



An
Bord
Pleanála

Inspector's Report

ABP-321503-24

Development	Construction of two apartments and two duplex townhouses with all associated site works.
Location	66 Flowerhill, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	231046
Applicant(s)	Hazelbrook Real Estate Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Hazelbrook Real Estate Ltd.
Observer(s)	None
Date of Site Inspection	18 th March 2025
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in Navan, Co. Meath, approximately 400 metres north of the town centre, and north of the River Boyne.
- 1.2. The appeal site includes a 3-storey property, which is a protected structure, and currently vacant and a large rear garden. The property is located on Flowerhill Road. The subject property is a split level 3-storey to the front and two-storey over basement to the rear.
- 1.3. Flowerhill Road is characterised by a mix of commercial and residential uses, with some vacant properties within the immediate location of the appeal site.
- 1.4. The development site is the rear garden of the existing vacant 3-storey property. The rear garden extends approximately 80 metres from the rear elevation of the existing property to the rear site boundary and is adjoined either side by adjacent rear gardens. The overall size of the appeal site is approximately 0.0994 ha.
- 1.5. There is an access lane to the side of the existing 3-storey property which provides access to the rear garden. A single storey shed situated to the rear of the 3-storey property, is in a poor structural condition with no windows or doors.
- 1.6. A notable feature of the appeal site is the steep rise in levels from the existing 3-storey property adjoining the public road to the rear of the site. The submitted drawings indicate a rise in level from front to rear of site of approximately 5 metres.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development.
 - 4 no. additional dwelling units to previously approved development to rear of site. Development to include a 3-storey building, consisting of
 - 2 no. ground floor one-bedroom apartments, and
 - 2 no. two bedroom duplex townhouses in the upper floors
- 2.2. The proposed 3-storey building is situated to the rear garden area of the protected structure. The proposal includes vehicular and pedestrian access, off Flowerhill Road, to the side of the existing 3-storey building.

- 2.3. The proposed development includes provision for 2 no. car parking spaces and shared open space provision to the front of the proposed 3-storey building.
- 2.4. The proposed duplex units are accessed by an external stair.
- 2.5. The proposed ground floor units each have a floor area of 49.86 sq. metres and the proposed duplex units each have a floor area of approximately 83 sq. metres respectively.
- 2.6. The ground floor apartments include private open space in the form of a rear garden area, approximately 34 sq. metres per residential unit. A first-floor terrace, approximately 13.4 sq. m. per unit, forms the private open space provision for the duplex units.
- 2.7. The proposed 3-storey building is primarily finished in smooth napped plaster finish.
- 2.8. The development will be served by new connections to the public water mains and the public sewer.
- 2.9. Additional information was submitted (dated 9th October 2024) which included amendments to the elevation drawings to include traditional window finishes, and natural stone finishes to front elevation. The proposed external stairs accessing the townhouses was also amended to provide a 90 degree turn at mid landing.
- 2.10. The first party appeal submission (dated 15th December 2024) includes a revision to public lighting plan to omit a lighting column on the access laneway. The revision includes fixed lighting to the laneway approximately 5 metres above ground level on the gable elevation of the existing house.

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to refuse permission for the following reasons.
 1. The proposed surface water network is not in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Policies Volume 2, for New Developments and the Greater Dublin Regional Code of Practice for Drainage Works Volume 6. The development as proposed does not meet the requirements of the Planning Authority with respect to the orderly collection, treatment and disposal of surface water. The proposed surface water system

is not acceptable to the Planning Authority as it is not in accordance with the above-mentioned guidelines and cannot be constructed as shown on the submitted plans.

The proposed development, if permitted, would be contrary to the aforementioned Guidelines and would materially contravene policy INF POL 16 of the Meath County Development Plan, 2021 – 2027.

2. The applicant is proposing to install a lighting column in the 3m shared right of way, reducing the width to less than 2.5m. The Planning Authority is therefore not satisfied that the development proposed, if permitted, would not endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's Report dated 10th January 2024, notes the following.

