centres. The applicant is requested to address the plot ratio.
4. The applicant is requested to clarify if the following apartments overlook the bedroom space of the existing apartments and if so is required to increase the separation distance at the following locations;
 - First floor apt 1 & apt 6 to existing apartments distance approx. 15m
 - 2nd floor apt 7 and 11 to existing apartments distance approx. 15m
 - 3rd floor apt 15 & 20 to existing apartments distance approx. 15m
 - 4th floor apt 25 to existing apartments distance approx. 15m
5. The applicant is requested to provide a sunlight and daylight report for the entire site and outlining the potential impact on the existing and proposed structures in the area.
6. The applicant is requested to submit a revised site layout to demonstrate where the new kerb line will be adjacent to the existing ESB substation. This should provide a smooth transition between the existing kerb lines and also provide drainage gullies adjacent to the kerbs, and how the retail/commercial units are to be serviced and how refuse will be collected from the development.

7. The applicant is requested to submit proposals for external lighting with the development. This should be designed and installed as per 'Meath County Council; Public Lighting Technical Specification and Requirements' document.
8. The proposed development site is situated in a Zone A and Zone B site with regard to flood risk i.e. it is at medium to high risk of flooding. The applicant has not submitted sufficient information to facilitate a thorough assessment of the proposed development and the application of the Justification test. The applicant is requested to submit the information set out below and to resubmit a revised Flood Risk Assessment in accordance with the Flood Risk Managements Guidelines and shall reapply the 'development management Justification test' as set out in Chapter 5 of the same guidelines to rigorously assess the appropriateness of the proposed development and shall submit all matters relating to the Justification test and all matters relevant to flood risk relating to the proposed development site to the PA for their further consideration.

The applicant is requested to submit details of the hydraulic modelling to enable the Planning Authority to assess the applicability of same. Flood Zones A& B shall be established on the site. The scenario whereby the basement including the car parking, and the Plant room can be protected from flooding for the 100 year plus Climate scenario shall be assessed using the hydraulic modelling. The location and floor levels and access to the relocated Sub Station shall be clarified. The applicant is requested to demonstrate how emergency services shall access the proposed development during critical flood events given that such access must be provided through floodwaters that should not exceed 250mm in depth in a 100 year plus Climate Change critical flood event.

9. In accordance with Article 6 of the Habitats Directive which is implemented in Ireland through the Planning and Development Act 2000 (as amended) and European Communities (Natural Habitats) Regulations (2011), the applicant is advised to provide information to the PA to enable us to identify if the development is likely to have direct, indirect or 'in combination' impacts on the habitats and/or species for which the River Boyne and River Blackwater SAC and SPA (Site Codes: IE0002299 and IE0004232) Natura 2000 sites are

designated. This information should be provided in the form of a Habitats Directive Screening Statement which shall contain sufficient information to allow the PA to screen the application and to fully assess the potential impacts of the proposal on the designated site(s). The applicant is advised that the Habitats Screening Statement should be prepared by a suitably qualified ecologist(s) and where appropriate hydrologists and/or other experts. Such statements.

10. The applicant is requested to provide details relating to the following;
 - a) Details for the flow control device and associated chamber. All flow control devices should be fitted to a minimum 225mm outlet pipe and shall be fitted with a pull cord bypass. In order to isolate and carry out maintenance of the flow device a penstock valve (or similar approved) shall be installed within the flow control chamber, on the upstream end of the manhole.
 - b) The allowable greenfield discharge rate shall be achieved using a flow control device with a minimum orifice of 100mm. The applicant shall supply specification for the proposed flow control device which clearly demonstrates the orifice size and discharge rate.
 - c) Locate a Class 1 petrol/oil separator upstream of the proposed attenuation system to cater for any hydrocarbon spills within the proposed basement.
 - d) A detailed design for the proposed concrete attenuation tank
 - e) The applicant has proposed to discharge surface water to existing surface water drain. The applicant shall investigate and prove the existence and capacity of the existing surface water drainage network.
11. The applicant is requested to provide land registry details including the full file plan and folio details. This should include any right of way agreements.
12. Third party submissions have been received in relation to the application and requested to address issues raised.
13. If any submission resulting from the above requires the submission of additional data which alters the original proposal and the PA on receipt of the submission consider it to be significant, applicant may be required to publish a

notice in an approved newspaper in accordance with S.34(8) of the Planning and Development Act 2000-2022.

The **2nd Planners Report** dated 17/08/2023 dealt with the applicant's response to further information and recommended permission be refused.

3.2.2. Other Technical Reports

- **Transportation Department: 1st Report** dated 30/01/2023 recommends further information in relation to kerb layouts and the servicing of the retail/commercial units and how refuse will be collected, and the current Part 8 scheme proposed for the area. **2nd Report** dated 01/08/2023 recommends no objection subject to requirements.
- **Environment Flooding-Surface Water Section: 1st Report** dated 02/02/2023 notes site is located in Flood Zone A is at a high risk of flooding and Flood Zone B which is at medium risk of fluvial flooding. Notes applicant had previously submitted a Flood Risk Assessment (FRA) and engagement of consultants to develop a Hydraulic Modelling report for the proposed development. Recommends details of model be submitted by way of further information.
- **2nd Report** dated 14/08/2023 recommends a **refusal**. It notes revised FRA submitted and concludes that the applicant has not clearly demonstrated that safe access can be provided to the development and development does not pass the Justification Test and would be contrary to the Ministerial Guidelines. Surface water treatment and disposal proposals – no objection subject to requirements.
- **Transportation - Public Lighting: 1st Report** dated 10/01/2023 recommends further information. **2nd Report** dated 26/06/2023 recommends no objection subject to requirements.
- **Conservation Officer:** Report (not on file) planners report refers to concerns in regarding height and scale.
- **Housing** – Report dated 06/01/2023 recommends no objection subject to requirements.

- **Broadband Officer:** Report dated 04/01/2023 recommends no objection subject to requirements.
- **Fire Officer:** Report dated 17/01/2023 recommends no objection subject to requirements including that suitable fire brigade access be provided.

3.3. Prescribed Bodies

- **Irish Water:** Report dated 09/01/2023 recommends no objection subject to requirements.
- **DAU:** Report dated 17/01/2023 notes concern in relation to potential impacts on the Conservation Objectives of the River Boyne and River Blackwater SAC and SPA and the cumulative and or 'in combination' impacts of the proposal. Recommends further information to provide a screening for appropriate assessment and a NIS if necessary.
- **An Taisce: 1st Report** dated 18/01/2023 notes six storey height of permitted development on site and of adjacent development compared to scale of proposed 10 storey development. Recommends given proximity of River Boyne and River Blackwater SAC and SPA that application be screened for Appropriate Assessment. **2nd Report** dated 18/07/2023 recommends an evaluation of the appropriateness of the scale of the development with regard to residential amenity of adjacent lands and buildings.

3.4. Third Party Observations

3.4.1. Four no. of third-party submissions were submitted to the PA from the following parties;

- Academy Square Owners Management Co. Ltd.
- Vincent and Katherine O'Reilly Durhamstown House, Bohermeen, Navan
- Dympna J. Mac Adam 35 Finian's Terrace Navan
- Cynthia Quinn 15 St. Finian's Terrace Navan

3.4.2. Issues raised in submissions can be summarised as follows;

- Building height, bulk and scale

- Traffic hazard and overflow car parking
- Out of character
- Inadequate open space
- Excessive density
- Validity of application – site location map discrepancies
- Consent to include lands at basement level within application not sought or obtained
- Absence of sun analysis
- Overlooking of St. Finian's Terrace
- Waste disposal
- Noise and Anti-social behaviour
- Demand on community services

4.0 Planning History

Parent Permission - Academy Square

PA Reg. Ref. 00/5014 ABP126766: Permission **granted** 24/02/2002 for a mixed use/commercial development containing 107 apartments, office space, showroom, creche, boundary walls, parking, etc. at Crannoc Factory site, Lime Kiln Hill, Navan, Co. Meath. This permission and development now known as Academy Square has been substantially implemented on site.

The proposal included the Basement and Blocks A-H above Ground level. While the full basement was constructed as were Blocks B-H the site remains undeveloped above ground floor at the location of Block A.

PA Reg.Ref. NA/50112: Permission **granted** 19/09/2005 for amendments to previously approved 00/5014 ABP126766. In relation to Block A, a total of 32 no additional apartments (reduced to 25 no. apartments).

PA Reg.Ref. NA/70078: Permission **granted** 17/8/2007 for amendments to Block A to include new floor (now 7 floors) (new floor omitted following further information request). The permitted development had a gross floor area of 3,787sqm.

PA Reg.Ref. NA/70541: Permission **granted** 21/01/2008 for amendments to Block A previously permitted under (Reg.Ref.NA/50112 and NA/70078).

Extension of Duration of Planning Permission

PA Reg.Ref. NT/130001: Extension of Duration of Planning Permission NA/70541 **granted** 20/02/2013 for a further 3 years.

Site to West/South – SHD Belmont Residential Development

ABP 306021-19: Permission **granted** 07/07/2020 for 544 no. residential units (260 no. houses and 284 no. apartments), crèche and associated works.

This permitted development provides for 3 no. five/six storey blocks facing onto Academy Street with linear public open space running parallel to these blocks along Academy Street. Block B of this permitted SHD scheme (six storeys) is located across from the subject site on the opposite side of Academy Street.

This permission is being implemented on site.