- Proposed development is consistent with A1 'Existing Residential' zoning objective.
- Proposed density is acceptable given elongated nature of the site and other site constraints including parking provision.
- Proposal includes an external stair which detracts from the overall design.
- 3-storey height considered appropriate having regard to site contours and the protected structure.
- Apartment floor areas, private open space provision and public open space provision all acceptable with required standards. Storage space for duplex units is less than 5 sq. m. and therefore inconsistent with requirements of the 2023 Guidelines.
- Clarification required in relation to boundary plan and separation distance from established development to the east, Blackcastle Lodge.
- Location of proposed public lighting requires clarification.

- The principle of residential development is established on the site (L.A. Ref. NA190100) and as such proposed access and car parking is acceptable.
- Development does not meet the requirements in relation to orderly collection, treatment and disposal of surface water.
- Conservation Section have no objections.
- Proposed development by itself or in combination with other plans and developments in the vicinity, would not be likely to have significant effects on European Site(s). Stage 2 AA not required.
- The need for EIA excluded at preliminary examination. Screening determination not required.

3.2.2. The Planning Officer's report recommends that the following be addressed by way of further information; (1) separation distance of 22m between opposing rear windows required, (2) revised design that incorporates external stairs internally, (3) details of boundary plan, (4) public lighting plan, (5) surface water details, and (6) Advisory: new statutory notices maybe required in accordance with S. 34(8) of the P&D Act. Consult with PA.

3.2.3. The Planning Officer's Second Report dated 20th November 2024 assesses the further information received. The PA, having regard to the FI submitted, recommends that permission be refused.

In relation to FI **Item 1**, the PA considers that the proposed site layout has addressed the issue in relation to 22m between opposing rear windows.

In respect of FI **Item 2**, the PA accepts the revised design in relation to the external stairs to the proposed 3-storey building.

In relation to **Item 3**, the PA considers the response to the boundary treatment as appropriate.

The PA notes in relation to **Item 4**, that the applicant's public lighting plan submitted with the FI addresses their concerns.

In relation to **Item 5**, the PA considers the response to surface water drainage is unacceptable and refusal is recommended.

In respect of **Item 6** the PA considers that the response to the request for Further Information did contain significant additional information and therefore, there was a requirement to re-advertise statutory notices.

3.2.4. Other Technical Reports

- **Environment Flooding – Surface Water Section:** Additional information is sought from the applicant in relation to surface water drainage. The **second Report** submits that the proposed development, if permitted, would be contrary to the Greater Dublin Strategic Drainage Study and would materially contravene Policy INF POL 16 of the MCDP.
- **Transportation Department:** Inadequate car parking provision and the proposed access is too narrow to accommodate two-way traffic resulting in vehicles to stop and wait before entering / exiting the development. Refusal recommended as proposal would result in additional traffic and turning movements at the junction of R-162 and the L-3409, creating a traffic hazard.
- **Architectural Conservation Officer:** No issues with change of staircase, stone façade, or aludclad windows.
- **Public Lighting:** Acceptable subject to conditions.
- **Housing Dept.** – Part V condition applies in the event of grant of permission.
- **Broadband Officer:** - Acceptable subject to condition.

3.3. Prescribed Bodies

- Uisce Eireann: - No objections subject to conditions.

3.4. Third Party Observations

The PA received 2 no. observations during the course of the planning application. The issues raised can be summarised as follows:

- Inadequate access provision.
- Entrance is a right of way shared between no. 65 and 66.
- Visual impact and noise and impact on residential amenity.

- Inaccurate drawings.
- Car parking not in accordance with CDP.
- Impacts on underground service lines.
- Traffic hazard on R162.
- Management of waste storage / collection not practicable.
- Conditions of previous permission on the site not achievable.

4.0 Planning History

Subject Site

- NA 190100 – Permission **granted**, subject to conditions, for change of use of derelict dwelling house to 3 no. one-bedroom apartments (one unit per floor), for the demolition of the existing rear annex and construct 3-storey extension to accommodate access stairs to first and second floor levels. This provided for four car parking spaces to the rear of the site accessed from the existing / right of way laneway along the northern boundary.

Adjacent Site

- 22/545 – Permission **granted**, subject to conditions, for change of use from existing public house at no. 69 Pollboy Street to a 3-bedroom apartment over the existing two floors and new two-storey block to the rear containing 2 no. two-bedroom apartments and 2 no. one-bedroom apartments.

5.0 Policy Context

5.1. National Planning Context

5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

5.1.2. Section 28 Ministerial Planning Guidelines

Several national planning guidelines are applicable to the proposed development (increased residential densities and achievement of certain standards for apartment and duplex development).

The relevant guidelines include the following:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
 - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
 - Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
 - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
- 5.1.3. Section 5.3.4 'Car Parking – Quantum, Form and Location' sets out that the car parking approach should take account *'of proximity to urban centres and sustainable transport options, to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport'*
- SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations. Relevant to the proposed development is SPPR (3) which states that

‘In accessible locations, defined in Chapter 3 (Table 3.8) car-parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling’.

- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
 - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-2 bedroom units), SPPR 4 (33% to be dual aspect units in more central and accessible urban locations), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).

5.2. Meath County Development Plan, 2021 – 2027, (as varied)¹

- 5.2.1. The appeal site is zoned ‘**A1 Existing Residential**’ with the objective to ‘*protect and enhance the amenity and character of existing residential communities*’.

¹ Variation No. 1 and Variation No. 2 to the Meath County Development Plan 2021-2027, was adopted on the 13th of May, 2024. Variation No. 3 to the Meath County Development Plan 2021-2027, was adopted on the 27th January 2025.

5.2.2. Chapter 3 ‘Settlement and Housing Strategy’ advises that the Council will give priority to infill development and the regeneration of brownfield sites (s. 3.4.1.1 Compact Growth). Section 3.8.9 refers to design criteria for residential development and includes guidance on the creation of attractive urban environments. Section 3.8.10 advocates higher densities in achieving compact sustainable development.

5.2.3. The following policies are relevant to the proposed development.

- SH POL 4 – Range of Dwelling Types
- SH POL 8 – Public / Private Open Space Provision
- SH POL 9 – Residential Densities
- SH POL 13 – Compliance with Development Standards

5.2.4. Chapter 6 ‘Infrastructure Strategy’. The following policy is relevant to the proposed development.

- INF POL 16 – Surface Water Management

The policy states as follows

‘To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS’.

5.2.5. Chapter 8 ‘Cultural and Natural Heritage Strategy’ advises that buildings, streetscapes and features which are of merit are protected and managed so that they retain their character and special interest. The following policies are relevant to the proposed development.

- HER POL 15 – Conservation of Protected Structures and adaptive re-use of existing buildings and sites
- HER POL 16 – Protect the setting of a Protected Structure

5.2.6. Chapter 11 ‘Development Management Standards’. Section 11.5.1 sets out the development management standards for residential development including guidance on density, dwelling size and mix, separation distances, open space provision, boundary treatments and apartments. Section 9 includes recommended standards for car and cycle parking.

5.2.7. The following policies and objectives are relevant to the proposed development.

- DM POL 4 – Compliance with Compact Settlements Guidelines 2024.
- DM POL 5 – Sustainable Development (Range of Densities)
- DM OBJ 18 / 19 – Minimum Separation Distances
- DM POL 6 – Mix of Unit Typologies
- DM POL 14 – Apartments demonstrate compliance with Sustainable Urban Housing Guidelines².

5.2.8. Section 9 'Parking Standards' sets out the relevant provisions in respect of car parking standards. Section 11.9.1 states as follows:

One of the cross-cutting themes of the Development Plan is to encourage a shift to more sustainable forms of transport. The provision of sufficient car parking is important particularly in areas of the County which are currently poorly served by public transport networks. Therefore, the rationale for the application of car parking standards is to ensure that consideration is given to the accommodation of vehicles in assessing development proposals while being mindful of the need to promote a shift towards more sustainable forms of transport.