The permitted development includes road works to the junction between Academy Street and the R147. Permission was granted for this SHD application following an Oral Hearing held to address the issue of fire tender / emergency access in the event of flooding across this proposed upgraded junction. These road works have yet to be completed on site.

PA Reg.Ref.22/1309: Permission **granted** in May 2023 for a development of 22 no. dwellings on lands within the curtilage of Belmont House.

Local Authority Part 8 South of Appeal Site

PA Ref.P822011: Part 8 Planning Application by Meath County Council for new landscaped public open space which immediately adjoins the appeal site north of the road junction between Academy Street and the R147.

5.0 Policy Context

5.1. National Policy

5.1.1. Project Ireland 2040 – National Planning Framework (NPF)(2018)

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.
- NPO 35 states the need to 'increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'

Section 28 Guidelines –

5.1.2. 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.

5.1.3. **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.
- 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.

5.1.4. Urban Development and Building Heights – Guidelines for Planning Authorities 2018

The Guidelines require that Development Plans identify and provide policy support for specific geographic locations where increased building height is a fundamental policy requirement.

SPPR1- In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

5.1.5. Planning System and Flood Risk Management – Guidelines for Planning Authorities (DoECLG/OPW, 2009).

National guidance on flood risk management is contained within the Department's document 'The Planning System and Flood Risk Management'. The guidelines seek to avoid development in areas at risk of flooding, substitute less vulnerable land uses and if avoidance and substitution are not possible, mitigate and manage risks. Less vulnerable development is considered to include commercial development.

Exceptions to the restrictions on development due to potential flood risks are provided using a justification test. In this regard the Guidelines recognise that some existing urban centres may have been targeted for growth and recommend a precautionary approach.

The Guidelines are issued under Section 28 of the Planning and Development Act 2000 as amended and the Board is required to have regard to them.

5.2. Climate Action Plan 2024

The Government of Ireland's Climate Action Plan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development

(Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.2.1. Climate Action and Low Carbon Development (Amendment) Act 2021

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050.

An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is consistent with the Climate Act.

5.3. Regional Spatial & Economic Strategy (RSES) Eastern Midlands Regional Authority (EMRA) 2019-2031

- Navan is located within the Core region of Dublin.
- Table 4.2 - Navan is identified within the third tier of key towns for the regional area.
- Navan is one of the regions fastest growing towns.
- Regional Policy Objectives RPO 4.42, 4.43, 4.44, 4.45, 4.46, 4.47 support the delivery and release of lands for residential and employment generated activity in Navan whilst also promoting public realm.

5.4. Meath County Development Plan 2021-2027

5.4.1. The operative Development Plan for the site is the Meath County Development Plan 2021-2027, (MCDP). Variation No.1 and No. 2 to the MCDP were adopted on 13th May 2024.

5.4.2. Draft Variation No.3 to the MCDP 2021-2027 was published on the 18th November 2024. The purpose of the variation is to update the County Development Plan to take account of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities published by the Department of Housing, Local Government and Heritage in January 2024 and issued under Section 28 of the Planning and Development Act 2000, as amended.

- 5.4.3. 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.
- 5.4.4. The site is zoned objective C1 – Mixed Use. This objective seeks 'To provide for and facilitate mixed residential and employment generating uses'.
- 5.4.5. Development Plan guidance on the C1 zoning objective states that, 'Lands identified for mixed use development are only appropriate in higher tier settlements. The objective on these lands is to provide opportunities for high-density mixed-use employment generating activities that also accommodate appropriate levels of residential development thereby facilitating the creation of functional 'live work' communities. These areas are generally located in proximity to high frequency public transport corridors. In order to achieve balanced development, the percentage of residential development in C1 zones shall generally not exceed 50 % of the quantum of a development site.'
- 5.4.6. Under the 'C1' land use zoning objective, the Meath County Development Plan 2021-2027 lists 'Convenience Outlet' and 'Residential / Sheltered Housing' as 'Permitted' uses, with 'Retirement Home / Residential Institution / Retirement Village', 'shop' and 'supermarket' listed as 'Open for Consideration' uses.

Chapter 2 – Core Strategy

CS OBJ 4 - To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.

Chapter 6 – Infrastructure

INF POL 18 - To implement the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.

INF POL 20 - To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the "Planning System and Flood Risk Management – Guidelines for Planning

Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.

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

Section 11.5.2 Urban Design

DM OBJ 12 ‘To encourage and facilitate innovative design solutions for medium to high density residential schemes where substantial compliance with normal development substantial compliance with normal development management considerations can be demonstrated’.

Section 11.5.3 – Density

DM OBJ 14 states that the following densities shall be encouraged when considering planning applications for residential development:

- Residential Development Beside Rail Stations: 50 uph or above
- Regional Growth Centres / Key Towns (Navan/Drogheda) 35-45 uph

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

Section 11.5.4 - Plot Ratio

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

Section 11.5.5 - Site Coverage

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

Section 11.5.7 – Separation Distances

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

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

Section 11.5.9 - Building Height

DM OBJ 25: To require development with increased building height at the following locations' and includes Navan.

Section 11.5.11 – Public Open Space

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

Section 11.5.12 – Private Open Space

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

Section 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.

Section 11.5.19 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.

Section 11.5.22 - Upper Floors/'Living over the Shop'

DM OBJ 46: To allow a reduction in open space and car parking standards for 'living over the shop' accommodation proposals in town centre locations, subject to protecting residential amenity, where considered appropriate by the Planning Authority.

Section 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.

Section 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.

Section 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 – As existing developments are completed; it is important to ensure there is a sufficient quantum of residential lands available in the town to facilitate the projected population growth during the plan period.

There is a parcel of residential lands on Academy Street within walking distance of the town centre that would consolidate the urban core of the town and could deliver a suitable mix of house types, including apartments, that would cater for a range of housing needs. The development of these lands would assist in creating a more compact pattern of development in the town.

Section 5.1.3 – Residential Design/Scale - As part of the strategy of delivering more compact growth, any development in town centre or strategic locations in the town will be required to deliver high density development of up to 45 units/ha. This includes town centre and mixed-use lands and the residential lands to the west of Academy Street and residential lands adjacent to future rail stations in the town. These lands would be the most appropriate locations for apartment developments and should be considered as part of the household mix in these locations.

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 4 – To support the prioritisation of residential development in locations that adjoin or provide easy access to the town centre’.

NAV OBJ 22 - To support improvements to the bus network, including accessibility, facilities, and services and junction upgrades, in partnership with the National Transport Authority.

NAV OBJ 25 - To support improvements to the junction between Academy Street and the Dublin Road.

5.5. Natural Heritage Designations

The appeal site is located approx. 18m east of River Boyne and River Blackwater SPA and SAC (site codes 004232 and 002299).

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal was submitted by Armstrong Fenton Associates on behalf of the applicant Academy Point Group of Kilmessan, County Meath.

The appeal was accompanied by the following;

- Memo on Planning Stage Flood Risk Assessment by Cora Consulting Engineers

The grounds to the appeal can be summarised as follows:

- Proposed development complies with INF POL 18 of the Meath CDP, having implemented the 'Planning System and Flood Risk Management – Guidelines for Planning Authorities' through the use of the sequential approach and application of Justification Tests for Development Management.
- Proposed development complies with INF POL 20 of the Meath CDP, having carried out a Flood Risk Assessment appropriate to the scale and nature of risk to and from the potential development, including impact on climate

change, issued in accordance with the 'Planning System and Flood Risk Management – Guidelines for Planning Authorities' and Justification Test passed.

- Safe access to residents of the proposed development has been demonstrated and the proposed development passed the Justification Test.
- Proposed development in the context of the planning history of the application site is in the interests of proper planning and sustainable development.
 - Refers to section 1.6 of the 2009 Flood Risk Guidelines which seeks to 'avoid unnecessary restriction of national, regional or local economic and social growth' which should be a key consideration in the assessment of the application.
 - Site has long been unfinished and represents an eyesore on the visual amenity of the area. While the site is hoarded off from the public and existing residents at Academy Square, it is ultimately a danger given its current state.
 - Note permissions have been granted in the past for development on sites with a similar context in respect of flood risk, and refer to the Windmill Lane, Creighton Street and Hanover Street Dublin 2 for a mixed-use development entailing commercial, retail and residential uses that was granted prior to the development of the flood defences along the adjacent Sire Rogerson's Quay.

Criteria 1 – Proposed development complies with the land-use zoning objective for the site, and have put forward appropriate viable, uses.

Criteria 2(i) – Proposed development will not increase flood risk elsewhere. There will be an existing flood storage volume at basement level and no loss of existing flood storage volume and ground floor level.

Criteria 2(ii) – Proposed development includes measures which minimise flood risk to people, property, the economy, and the environment, as far as reasonably possible. These measures include pollution control measures, with the design of the proposed development also ensuring that residential

areas are located above ground floor level. Given the historical context of the site, these measures are considered to be 'as far as reasonably possible'.

Criteria 2(iii) Proposed development includes measures which ensure the residual risk to the area/development can be managed to an acceptable level. This includes for an alternative emergency access route to Navan Fire station and the National Ambulance Service Regional Headquarters at Navan Hospital, avoiding flood areas, and the proposal to provide for a designated area at ground floor level for an emergency rib, or similar craft, which will be maintained and made available at all times and to emergency services only. The provision of such a craft will be made known to emergency services and the keys, and /or other relevant access, likewise provided to them prior to the development being occupied.

Criteria 2 (iv) Proposed development is fully compatible with the wider planning objectives to achieve good urban design and a vibrant, active, streetscape.