5.2.9. The following objective is relevant to the proposed development.

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

5.2.10. The relevant car parking standard for the proposed development is a maximum of 1.5 spaces per dwelling/unit.

5.2.11. A relevant provision within the guidance notes of Table 11.2 for the proposed development states as follows.

'Residential car parking can be reduced at the discretion of the Council, where development is proposed in areas with good access to services and strong public transport links'.

² Sustainable Urban Housing: Design Standards for New Apartments (2023)

5.3. Natural Heritage Designations

- River Boyne and River Blackwater SAC (Site Code 002299) 80m south
- River Boyne and River Blackwater SPA (Site Code 004232) 130m south
- Boyne Woods pNHA (Site Code 001592) 4km northeast
- Balrath Woods pNHA (Site Code 001579) 11km east

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. The grounds of appeal may be summarised as follows.

Refusal Reason no. 1

Storm Water Drainage Design & Control Measures

- Storm Water drainage is designed in accordance with Technical Guidance Document Part H and BS EN 752:2008 Drain and Sewer Systems.
- The design of the proposed storm water network has had regard to Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies vol. 2 for New Developments, the Greater Dublin Regional Code of Practice for Drainage Works Vol. 6 and the SuDs manual (CIRIA C735).

- Proposed attenuation system is designed for 20/30/50 and 100-year events and allows for 20% climate factor.
- Proposed development includes impermeable paving for the footpaths, carriageways and car parking areas.
- Storm water will be collected and attenuated in an underground attenuation system.
- The underground attenuation system will cater for 100-year events.
- All new proposed finished floor levels are 500mm above drainage water levels for 100-year events.
- The underground storm water attenuation tank is provided in the open space area of the development. A hydro-brake will restrict downstream discharge to greenfield rates.
- A proposed oil/petrol separator and silt trap will ensure a good quality discharge.
- Attenuation will be constructed using reinforced concrete.
- The refusal reasons can be engineered and are not considered valid reasons for refusal.
- The GDSDS requires a discharge rate of 2 l/s/ha or the average annual peak flow rate Q_{bar} , whichever is greater.

Foul Water Drainage Design

- Proposed to connect to existing foul water pipeline at Flowerhill Road.
- All effluent will be discharged to the existing public sewer by gravity.
- Minimum gradients and pipe diameters are designed in accordance with Irish Water Code of Practice for Wastewater Infrastructure and the GDSDS.

Watermain Design

- Proposed to make connection to existing water mains on Flowerhill Road.

Flood Risk Analysis

- Due to the fall on the site no reported flood history on the subject site.

Refusal Reason no. 2

- Revised lighting plan addresses PA's concerns regarding the lighting column in the laneway and therefore addresses the PA's refusal reason.
- The lighting column was shown in error in the original plans. The original proposal was to insert a fixed lighting to the laneway, 5 metres above ground level to the middle of the gable elevation of the existing house,

Other Matters

Car Parking

- The proposed car parking provision is consistent with Section 1.9 of the Sustainable Residential Development in Urban Areas (2009). The location of the site is accessible to the town centre and close to public transport.
- Bicycle parking also provided.
- The neighbouring site obtained planning permission (22/545) for 5 no. apartments without car parking provision.
- Car parking bays and layout complies with Table 11.3 of MCDP. DM OBJ 91 allows the PA to receive financial contributions if on-site car parking is impracticable.

Safety Concerns

- Permitted development (ref. no. NA190100) on site is consistent with both disability access certificate and fire safety certificate.

Installation of Services

- The laneway is shared between the application site and the neighbouring site.

Waste Management

- Proposed waste storage is well positioned behind existing shed and accessible location for residents and bin collections.

Conditions of planning permission NA190100

- Conditions 5 (waste management plan), condition 12 (surface water), and condition 13 (construction traffic) in relation to a previous permission on the site will all be complied with.

The appeal was accompanied by the following reports.

- Response to Environment Flooding-Surface Water Section Planning Report – Date 18/11/2024.
- Revised Lighting drawing and report from Sabre Electrical Services Ltd.

In relation to the report '*Response to Environment Flooding-Surface Water Section Planning Report – Date 18/11/2024*' I have summarised the main additional findings of this report, in respect of surface water management, in paragraph 8.2.8 below.

In respect of the revised lighting plan, I would note that the submitted drawing, number SES 15524, that accompanied the appeal submission, from Sabre Electrical Services Ltd. has indicated a fixed wall mounted lighting fixture on the gable elevation of the existing building, approximately 5 metres above ground level. This revised lighting proposal replaces a proposed lighting column on the access laneway.

7.2. Planning Authority Response

The Planning Authority response considers that the appeal grounds have been addressed in the Planning Officer's Report during the course of the application. The Board are advised to uphold a decision to refuse permission.

8.0 Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Surface Water Management

- Residential Amenities
- Transportation Matters
- Other Matters

8.1. Principle of Development

8.1.1. The appeal site is zoned 'A1 Existing Residential' with the objective to

'protect and enhance the amenity and character of existing residential communities'.

8.1.2. The MCDP, as varied, notes that the A1 Zone are established residential areas. The proposed development comprising of 4 no. residential units are 'permissible uses' within Zones A1, accordingly, I am satisfied that the proposed development is consistent in principle with zoning provisions of the current Development Plan, as varied.

8.1.3. A key component of the MCDP, as varied, is the achievement of compact urban forms through the utilisation of infill development and regeneration of brownfield sites (Policy Objective SH POL 2).

8.1.4. The intensification of development on the subject site is consistent with national planning policy, including the National Planning Framework – First Revision³ and policies such as NPO 7 (compact growth), NPO 9 (compact growth) and NPO 45 (increased density).

8.1.5. Furthermore, regional policy objectives in the EMRA Regional Spatial Economic Strategy (2019 – 2031) supports compact growth (RPO 3.2) and infill development (RPO 3.3).

8.1.6. The principle of the development which involves the intensification of an existing urban site, in an area close to the town centre, is therefore consistent with national, regional and local policy objectives.

8.2. Surface Water Management

³ April 2025

8.2.1. Introduction

The MCDP, 2021 – 2027 (as varied) advises that the Greater Dublin Strategic Drainage Study (GDSDS) sets out a design approach and criteria for drainage infrastructure within new developments to ensure that future developments do not increase flooding. Policy Objective INF POL 16 of the MCDP, as varied, is relevant to the proposed development as it is a requirement of this policy objective that new development have regard to the surface water management policies provided in the GDSDS.

8.2.2. In summary, the proposed surface water management includes a proposed storm pipeline from the proposed residential development to the public road (Flowerhill Road) and will discharge into the existing storm water pipeline at Flowerhill Road.

8.2.3. The proposed surface water management system consists of an on-site storm pipe which will discharge into a proposed on-site attenuation tank and its release from the attenuation tank will be controlled by hydro-brake ensuring a maximum flow of 5l/s, the equivalent of greenfield run-off rates. An oil/petrol separator and silt trap is proposed to ensure a good quality discharge. The proposal also includes permeable paving for all car parking areas, and impermeable paving is proposed for the footpaths, and carriageways and storm water collected via road gullies.

8.2.4. Surface Water Issue

8.2.5. The PA's Environmental Flooding – Surface Water Section in their report (dated 5th January 2024) outlines concerns in respect of the orderly collection, treatment and disposal of surface water and requested further information.

8.2.6. The PA's Environmental Flooding – Surface Water Section in their subsequent report (dated 11th November 2024) was not satisfied in respect of the proposed surface water management, following the applicant's response to additional information, principally given that the proposed surface water design is not in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments and the Greater Dublin Regional Code of Practice for Drainage Works Volume 6 guidelines.