- Submit that the crux of the appeal is that the application site is a legacy of Ireland's economic downturn approx. 15 years ago with the 2009 Flood Risk Guidelines coming into effect after the original/parent permission for the Academy Square development was granted.
 - Flood Risk Assessment submitted is sufficient
 - Site is not subject to tidal flooding or fluvial flooding
 - Mitigation measures proposed to shutdown mechanisms for mechanical and electrical services at basement level
 - Flow control devices to prevent surcharging of foul drains
 - To refuse permission based on the 2009 Flood Risk Guidelines will essentially sterilise the site from any development, which is not considered appropriate or in the interests of proper planning and development.

6.2. Planning Authority Response

The Planning authority confirms its decision and requests that the Board uphold decision to refuse permission.

6.3. Observations

6.3.1. One observation was lodged by Manahan Planners on behalf of Vincent and Katherine O'Reilly, Durhamstown House, Bohermeen, Navan, Co. Meath. They are the owners of two apartments, Units 93 and 110 Academy Square, which adjoin the application site. Issues raised in submission to the PA are reiterated, the main issues raised in the observation include;

- Impact on existing residential amenity, overshadowing, overlooking reduction in privacy and overbearing
- Revised plans submitted by way of further information do not address concerns raised.
- Reason for refusal is insufficient
- Proposed development is overdevelopment of the site

6.4. Further Responses

None received.

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
- Flood Risk and Drainage
- Design and Layout
- Height and Visual Impact

- Impact on Residential Amenity
- Access, Car Parking and Traffic
- Other Matters

7.2. Introduction

- 7.2.1. I refer the Board to the previous history on this site under PA Reg. Ref. 00/5014 ABP126766 whereby permission was granted in 2002 for a mixed-use development known as Academy Square. Amendment permissions were granted which included amendments to Block A to provide for a 7-storey building. The subject site forms the southern part of the existing Academy Square development developed to the north & north-west.
- 7.2.2. Permission was implemented on the subject site at basement level only but did not include the completion of Block A and as such the site has remained unfinished. The first party appellant has submitted that the proposal seeks to complete the overall development.
- 7.2.3. The permitted development on site granted in 2002 and amended in 2008 was prior to the introduction of the Flooding Guidelines in 2009. The application was also lodged and assessed prior to the introduction of the Sustainable Residential Development and Compact Settlement Guidelines 2024. My assessment will focus on the current proposal on its own merits.

7.3. Principle of Development

- 7.3.1. The site is zoned objective C1 – Mixed Use. This objective seeks *‘To provide for and facilitate mixed residential and employment generating uses’*.
- 7.3.2. Development Plan guidance on the C1 zoning objective states that, *‘Lands identified for mixed use development are only appropriate in higher tier settlements. The objective on these lands is to provide opportunities for high-density mixed-use employment generating activities that also accommodate appropriate levels of residential development thereby facilitating the creation of functional ‘live work’ communities. These areas are generally located in proximity to high frequency public transport corridors. In order to achieve balanced development, the percentage of*

residential development in C1 zones shall generally not exceed 50 % of the quantum of a development site.'

- 7.3.3. The applicant argues that a mixed-use development comprising retail units, Independent Living Units and residential apartments is appropriate for the site as the nature and location of the site, allows for a landmark building and completion of the overall development. It is also argued that the immediate environs 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 residential units in 2002 and 2007, is also noted by the applicant.
- 7.3.4. In the PA's assessment of the application the compatibility of the development with the C1 zoning is evaluated. The PA considered that as Navan is designated as a key town the residential and retail uses proposed are acceptable in principle on this zoning.
- 7.3.5. Development Plan guidance allows for exceptions to be made to the development mix on a case-by-case basis. In this regard the site is suitably located within close proximity to Navan town centre, and Navan is identified as a Key Town in the settlement strategy for the county. I have also considered that the characteristics of the site, which is an infill, brownfield site with street frontage, which would be more suited for primarily residential rather than commercial development. Furthermore, the proximity of existing residential development to the site could further impinge on the development opportunities for the site. On that basis the principle of the mix of residential uses is acceptable.
- 7.3.6. Whilst the Development Plan makes an allowance for the consideration of 50% residential development on a case-by-case basis, the circumstances whereby this may be acceptable are not expanded on or listed in the plan. In this regard I note the mix of uses proposed in the application as lodged is predominantly residential with 2 no. retail units at ground floor. The application as revised by way of further information is still primarily residential with the no. of retail units reduced to 1 no. at ground floor. The mix between ILU's/ private apartments comprised a 36%/64% mix, which was altered to a 32%/68% mix in the amended proposals submitted in response to further information.

- 7.3.7. Section 5.1 of the written statement for Navan notes that *'there is a parcel of residential lands on Academy Street within walking distance of the town centre that would consolidate the urban core of the town and could deliver a suitable mix of house types, including apartments, that would cater for a range of housing needs. The development of these lands would assist in creating a more compact pattern of development in the town.'* I also note 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.'*... 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'*.
- 7.3.8. Whilst the development strategy supports the delivery of mixed-use development for the site, I accept the argument put forward that the characteristics of the site are more suited to the mix of primarily residential development above commercial development at ground floor proposed. I base this decision on the location of the site the proximity of residential development to the north 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 C1 zoning objective for the site.
- 7.3.9. 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.

- 7.3.10. I do not consider the development to be of strategic or national importance given the nature and scale of the development.
- 7.3.11. 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 C1 zoning objective also seeks to consolidate development in the town centres, albeit with a preference for mix of residential and commercial development.
- 7.3.12. 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.
- 7.3.13. The proposed development is in accordance with the pattern of development in the area, which is predominantly apartments. From my site inspection, it would also appear that apartment developments are commonplace in the area. As such the proposal would be in keeping with planning permissions granted in the area since the making of the development plan.
- 7.3.14. Should the Board be of the opinion that a proposal for a primarily residential development within a C1 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).

Flooding Policy

- 7.4. Specific policies in the MCDP include INF POL 18 which seeks 'To implement the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) using the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.
- 7.5. INF POL 20 seeks 'To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the "Planning System and Flood Risk Management – Guidelines for Planning

Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.

- 7.5.1. Box 5.1 of the Guidelines sets out the Justification Test for development management. Item 1 states *‘that the subject lands have been zoned or otherwise designated for the particular use or form of development in an operative plan, which has been adopted or varied taking account of these Guidelines’*.
- 7.5.2. The Meath County Development Plan 2021-2027 (MCDP) was subject to Strategic Flood Risk Assessment (SFRA) carried out by JBA Consulting dated December 2019. This is contained in Volume 4 of the MCDP, see map attached.
- 7.5.3. Navan is one of the settlements within the Study Area. In relation to Navan, under Section 5.30 it states *‘that there is significant existing C1 and B2 development adjacent to the Rivers Boyne and Blackwater some of which is located within Flood Zone A/B and risk should be managed in line with the policies (INF POL 14-29) of the MCDP. Any extensions/change of use/reconstruction should be subject to an appropriately detailed FRA.’*
- 7.5.4. The MCDP SFRA identifies the site as being located within Flood Zone A/B i.e. a development management justification test is required. The MCDP SFRA notes a flood relief scheme is pending project level assessment and was not included in the schemes proposed by the OPW following the CFRAM study.
- 7.5.5. The application was accompanied therefore, by a detailed Flood Risk Assessment. As part of the Site-Specific Flood Risk Assessment (SFRA), a development management justification test was carried out in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities (DoECLG/OPW, 2009).
- 7.5.6. The Guidelines note that under the Flood Risk Management Guidelines the proposed mixed-use development comprising residential development would be classified as a ‘highly vulnerable’ and commercial use which would be classified as ‘less vulnerable’.

Conclusion

- 7.5.7. In conclusion, I am satisfied that having regard to the zoning objective of the appeal site, that the principle of the proposed development is acceptable, subject to an assessment of the Site-Specific Flood Risk Assessment, see below.

7.6. Flood Risk and Drainage

- 7.6.1. The reason for refusal refers to the Flood Risk Assessment and specifically access to the site which would be contrary to the Guidelines. The PA note that the applicant had not demonstrated that a safe access to the proposed residents of the development, can be provided. The PA conclude therefore that the proposed development does not pass the Justification Test and specifically Parts 2(ii) and 2(iii) of same. The proposed is deemed to be contrary to the Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009), and development plan policy relating to same.
- 7.6.2. A Site-Specific Flood Risk Assessment (SSFRA) carried out by Cora Consulting Engineers was submitted with the application. A Preliminary Flood Risk Assessment prepared by RPS dated December 2020 accompanied the report as Appendix E.
- 7.6.3. This report includes extracts from the CFRAMS present day flood extents map see attached. The CFRAM maps indicate that the appeal site falls within Flood Zone B and C.
- 7.6.4. The applicant notes that ‘less vulnerable’ uses are appropriate to be located within Flood Zone B and C, and that ‘highly vulnerable’ uses are appropriate to be located just within Flood Zone C. It determined that the proposed development satisfied all the relevant justification test criteria set out in the guidelines.
- 7.6.5. A revised SSFRA was submitted in response to a further information request. A Hydraulic Modelling Report for Academy Square prepared by RPS dated July 2021 accompanied the report as Appendix E.
- 7.6.6. The SSFRA submitted with the application considers both the predicted present day and predicted future 1% AEP fluvial flood extents at the subject site. It also considers an allowance for Mid-Range Future Scenario (MRFS).
- 7.6.7. The SSFRA reports states that the maximum in-channel flood level adjacent to the site predicted for present day is calculated to be 33.12mOD. The predicted future 1%

AEP fluvial flood extents calculate a flood level of 33.95mOD at the centre of the river channel.

- 7.6.8. The SSFRA report states *‘taking the existing open basement level is 29.30mOD, podium slab level of 33.25mOD and noting the lowest level of the remainder of the site of 32.42OD at the boundary with Academy Street, the maximum flood depth is calculated to be up to 4.65m in depth. Discounting the basement area the flood depth at ground level will be up to 1.53m in depth.’*
- 7.6.9. It states the *‘ground floor and finished podium slab levels for the proposed development will be 33.48mOD while first floor, the lowest residential level will be 37.68mOD.’*
- 7.6.10. The report states quite clearly that there are no existing flood risk protection measures serving the application site at this time.
- 7.6.11. The PA raised concern in relation to the potential for flooding on the site, and further noted that the permitted SHD application to the south of the appeal site, where the issue of access during a flood event was raised and was the subject of an Oral Hearing. The PA note that the layout of the SHD application was amended to address concerns in relation to emergency access, and that in the current application no further alterations to address the layout and provide safe access are provided. In this regard I note that the amendments referred to by the PA relate to the works proposed as part of the SHD application to the road junction between Academy Street and the R147.
- 7.6.12. In response to item 8 of the RFI the applicants SSFRA further elaborates on item (iii) of the justification test. It notes that the Dublin Road has a level of about 33.00mOD and Academy Street has a level of about 32.71mOD adjacent to the site giving flood depths of at least 950mm under these conditions.
- 7.6.13. The SSFRA states that under flooding of this severity the approaches to the site may be under flood to a degree that may affect the ability of a conventional emergency services vehicles accessing the site. It is proposed to mitigate the development of such a future risk by the provision of an emergency rib, or similar craft, stored at ground level and accessible to emergency services only. The provision of the craft is proposed to be made known to the relevant emergency services and the keys,

and/or other relevant access, likewise provided to them prior to the development being occupied.

7.6.14. I have had regard to the scope of the SSFRA submitted and it clearly states that the SSFRA relates only to the proposed development site in the vicinity of Academy Square and its immediate surroundings. For clarity the study area does extend beyond the site to include the area of open space immediately adjoining the site to the south and north of the junction between Academy Street and the Dublin Road R147. This road junction between Academy Street and the Dublin Road R147 formed part of the permitted development under ABP 306021-19.

7.6.15. I have examined the justification test submitted by the applicant and note under

Test 2(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

7.6.16. The Detailed FRA shows that the current day 1%AEP flood risk in the area of the site and the immediate vicinity is less than that indicated on the CFRAMS mapping. The Detailed FRA shows that the predicted 1%AEP future flooding will be extensive enough to flood the ground floor area, and this area is proposed to be sacrificial. The applicant claims that the position of the proposed development may direct some water away from the existing areas of Academy Square and towards the Dublin Road but given that site boundaries are low and permeable around the majority of Academy, will not increase flood risk elsewhere. The applicant also notes in the appeal that the proposed development will increase flood storage volume at basement level.

Test 2(ii) The development proposal includes measures to minimise floor risk to people, property, the economy and the environment as far as reasonably possible.

7.6.17. The applicant states that the proposed residential elements of the development will be situated from first floor level up to reduce the risk to residents and their property. It is also noted that the basement area will flood before the ground floor areas providing some mitigation.

Test 2(iii) The development proposal includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation

and funding of any future risk management measures and provisions for emergency services.

7.6.18. The applicant acknowledges that there are no existing flood risk protection measures serving the application site. It notes that the flood relief scheme was not included among the schemes proposed by the OPW following completion of the CFRAM studies. For the present-day 1%AEP flooding modelled for the Detailed FRA the emergency access from the Fire Station and ambulances dispatched from the National Ambulance Service Regional Headquarters' at Navan Hospital a route, avoiding flooded areas, may be made via Abbey Road, Boreen Keel, Brew Hill, railway street, the R161 Trim Road, East along the L8010, North along the L4009 and North along the R147 Dubin Road to the site. The maximum distance is 7.5km from the Fire Station, this equates to 9 minutes travel time at 50kmph or 7.5 minutes at 60kmph.

7.6.19. It concludes that the residual risk to the area and the proposed development can be managed to an acceptable level considering both existing flood protection measures and future flood risk management and access for emergency services.

7.6.20. The applicant has stated in the grounds of appeal that they are willing to accept a condition attached to any grant of permission requiring the 'reparation' of a Property Management Strategy to be submitted to the PA for agreement prior to the commencement of development, should the Board issue an order to grant permission. This in my opinion is not a satisfactory solution.

Test 2 (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to the development of good urban design and vibrant and active streetscapes.

7.6.21. The applicant states that Navan is a Key Town in the Regional Spatial and Economic strategy for the Eastern Midland Region and as such is targeted for growth. The site is an infill site on a key route into the town and is in walking distance of the town centre c550m at its closest and c1km to the market square. It concludes that the development is compatible with the achievement of wider planning objectives in relation to the development of good urban design.

- 7.6.22. I would draw the Boards attention to the permitted SHD application ABP 306021-19, which includes works to the road junction between Academy Street and the R147, and note from my site visit that these works have not yet been implemented.
- 7.6.23. I would also draw the Boards attention to the current Part 8 proposals for the open space immediately adjoining the site to the south which have also yet to be implemented. The Board may take the view that the proposed development is premature pending completion of these works and an updated SSFRA.
- 7.6.24. The OPW CFRAMS fluvial mapping for Navan (see attached) clearly indicates the extent of flooding in respect of present day and mid-range future scenario. It shows the majority of the appeal site, and adjoining area of open space is located within the 1% Fluvial AEP Event and therefore within Flood Zone A and B.
- 7.6.25. I have also had regard to the SSFRA prepared by Cora Consulting which determines that the site is within Flood Zone B and C. I suggest to the Board that the single greatest constraint to development on this site is the extent of the site which is included within Flood Zone B.
- 7.6.26. I have had regard to the Hydraulic Modelling Report for Academy Square prepared by RPS dated July 2021. This concludes that a very small part of the site is within the flood extents of a present day 1% AEP fluvial event with flooding along Academy Street just reaching the site. The predicted maximum flood level adjacent to the site is expected to be 33.12mOD. The report stated that the 1% AEP MRFS fluvial flows from the CFRAM Study were applied to the new model. The model shows that the entire site is a risk of flooding from a MRFS fluvial event, with a maximum flood level adjacent to the site expected to be 33.95mOD.
- 7.6.27. The area in the vicinity of the site is generally flat and bounded by Academy Street to the SW and SE with higher ground beyond, by Dublin Road to the NE with the River Boyne beyond and by the previously completed phases of development to the NW.
- 7.6.28. Both Academy Street and the Dublin Road are level overall though they fall slightly towards the NW. Overland flow from these areas is expected to be primarily associated with flooding of the river and in particular with the banks being overtopped as indicated on the 1%AEP and 0.1% AEP flood mapping.

Precedent

- 7.6.29. The applicant has not provided any further proposals to address the issue of access in the event of a flood or for emergency vehicle on site as part of the first party appeal. The first party does however refer to planning precedent which it is submitted would allow for the proposed mix of uses on the site allowing for its location.
- 7.6.30. I have had regard to this assertion and the location and nature of the developments referred to at Windmill Lane, Crieghton St. and Hanover St. Dublin 2, but would not accept that they are comparable, and as such would not provide a constructive precedent.
- 7.6.31. For the Boards reference ABP PL29S.237295 refers, whereby a decision to overturn the PA decision to refuse permission was granted by the Board dated 21/04/2011. The development comprised demolition of existing warehouse buildings, retention of No. 19 Creighton Street and the construction of a mixed development comprising retail/office/residential units and associated works.
- 7.6.32. The reasons given in the Board Direction in deciding not to accept the Inspector's recommendation to refuse permission in relation to flood risk, stated that *'the Board considered that, having regard to the location of the site and pattern of development in the area, the revised proposals submitted in the course of the planning application – using a combination of floor levels and building uses above and below the long term flood risk level - represented a reasonable compromise between competing goals of urban design and flood protection in this case. The Board considered the revised information submitted to ABP in relation to residual flood risk was generally acceptable. In relation to ongoing capacity problems in the combined sewers in the area, in particular impacting on the residents of Creighton street, the Board accepted the applicant's submission that the implementation of site-specific drainage proposals would mean the proposed development would not increase the current loading on local sewers at relevant times, over and above the current situation'*.
- 7.6.33. I note in the Memo provided as part of the appeal submission a reference to the parent permission on the overall site which was considered appropriate by ABP and would not be contrary to the 2009 Flood Risk Guidelines. I would draw the Boards attention to the date of the decision of the parent permission under PA Reg. Ref. 00/5014 ABP126766 which was granted 24/02/2002, predates the introduction of the

Flood Risk Guidelines. I would suggest therefore that this claim is misleading and incorrect.

7.6.34. The second planning decision/precedent case referred to in the appeal relates to a decision to grant permission by Cork City Council under PA Reg.Ref.17/37406 which was not appealed to the Board. This development comprised student residences with communal areas and student services at ground floor, with accommodation areas at upper floors. The development addresses the South Channel of the River Lee at Washington Street, Woods Street and Lynch's Street. It is submitted in the Memo provided as part of the appeal submission that the vertical layout of the levels of the adjacent streets is similar to Academy Square and the flood and access points are of similar depth and deeper.