8.2.7. The PA is principally concerned with the design and layout of the proposed surface water management system to serve the proposed development, having regard to the

pipe size, the location of the attenuation tank given its proximity to an existing structure, the size of the attenuation tank and its proposed Qbar discharge rate of 5.0 l/sec and the concrete construction of the proposed attenuation tank which is not SuDS compliant. Further the PA raises concerns with the layout and installation of the pipes, including surface water, foul drainage and water supply connections given their proximity to one another, particularly along the existing access lane.

8.2.8. Proposed Solutions

The appeal documentation included a report from the applicant's consultant⁴ which responds directly to the issues raised by the PA's Environment Flooding-Surface Water Section. The applicant's report, which accompanied the appeal submission, reinforces many of the assertions of the appeal submission, in respect of surface water management, and also includes specific additional responses to the PA's concerns. These additional responses, contained in the applicant's consultant report, that accompanied the appeal submission, can be summarized as follows.

- Proposal will contain a range of surface water treatment systems including permeable paving surfaces, interception storage and treatment within the site, landscaping and fuel separator and silt trap before entering the underground attenuation tank. The requirement for SuDS are met.
- The treatment storage requirements are achieved, and the management and maintenance of the proposed surface water system and associated SuDS features for the entire site are the responsibility of the proposed management company. Development will not be taken in charge by MCC.
- Proposed to increase the size of the attenuation storage tank to address the Qbar rate.
- Proposed to increase the size of the surface water pipe from 150mm to 225mm in diameter.
- No requirement in the GDSDS regarding a 3m separation distance for attenuation storage tanks. There is regarding service pipes.

⁴ David Duignan, Architectural & Planning Consultants, Chartered Building Surveyors – Dec. 2024

- Proposed services in the access lane can be constructed to the required horizontal and vertical separation distances.
- The underground attenuation tank can be engineered so that there is no damage caused to the existing wall/structure. Provisions within the GDSDS allows for flexibility on SuDS design having regard to site constraints.
- Proposed underground attenuation tank is 1.27m at its highest point below the pavement. The proposed watermain layout above the underground tank can still be placed a minimum of 0.9m below the paved area.
- The proposed foul line is outside the area of the attenuation tank.
- The development is in accordance with the above-mentioned guidelines and the proposed development would not materially contravene policy INF POL 16 as it has been demonstrated that the development has regard to surface water management policies provided in the GDSDS.

8.2.9. Surface Water Impacts

Having regard to Policy Objective INF 16 (ensure all planning applications have regard to the GDSDS) I have reviewed the Greater Dublin Strategic Drainage Study⁵, Volume 2 (New Development) and I would note that the proposed storm water pipe size of 150mm diameter in the development proposal is an inadequate size relative to the required minimum size of 225mm in diameter as per Table 6.4 ‘*Surface Water Design Criteria*’ of the Greater Dublin Strategic Drainage Study. However, I would acknowledge the applicants consultant’s report, that accompanied the appeal submission, includes proposals to increase the surface water pipe from 150mm to 225mm in diameter to ensure compliance with Table 6.4 ‘*Surface Water Design Criteria*’ of the Greater Dublin Strategic Drainage Study.

- 8.2.10. I would also acknowledge the appeal submission includes proposals to increase the size of the attenuation tank to address the Qbar rate. I am satisfied based on the applicant’s submitted report⁶, that accompanied the appeal submission, that it has been adequately demonstrated that by increasing the volume of the attenuation tank by 2.70m³ which will result in a depth of the proposed tank by 0.103m will ensure

⁵ March 2005

⁶ David Duignan, Architectural & Planning Consultants, Chartered Building Surveyors – Dec. 2024

that a Qbar discharge rate of 2l/sec would be achieved therefore addressing the PA's concerns in relation to the original proposed Qbar rate of 5l/sec.