7.6.35. Notwithstanding the above, I am cognisant of the fact that works proposed to address access issues on the SHD site to the west have not yet been implemented and that no flood relief scheme has been included in the schemes proposed by the OPW following the CFRAM study.

Water Supply

7.6.36. The proposed water supply will be taken from the public network via a new connection. The development proposal provides for 19,470 litres of water storage in accordance with Irish Water codes of practice.

Surface Water and Foul Drainage

7.6.37. It is proposed to provide separate connections to existing public foul and storm public sewers.

7.6.38. Surface water drainage proposals on site include green roofs, soft landscaping and the provision of a surface water attenuation tank. The water attenuation tank is to be located in the basement extension area to the southeast of the existing basement.

7.6.39. The development proposal includes for sedum roofs (249m²), impermeable roof coverings (801m²) and impermeable paving at ground level (755m²). Most surface water run-off will be discharge directly or indirectly to the public sewers. Surplus run-off from the roofs and surrounding ground level will be directed to a treatment system of the attenuation tank within the proposed basement which further treats and slows down the runoff from the site. The combined treatment train will work to slow down

the run-off rate and improve water quality run-off from the development. Any run-off will be limited to 2 l/s with the attenuation volume designed for a 1 in 100 year storm with a 20% allowance for climate change.

Foul Water

- 7.7. The total foul discharge from the proposed development has been calculated using the Irish Water Codes of Practice for Wastewater. The peak waste discharge is calculated at 2.46l/s. A pre-connection enquiry has been submitted to Irish Water using the above population equivalent and a Confirmation of Feasibility letter has been issued by Irish Water.
- 7.7.1. The Water Services Section of the PA and Uisce Eireann/Irish water have indicated no objection.

Conclusion

- 7.7.2. In conclusion, I am not satisfied that the proposed development satisfies the criteria of the justification test as the mitigation measures provided in the Flood Risk Assessment are not sufficient to manage flood risk to an acceptable level and would be a risk to people and property and prejudicial to public health.
- 7.7.3. I am not satisfied that the applicant has addressed the reason for refusal in the appeal and therefore, does not warrant a grant of permission in this instance.

7.8. Design and Layout

- 7.8.1. There are section 28 Ministerial guidelines which should be considered in conjunction with the provisions of the Meath County Development Plan with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Sustainable Residential Development and Compact Settlement Guidelines 2024' and Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities), 2023, and Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- 7.8.2. Current Ministerial Guidelines support the application of densities that respond to settlement size and different contexts within each settlement type.
- 7.8.3. An Architectural Design Statement prepared by Davey Smith Architects was submitted with the application and further amended in response to the further

information request. The application was also accompanied by a Landscape Design Rationale prepared by Gannon and Associates.

Density

- 7.8.4. The PA raised concern in relation to the density of the proposed development which it considered excessive and sought further information to significantly reduce the proposed number of units. The PA advised that the proposed number of units per hectare should be in line with the Meath CDP which recommends 35-45 units/ha for this location adjacent to Navan town centre. The residential density at 372 units/ha as lodged was reduced to 331 units/ha by way of further information.
- 7.8.5. Section 5.1.3 of the written statement for Navan notes that *'as part of the strategy of delivering more compact growth, any development in town centre or strategic locations in the town will be required to deliver high density development of up to 45 units/ha. This includes town centre and mixed-use lands and the residential lands to the west of Academy Street and residential lands adjacent to future rail stations in the town. These lands would be the most appropriate locations for apartment developments and should be considered as part of the household mix in these locations.'*
- 7.8.6. The applicant makes the case that the density can be justified taking account of the wider context of the overall Academy Square development the mix of units proposed and other density considerations including the brownfield nature of the site and proximity to Navan town centre.
- 7.8.7. The applicant contends that the ILU's should not form part of the assessment of density calculations. The applicant notes that if the ILU's are discounted the residential density equates to 239 units/ha. I do not accept that there is any basis for this argument.
- 7.8.8. I do however accept that the site, which is within the existing urban environs of Navan, is within walkable distance of the town centre (<1km) and the future Navan rail station, and in proximity to existing bus services on Dublin Road (R147)(<1km).
- 7.8.9. I am satisfied that the proposed density is consistent with the objectives of the NPF which seeks to increase densities and compact forms of development in existing urban centres, in particular NPO 35 states the need to *'increase residential density in*

settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'

- 7.8.10. I am satisfied given the location and nature of the site, that the proposed density is acceptable for this location and is consistent with the 'Sustainable Residential Development and Compact Settlement Guidelines 2024' and Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities), 2023.

Plot Ratio

- 7.8.11. In terms of plot ratio, the proposal as lodged provided for a total floor area of 5,062 sqm on a site of 0.18 hectares equates to a plot ratio of 1:2.81. The PA raised concerns in relation to the plot ratio being in excess of 2 for the site which is located outside the town centre. The PA sought a reduced plot ratio by way of FI. Revised proposals submitted in response to the further information request provide for a reduction in the total floor area of the proposed development of 4,649sqm. This equates to a plot ratio of 1:2.58.
- 7.8.12. I accept the case made by the applicant that the proposal accords with DM OBJ 15 of the Meath CDP 2021-2027 and concur with the PA having regard to this objective which allows for an indicative plot ratio of 2 in edge of town locations.

Conclusion

- 7.8.13. I consider the residential density and plot ratio proposed which was acceptable to the PA is generally acceptable for this location, and I do not consider that the proposed development constitutes overdevelopment of the site.

7.9. Height and Visual Impact

- 7.9.1. The issue of height was raised as a concern by third parties in submissions received by the PA and by observers to the appeal. As already noted above in section 2 of this report the development proposed is for a 10-storey building.
- 7.9.2. Revised plans and elevations submitted provide revisions to the overall scale massing and design. The revised building profile comprises three elements. The western part of the building addressing Academy Street is 7-storeys in height to the

front of the site and then steps down to 4 storeys where it adjoins the existing 3-storey building at Academy Square to the Northwest. The eastern part of the building is 9-storeys in height to the front of the site before stepping down to 7-storeys in height where it adjoins the existing 6 storey building at Academy Square to the Northeast. The central part of the building remains at 10-storeys in height.

- 7.9.3. I have had regard to the Architectural Design Statement and photomontages prepared by Davey Smith Architects submitted with the application, and as revised in response to further information request. The photomontages illustrate the proposed development relative to existing development in the vicinity and the permitted SHD development to the west as it addresses Academy Street known as Belmont. The permitted blocks along Academy Street at 6-storeys in height with a set back at 7th floor. These blocks are also set back from Academy Street separated by a linear area of open space.
- 7.9.4. I share the concerns as expressed by the PA and in submissions received by the PA that the scale of the proposed development particularly as viewed from the east and west are quite bulky.
- 7.9.5. I have had regard to the contiguous elevations, and I do consider the revisions to the design which provide for the removal of a floor from the west elevation of the scheme facing Academy Street as a welcome intervention. The reduction in height of 4 metres along this elevation to my mind helps improve the relationship with the existing three storey apartments.
- 7.9.6. Similarly, the revisions to the design and overall profile of the upper floors along the east elevation facing onto the R147 helps to reduce the bulk and massing of the development. In my opinion the revised design helps the proposed development transition more successfully with the existing 6 storey apartment block.
- 7.10. I am satisfied that the removal of 8 no. apartments originally located in the central element of the proposal results in the narrowing of the massing as viewed from the surrounding area.
- 7.10.1. The application as lodged provides for 2 no. retail/commercial units at ground floor which front onto Academy Street. The glazed elevations will be highly visible from the public road on both sides of the building. The set back of the proposed building

allows for an informal plaza type space with stepped pedestrian access provided from the southeast and southwest i.e. from Academy Street.

- 7.10.2. I viewed the appeal site from the river Boyne to the east and on the approach to the site from the south. The building as viewed from the south is quite exposed relative to the adjoining landscaped open space, road junction road with the R147 and tree lined River Boyne and adjoining riverbanks to the east, and therefore have a significant visual impact. I appreciate also the use of light-coloured brick finishes which are proposed to soften the bulk and massing of the buildings and integrate with the design.
- 7.10.3. I viewed the appeal site from the neighbouring residential areas of Academy Square to the north and Belmont to the west and consider while the proposed development will result in a significant visual impact, in its context next to the currently exposed 3 and 6 storey gable ended residential blocks within Academy Square. Notwithstanding, given the current unfinished state of the site, I consider that it will enhance the evolving visual amenity of the area.
- 7.10.4. I am satisfied that the subject site is located at a prominent location and has in my opinion the capacity to absorb a tall building, I am satisfied that the proposed building heights provide for an appropriate transition in scale with adjoining 3 and 6 storey buildings at Academy Square.
- 7.10.5. In conclusion, I concur with the PA that the proposed building height is acceptable on the subject site and am satisfied that it accords with Government policy as set out in SPPR1 of the Building Height Guidelines 2018, and DM OBJ 25 of the Meath CDP 2021-2027.

7.11. Impact on Residential Amenity

Future Residential Amenity

Proposed Independent Living Units

- 7.11.1. The proposed development provides for 24 no. Independent Living Units (ILU's). These are located on the first to third floors and are comprised of 11 no. 1 bed units and 13 no. 2 bed units. The proposed ILU's were revised by way of further information to include 18 no. units comprised of 8 no. 1 bed units and 10 no. 2 bed units.

- 7.11.2. At the ground and first floors of the building are 7 no. ancillary services and facility rooms associated with the ILU's. At first floor level communal open space (c.74 sqm), in the form of a roof terrace, is provided for the IUL's while on the second floor 2 no. communal rooms (c. 57 sqm and c. 57 sqm respectively) are also provided.
- 7.11.3. The IUL component of the development is to be a managed facility specifically targeted at the senior living sector. The proposed ILU's will cater for aging residents who are looking to downsize their accommodation and who may require daily healthcare assistance but wish to continue to live independently with assistance facilities and care support in the immediate vicinity.
- 7.11.4. All the proposed IULs are provided with private amenity space in the form of a balcony, which is also in accordance with the 2023 'Sustainable Urban Housing: Design Standards for New Apartments'. Details provided in the Housing Quality Assessment (HQA) demonstrate that each of the proposed ILU's meet with and/or exceed the required floor area standards.
- 7.11.5. A communal roof terrace area is proposed at first floor. The area of the roof terrace was increased to 81sqm in revised plans submitted by way of FI. I am satisfied that area is easily accessible, is relatively generous in area and benefits from a south facing aspect and is acceptable.
- 7.11.6. I note also in response to the request for FI the two no. communal rooms proposed at second floor level were omitted from the east and west sides of the building. A single glazed communal room is proposed on the south side of the building and provides for a reduced floor area of 26sqm.
- 7.11.7. The Apartment Guidelines do allow for a relaxation of private amenity space requirements on sites of up to 0.25ha. The subject site is well below this area at 0.18ha and in the circumstances in my opinion the provision of open space is acceptable given its aspect overlooking the immediately adjoining area of open space and the landscaped area of public open space south of the junction and south facing orientation.
- 7.11.8. It is stated that the 7 no ancillary services and facility rooms will facilitate the management and operation of the ILU's. These would cater for a number of required services, e.g. laundry room, consultation room, activity room, mobility storage area, and support services such as physiotherapy rooms etc. It is envisaged that the ILU

component of the development will be managed by a registered housing organisation or a private body.

- 7.11.9. The proposed ILU's as lodged comprised of 11 no. 1 bed units and 13 no. 2 bed units which equates to a 46% mix of 1 bed units and 54% mix of 2 bed units. The proposal was amended by way of further information to include 18 no. units comprised of 8 no. 1 bed units and 10 no. 2 bed units. This equates to a roughly similar mix between 1 and 2 bed units which I consider suitable given the nature of the use.

Proposed Apartments

- 7.11.10. The proposed development includes 43 no apartments located on the fourth to ninth floors of the building. It is intended that these would be an entirely separate entity to the proposed ILU component of the development.
- 7.11.11. The proposed apartments comprise 24 no. 1 bed apartments and 19 no. 2 bed apartments. The proposed number of apartments was reduced by way of further information to include 38 no. units, comprised of 11 no 1 bed units, 26 no. 2 bed units and 1 no. 3 bed duplex.
- 7.11.12. Details provided in the Housing Quality Assessment (HQA) demonstrate that each of the proposed apartments meet with and/or exceed the required floor area standards.
- 7.11.13. Private amenity spaces are in the form of balconies with the quantum of private amenity space for each apartment meeting with and/or exceeding the required the requirements of the Apartment Guidelines.
- 7.11.14. 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 38 apartments proposed, 22 (58%) 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.

Public Open Space

- 7.11.15. The applicant notes that there is no public open space currently available on site and given the constraints of the site and nature of the development proposed, communal open space is proposed at upper levels in the building. Further open space is catered for at surface level in the form of a western plaza area/communal amenity space, featuring amphitheatre seating lighting, paving and planting. This area at surface level has a stated area of 178sqm.
- 7.11.16. The application as lodged provides for communal open space serving the ILUs at first floor (c. 74 sqm). Communal open space serving the apartments is provided at the ninth floor (c. 74 sqm).
- 7.11.17. Revised plans submitted in response to the request for further information indicate a first-floor roof terrace, with communal room at second floor for the proposed ILUs and a ninth-floor roof terrace for the proposed apartments. The roof terrace serving the ILUS has a stated area of 81.2sqm while the communal room has a stated area of 26qm respectively. The ninth-floor roof terrace has a stated area of 67sqm. The total outdoor space provided therefore is 326sqm. (178sqm + 81sqm + 67sqm).
- 7.11.18. The applicant notes DM OBJ 12 which seeks to *‘To encourage and facilitate innovative design solutions for medium to high density residential schemes where substantial compliance with normal development substantial compliance with normal development management considerations can be demonstrated’.....*’ The applicant also notes that it is at the discretion of the Planning Authority and subject to protecting residential amenity, that a reduction in open space and car parking standards may be considered for ‘living over the shop’ accommodation proposals particularly in town centre locations.’
- 7.11.19. The applicant also notes that c. 660sqm of public open space has already been provided at Academy Square, which the subject development ultimately forms part of. It is also noted by the applicant that the lands to the immediate south/south-east of the site (currently hoarded off from the public) are in the ownership of the PA and are subject to a current Part 8 proposal (Ref. P822011) for new landscaped

public open space. The applicant also noted that lands to the south-east of Academy Street are zoned F1 Open Space and lands to the east and north of Dublin Road (R147) are zoned H1 High Amenity.

7.11.20. I have had regard to the Landscape design proposal/drawings submitted by Gannon & Associates landscape architects.

7.11.21. 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. I am satisfied that, given the infill nature of the site and the proximity and location of the public open space immediately adjoining the site to the south, that it's quantum and positioning can have a dual function to serve the communal open space requirements of the Apartment Guidelines.

7.11.22. I calculate that applying the Guidelines standard of 15% of site area (0.18Ha) equates to 270sqm of public open space. I have examined the landscaping proposals and note the screening details and am satisfied that the proposal is in this instance acceptable given the restricted nature of the site and proximity of public open space immediately to the south of the proposed development.

Existing Residential Amenity

7.11.23. The main concerns raised by third parties in submissions to the PA and by the observers to the appeal are regarding impact on existing residential amenities and more specifically pertain to overshadowing and overlooking. I note the observers to the appeal are the owners of two no. apartment units located in the existing 6 storey apartment block immediately adjoining the appeal site to the northeast.

Overshadowing - Daylight and sunlight

7.11.24. A Sunlight, Daylight and Shadow Assessment prepared by Chris Shackleton Consulting was submitted by the applicant in response to concerns raised by the PA and in response to a further information request.

7.11.25. The assessment considers the impact of the proposed development (as revised) with respect to the neighbouring 6 storey apartment block to the NW (Group B1), the 3-storey apartment block to the NE (Group B2) and the permitted though not yet constructed apartment blocks at Belmont to the West (Group B3). The

assessment illustrates the impact of the permitted development compared with the proposed development as revised by way of additional information.

7.11.26. The report concludes that the proposal generally complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – BR209 2022.

7.11.27. The assessment indicates that all 85% of bedrooms and 77% of living/kitchen spaces will meet the BRE Threshold targets. Page 10 of the Sun Light, Daylight and Shadow Assessment illustrates sunlight availability to the communal open space for the apartments and having regard to the orientation of the site. I consider the amount of sunlight acceptable. Having regard to the separation distance of the proposed development and the orientation of the site I do not consider the proposed development would cause any significant overshadowing on existing properties which would cause a significant negative impact on any residential amenity.

Overlooking

7.11.28. As already outlined the proposed development is effectively an extension of the existing mixed-use scheme which has remained unfinished for some time.

7.11.29. The overall height of the proposed development is such that it would give rise to perceived overlooking. I have had regard to the location of the proposed balconies, roof terraces, windows etc. are such that do not give rise to undue overlooking of adjoining properties. The proposed block is located to the south of the adjoining apartment blocks to the northeast and the northwest. The existing block to the northeast is a 6-storey block while the block to the northwest is 3-storeys in height. Both existing blocks are orientated east west. Each apartment block overlooks the central/internal linear area of communal open space along their eastern and western elevations respectively.

7.11.30. The CDP requires a separation distance of 22m between opposing windows in the case of apartments/duplex units up to three storeys in height. For residential development which exceeds three or more storeys in height, the CDP requires the proposal to demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity.

7.11.31. I note concerns raised by the PA in relation to separation distances from the proposed development to the existing apartments within Academy Street Apartment

where a separation distance of 15m was proposed over upper floor apartments. The revised proposals submitted in response to FI indicate that no bedroom windows directly look into the existing bedroom windows. A number of revisions to the design include the omission of an apartment, at first second and second floor and revised design of an apartment at third and fourth floor such that neither have any windows facing existing apartments.

- 7.11.32. I note the orientation and location of windows balconies and communal open space of the proposed development as revised by way of FI and I consider the separation distances are acceptable. I do not consider there will be any significant overlooking on the existing properties.

Overbearing

- 7.11.33. In the context of the overall height, and location of the proposed development relative to the existing 3 and 6 storey blocks to the north it is somewhat understandable that there would be concerns regarding overbearance. The applicant was requested by the PA to reduce the height of the 10-storey block by way of further information. I am satisfied that the revisions to the massing and bulk of the building at upper floors helps to reduce the visual impact of the proposed development on the neighbouring residential blocks.

Conclusion

- 7.11.34. I am satisfied given the relationship with adjoining residential blocks the proposed development as revised by way of additional information will not negatively impact on the residential amenities of existing apartments and associated communal open space. The proposed development will also provide an acceptable level of amenity for future residents.

7.12. Access, Car Parking and Traffic

Access

- 7.12.1. It is proposed to access the site via the existing vehicular entrance from Academy Street which already serves the overall Academy Square development. Access to the proposed basement car park is via the existing basement car park ramp and car park which is being extended/completed as part of the current proposal.

- 7.12.2. The proposed basement works also include for an attenuation tank, plant room, stairs and lift access, emergency stairs access and ventilation areas.
- 7.12.3. The development also includes for maintenance vehicle access to the proposed (relocated ESB substation from Dublin Road (R147)).

Car Parking

- 7.12.4. It is proposed to provide 65 No. car parking spaces located in the basement (43 for the private apartments, 16 No. for the retail and 6 for the ILU's/visitors, and 106 No. cycle spaces located at ground floor. While the number of overall units was reduced in response to the further information request there was no change in the layout or reduction in the number of car parking spaces proposed.
- 7.12.5. The proposed basement caters for 46 no. proposed car parking spaces (including 3 disabled parking spaces and 18 no. EV parking spaces). A letter of consent from the owner of the existing car parking spaces in the basement of Academy Square accompanies the application which allows for the applicant to include 19 no. existing car parking spaces as part of the development proposal. The applicant states that these 19 no. spaces are not allocated to any existing apartments or non-residential unit at Academy Square and that the consenter holds ownership of these car parking spaces. Notwithstanding this arrangement, I do not consider it good practice or acceptable to leverage from the adjoining residential development to cater for the proposed residential development.
- 7.12.6. The application as lodged provides for 49 no car parking spaces to serve 67 no. residential units. The residential units (both private and ILU) comprise 35 no. 1 bed units and 32 no. 2 bed units. The proposal as revised by way of further information provides for 56 no. residential units, which comprises 19 no. 1 bed units and 37 no. 2 bed units. There was no consequent change to the car parking proposed.
- 7.12.7. 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 '*Intermediate 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 400m from the subject site. The site is also within 1km walking distance from the main centre of the town and the future Navan rail station.

7.12.8. 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. I note there is insufficient parking for each unit to have a dedicated car parking space, but there is provision of bicycle parking available on the site. On balance, I consider the provision of parking to be acceptable for a development of this nature and scale within an urban settlement on the outskirts of a key county town.

7.12.9. The applicant makes the case for a reduced provision of car parking as allowed for under DM OBJ 12 of the CDP, in that the proposal is considered as 'living over the shop' accommodation. While I do not accept that the residential element of the proposal constitutes 'living over the shop' I do consider the location of the site as a town centre location.

7.12.10. The development proposal seeks a reduced overall car parking rate which the applicant submits is justified in the context of the location and the guidelines. The applicant refers specifically to site constraints which include Academy Street to the south and southwest, Dublin Road (R147) to the northeast and Academy Square to the north/north-west. Reference is also made to the constraints in respect of the land owned by the PA which forms the proposed landscaped area of open space to immediately adjoining the site north of the junction and subject of a Part 8 application P822011.

7.12.11. Bicycle parking is proposed to be provided at ground floor, and the bicycle store catering for 90 no. bicycle spaces. A further 16 no visitor bicycle spaces are also proposed at surface level.

Retail Commercial uses

7.12.12. I note concerns raised by the Transportation Section of the PA in relation to the servicing of the proposed retail/commercial units which were addressed in the response to the FI. I am satisfied that the issues raised have been adequately addressed by the applicant.

Traffic and Transport Assessment

7.12.13. The application is accompanied by a Traffic and Transport Assessment (TTA) and Mobility Management Plan (MMP) prepared by Martin Rodgers Consulting Ltd.

7.12.14. Vehicular access to the proposed building will be via the existing access point to the Academy Street development (to the north-west of the site) which is located off Academy Street. The proposed basement level of the development will ultimately form part of / adjoin the existing basement level at Academy Square. The applicant notes that the site is located at the junction of a busy thoroughfare and there is a permitted new access point off Academy Street for the neighbouring third party SHD development currently under construction. Given the above the applicant states the addition of a new vehicular access is not feasible.

7.12.15. I noted traffic speeds along the Dublin Road (R147) which has a speed limit of 50km/hr and the heavy volume of traffic along this main route into Navan town on the morning of my site visit midweek. I accept the case made by the applicant in relation to the site constraints and am satisfied that the vehicular access proposed is a logical and practical one. I am satisfied that the use of the existing access onto Academy Street is acceptable from a traffic safety point of view.

Conclusion

7.12.16. I am satisfied that the proposed development is acceptable in terms of access parking and traffic safety and does not warrant a refusal on this basis.

7.13. Other Matters

7.13.1. *Landownership/Consent of the owner.* Concern was raised in a submission by the Management Company received by the PA in respect to the applicants sufficient legal interest / consent to benefit from the car parking spaces and use of access. In this regard I note that a letter of consent was submitted with the application by the landowner of the site. The applicant in their response to the request for further information furnished land registry and folio no. details.

- 7.13.2. Article 22 of the Planning and Development Regulations 2001 as amended sets out requirements for the content of planning applications generally. Article 22(2)(g) states that where the applicant for permission is not the legal owner of the land or structure concerned, the application shall be accompanied by the written consent of the owner to make the application.
- 7.13.3. The Board is not an arbiter of title and the extent to which it is required to interrogate these issues is limited. There is nothing in this case to suggest that the applicant for permission is not the legal owner of the subject site, the Board are entitled to rely on this without further interrogation of the matter. This is supported by section 5.13 the Development Management Guidelines for Planning Authorities (June 2007). Section 34(13) of the Planning and Development Act further provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.
- 7.13.4. The determination of title is not a matter for the Board. The Board is entitled to accept the evidence of title provided (e.g. folio details) and is not required to go behind the registered title and to make enquiries as to who might be the beneficial owner. Where a dispute regarding sufficient interest goes to issues that the Board is not competent to resolve, then the Board can grant planning permission, knowing that it is subject to s.34(13).
- 7.13.5. I have considered the submissions of all parties relating to title and am satisfied that fair procedures have been followed, e.g. that the applicant for permission has been given an opportunity to rebut any submission that it does not have a sufficient legal interest to make the application. Notwithstanding that the planning application was validated by the planning authority and that the matter was raised at application stage, I am satisfied that the applicant has addressed the issues raised and that the applicant has demonstrated sufficient legal interest.

8.0 AA Screening

- 8.1. An AA Screening Statement and NIS (Stage 2 AA) was submitted by the applicant in response to the request for further information. The public notices were revised to reflect same.
- 8.2. **Stage 1 – Screening Determination for Appropriate Assessment.**

- 8.2.1. Having carried out Appropriate Assessment screening (Stage 1) of the project (included in Appendix 1 of this report), it has been determined that the project may have likely significant effects on the River Boyne and River Blackwater SPA (Site code 004232) and River Boyne and River Blackwater SAC (site code 002299) in view of the sites' conservation objectives and qualifying interests.
- 8.2.2. An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SPA and SAC in light of their conservation objectives.
- 8.2.3. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and the European sites.

8.3. Stage 2 – Appropriate Assessment

- 8.3.1. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on the River Boyne and River Blackwater SPA and River Boyne and River Blackwater SAC in view of the sites' conservation objectives. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and submissions on the case file. I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.
- 8.3.2. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of River Boyne and River Blackwater SPA (Site code 004232) and River Boyne and River Blackwater SAC (site code 002299) in view of the sites' conservation objectives and qualifying interests.
- 8.3.3. This conclusion is based on:
- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the River Boyne and River Blackwater SPA and River Boyne and River Blackwater SAC
 - An assessment of in-combination effects with other plans and projects including historical and current plans and projects.

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

9.0 Recommendation

I recommend that permission is **refused** for the following reasons and considerations.

10.0 Reasons and Considerations

1. INF POL 18 and INF POL 20 of the Meath County Development Plan 2021 - 2027 require the implementation of the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, and that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the Guidelines, this assessment should be appropriate to the scale and nature of risk to and from the potential development and consider the impact of climate change. The vehicular access, road network and basement level car parking spaces are considered to be an intrinsic element of this mixed-use commercial and residential development and are, therefore, considered as a highly vulnerable use. These uses are located within Flood Zone B and C, which are at risk of pluvial flooding from the River Boyne. The nature of the proposed development is considered a highly vulnerable use as defined in the 'Planning System and Flood Risk Management Guidelines'. It is considered that proposed development does not satisfy the criteria of the justification test as the mitigation measures provided in the Flood Risk Assessment are not sufficient to manage flood risk to an acceptable level and would be a risk to people and property and prejudicial to public health. The proposed development would, therefore, be contrary to Planning System and Flood Risk Management Guidelines' and INF POL 18 and INF POL 20 of the Meath County

Development Plan 2021 – 2027. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Susan McHugh
Senior Planning Inspector

24th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | | |
|---|---|--------------------------------------|----------------------------------|---|
| An Bord Pleanála Case Reference | ABP-317995-23 | | | |
| Proposed Development Summary | Construction of a mixed use development comprising 43 apartments, 24 independent living units and 2 retail/commercial units. A Natura Impact Statement (NIS) was submitted with this application. | | | |
| Development Address | Academy Street & Dublin Road, Navan, Co. Meath | | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X | |
| | | No | No further action required | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | | |
| Yes | | | EIA Mandatory EIAR required | |
| No | X | | Proceed to Q.3 | |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | | |
| | | Threshold | Comment (if relevant) | Conclusion |
| No | | N/A | | No EIAR or Preliminary Examination required |
| Yes | X | Class 10(b)(i) – Threshold 500 units | | Proceed to Q.4 |

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

Appendix 1:

Appropriate Assessment Stage 1 Screening Determination

Description of the project

I have considered the proposed mixed use residential and commercial development in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.

A screening report for Appropriate Assessment and Natura Impact Statement has been prepared by Gannon and Associates on behalf of the applicant and the objective information presented in that report informs this screening determination. The screening report and NIS were submitted in response to a further information request by the PA.

Subject site

It is proposed to construct a mixed-use residential and commercial development on land that is currently a brownfield site.

Project

I have provided a detailed description of the proposed development in my report (Section 2) and detailed specifications of the proposal are provided in other documents provided by the applicant.

In summary the mixed-use residential and commercial development is located on a site with a total site area of c 0.18 hectares. Site preparation work and construction works will require excavations with the extension of an existing basement car park.

The proposed development will be connected to a public water, surface water and foul sewer network. Attenuated surface water will be stored in a water attenuation tank to be located in the basement extension area to the southeast of the existing basement. Attenuated surface water will outfall from the proposed development to the River Boyne.

Consultations and submissions

The DAU, Dept. of Housing, Local Government and Heritage lodged a submission with the PA. The potential impacts on the Conservation Objectives of the River Boyne and River Blackwater SAC and SPA and the cumulative and or 'in combination' impacts of the proposal are noted and recommends further information to provide a screening for appropriate assessment and a NIS if necessary.

An Taisce in their submission to the PA notes the proximity of River Boyne and River Blackwater SAC and SPA to the proposed development site and recommends that the application be screened for Appropriate Assessment.

Potential impact mechanism from the project

Site Surveys

The habitats within the proposed development site (comprising hard standing and scrub) are described by the ecologist as not conforming to habitats listed in Annex II of the Habitats Directive, nor are they capable of supporting qualifying interest (QI) or special conservation interest (SCI) species from any European sites on an ex-situ basis.

The application site itself is characterized by almost entirely hard standing and is occupied by a 'completed basement' and partially completed floor slab. The site also encompasses an ESB substation and an area of scrub.

There are no surface water bodies present within the development site. The River Boyne flows approx. 18m northeast of the proposed development site, on the opposite side of the Dublin Road.

European Sites

The NIS identifies two European sites within the zone of influence of the proposed development (Section 4.1, Table 1). These are the River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232).

The AA screening concludes '*on the basis of objective information, the possibility may not be excluded that the proposed development will have a significant effect on the following European sites:*

- *River Boyne and River Blackwater SAC and*
- *River Boyne and Blackwater SPA'*

I note the applicant did not consider any further sites in a wider area (within 15km) which I consider reasonable.

Effect Mechanisms

There are no protected habitats or species identified at the site and therefore the likelihood of any significant effect of the project on any European site due to loss of habitat and/ or disturbance of species can be reasonably excluded.

A potential pathway (for surface water discharge) is identified to the River Boyne and River Blackwater SPA (site code 004232) and River Boyne and River Blackwater SAC and (site code 002299), via surface water drains along the Dublin Road which ultimately outflow to the River Boyne.

A potential pathway (for noise disturbance to species (i.e. 150m for otter as out-lined in NRA 2009) or dust-related effects on habitats (i.e. 50m^d, as outlined in IAQM (2014) within the River Boyne and River Blackwater SPA (site code 004232) and River Boyne and River Blackwater SAC and (site code 002299).

No other viable pathways are identified for the River Boyne and River Blackwater SPA and SAC as the Flood Risk Assessment concluded that the proposed development will

not increase flood risk in off-site areas. I agree with the applicant that potential for likely significant effects on the SPA and SAC in relation to flooding as a result of the proposed development can be excluded.

Having regard to the characteristics of the project in terms of the site's features and location and the project's scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on two European sites, River Boyne and River Blackwater SPA (site code 004232) and River Boyne and River Blackwater SAC and (site code 002299).

A) Surface water pollution during construction phase

B) Surface water pollution during operation phase

C) Noise disturbance

D) Dust related effects

European Sites at risk

| Table 1: European Sites at risk from impacts of the proposed project | | | |
|--|---|---|---|
| Effect mechanism | Impact pathway/ Zone of influence | European Site(s) | Qualifying/ Conservation interest features at risk |
| A) Surface water pollution during construction phase. B) Surface water pollution during operation phase. C) Noise disturbance D) Dust related effects | Impact via a hydrological pathway or via air. | River Boyne and River Blackwater SPA (site code 004232) | Kingfisher <i>Alcedo atthis</i> A229 |
| As above | As above | River Boyne and River Blackwater SAC (site code 002299) | River Lamprey <i>Lampetra fluviatilis</i> 1099 Salmon <i>Salmo salar</i> 1106 Otter <i>Lutra lutra</i> 1355 Alkaline fens 7230 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> Alno-Padion, Alnion incanae, Salicion albae 91E0 |

Identification of likely significant effects on the European sites 'alone'

Table 2: Could the project undermine the Conservation Objectives 'alone'

| European Site and qualifying feature River Boyne and River Blackwater SPA (site code 004232) | Conservation objective | Could the conservation objectives be undermined (Y/N)? | | | |
|---|---|--|----------|----------|----------|
| | | Effect A | Effect B | Effect C | Effect D |
| Kingfisher <i>Alcedo atthis</i> A229 | To maintain the favourable conservation condition of.. | Y | Y | Y | Y |
| European Site and qualifying feature River Boyne and River Blackwater SAC (site code 002299) | Conservation objective | Could the conservation objectives be undermined (Y/N)? | | | |
| | | Effect A | Effect B | Effect C | Effect D |
| River Lamprey <i>Lampetra fluviatilis</i> 1099 | To restore the favourable conservation condition of.. | Y | Y | N | Y |
| Salmon <i>Salmo salar</i> 1106 | As above | Y | Y | N | Y |
| Otter <i>Lutra lutra</i> 1355 | To maintain the favourable conservation condition of .. | Y | Y | Y | Y |
| Alkaline fens 7230 | As above | Y | Y | N | Y |
| Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> Alno-Padion, Alnion incanae, Salicion albae 91E0 | To restore the favourable conservation condition of.. | Y | Y | N | Y |

Effect Mechanism A (Surface water pollution during construction phase)

- The construction of the project involves extending the basement car park.

Effect Mechanism B (Surface water pollution during operation phase)

- The operation phase of the project involves discharging stormwater to the River Boyne.

Effect Mechanism C (Noise disturbance during the construction phase)

- The construction of the project involves construction noise.

Effect Mechanism D (Dust related effects during construction phase)

- The construction of the project involves construction dust.

Appropriate Assessment: Stage 1 Conclusion - Screening determination

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232) in view of the sites' conservation objectives and qualifying interests.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SAC and SPA in light of their conservation objectives.

The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and the European sites, River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232)

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

Appropriate Assessment

Stage 2

Aspects of the Proposed Development

During the construction phase, the existing basement is to be extended. The project includes a surface water management system with onsite attenuation, several SuDS features (namely, permeable paving, attenuation structures, and petrol interceptor), and stormwater drains.

Following attenuation, excess stormwater will be discharged and pumped via rising main to the adjacent surface water sewer. There is no proposed foul water discharge to or water abstraction from the River Boyne.

Mitigation Measures

The description and consideration of the impacts of these works to the River Boyne are the subject of the NIS, and preliminary CEMP. A range of mitigation measures are identified during the construction and operation phases of the project to protect the water quality of the river, prevent pollution events, and mitigate against excessive siltation, primarily in the NIS and CEMP.

The mitigation measures are outlined under the following headings here in summary (I direct the Board to the respective documents for details):

- Surface Water Management
- Noise
- Dust

- Harmful Materials
- Adjacent Watercourse

Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

Table 3: Plans and projects that could act in combination with effect mechanisms of the proposed project (e.g. approved but uncompleted, or proposed)

| Plan / Project | Effect mechanism |
|---|----------------------------------|
| Listed in Section 5.3 of the NIS and supplemented by information in section 5.0 of this report. | A, B, C & D as per Table 1 above |

I have had regard to the information included in the NIS, and information submitted with the application. I have also had regard to planning applications (proposed/ decided) in Navan Town (see section 5.0 of this report above) which have been accompanied by NISs and (as relevant) subject to AAs. I do not identify any significant in-combination effect from same. In respect of relevant plans, I identify that SEA was undertaken by the planning authority in respect of the Meath County Development Plan 2021-2027 incorporating the Volume 2 written statement for Navan. The CDP includes policies and objectives seeking environmental protection and pollution prevention and requiring projects to be constructed to/ operate within industry standards with connection to/ servicing by public water services infrastructure.

Table 4: Could the project undermine the Conservation Objectives in combination with other plans and projects?

| European Site and qualifying feature | Conservation objective | Could the conservation objectives be undermined (Y/N)? | | | |
|---|------------------------|--|----------|----------|----------|
| | | Effect A | Effect B | Effect C | Effect D |
| River Boyne and River Blackwater SPA (site code 004232) As per Table 2 above | As per Table 2 above | N | N | N | N |
| River Boyne and River Blackwater SAC (site code 002299) As per Table 2 above | As per Table 2 above | N | N | N | N |

Appropriate Assessment: Stage 2 Conclusion

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the River

Boyne and River Blackwater SPA and River Boyne and River Blackwater SAC in view of the sites' conservation objectives. I have had regard to the applicant's NIS and all other relevant documentation and submissions on the case file. I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of River Boyne and River Blackwater SPA (site code 004232) and River Boyne and River Blackwater SAC (site code 002299) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the River Boyne and River Blackwater SPA and River Boyne and River Blackwater SAC.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SPA and River Boyne and River Blackwater SAC.

Inspector: _____

Date: _____