- 8.2.11. Furthermore, I would be satisfied based on the applicant's consultant's report, that accompanied the appeal submission, and in the absence of any contrary technical evidence, that the proposed services in the access lane can be constructed to the required horizontal and vertical separation distances in accordance with the Code of Practice for Water Infrastructure Connections and Developer Services Design and Construction Requirements for Self-Lay Developments⁷.
- 8.2.12. I have reviewed the Greater Dublin Regional Code of Practice for Drainage Works Volume 6 guidelines and on this basis, I would not consider the structure of the proposed attenuation tank inconsistent with these guidelines.
- 8.2.13. In addition to the above, I would note that the subject site is not located in an area of flood risk. On the basis of information on the file the probability of flooding on the appeal site is less than 0.1% and therefore at low risk of flooding. The Environment Flooding – Surface Water Section of the PA, in their report, confirmed that the site is situated in Flood Zone C, based on the PA's MapInfo flood mapping and the OPW CFRAMS and NIFM flood mapping.
- 8.2.14. The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) confirms that residential development is a 'highly vulnerable development', and that residential is appropriate development within Flood Zone C. Further I would note that the development proposes that all new proposed finished floor levels are 500mm above drainage water levels for 100-year events.
- 8.2.15. I would also acknowledge that the proposed attenuation system is designed for 20/30/50 and 100-year events and allows for 20% climate factor and that the proposed attenuation tank will cater for 100-year events.
- 8.2.16. A key issue in respect of the proposed surface water system, in my view, is the capacity, and having regard to the information available the applicant has adequately demonstrated that the proposed on-site surface water management system has adequate capacity for the proposed development on this subject site, which is not in an area of flood risk. I would consider that issues in relation to design of the

⁷ July 2020 (Revision 2).

proposed surface water management system can be dealt with by way of condition and agreed with the PA prior to the commencement of development, should the Board be minded to grant permission.

8.2.17. Material Contravention

Overall I would consider, based on the information available, that the applicant has had adequate regard to the Greater Dublin Strategic Drainage Study (GDSDS) Regional Policies Volume 2, for New Developments and the Greater Dublin Regional Code of Practice for Drainage Works Volume 6, and therefore I would not consider that the proposed development contravenes policy INF POL 16 of the Meath County Development Plan, 2021 – 2027, as varied.

8.2.18. The Board will note that the Planning Authority's first refusal reason is based on the proposal being a material contravention of Policy INF POL 16 of the MCDP, 2021 – 2027 (as varied). Policy INF POL 16 states as follows.

'To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS'.

8.2.19. As concluded in para 8.2.17 above the application has had regard to the surface water management policies provided for in the GDSDS, and as therefore I would not consider that the proposed development would contravene Policy Objective INF POL 16. Therefore, in this instance, I would not consider that the proposed development would materially contravene the MCDP, 2021 – 2027 (as varied).

8.2.20. Policy INF POL 16 of the development plan refers to all planning applications for new development to have regard to the GDSDS and is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

8.2.21. However, should the Board consider that the proposed development materially contravenes the MCDP, 2021 – 2027 (as varied), and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

8.2.22. Conclusion

I would consider on the basis of information available that the applicant has adequately addressed concerns in relation to surface water management for this development site which is not located in an area of flood risk and the proposed surface water management system would be acceptable having regard to the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments and the Greater Dublin Regional Code of Practice for Drainage Works Volume 6 guidelines which is a requirement of the MCDP.

8.3. Residential Amenities

- 8.3.1. The MCDP, 2021 – 2027⁸ (as varied) includes development standards to be applied in the assessment of housing developments to ensure that development provides a good standard of residential amenity for future occupants and would not adversely impact on any established amenities. I would note that policy objective DM POL 14 of the MCDP, as varied, is relevant and states.

‘All planning applications for apartments are required to demonstrate compliance with, ‘Sustainable Urban Housing: Design Standards for New Apartments (2023), Department of Housing, Local Government and Heritage’ 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’.

8.3.2. Private Open Space

- 8.3.3. The *Sustainable Urban Housing: Design Standards for New Apartments, 2023*, recommend a minimum private amenity space of 5 m² for a one-bedroom apartment. The amenity space (34.5 sq. m) serving the proposed one-bedroom apartments at ground floor level would therefore provide a good standard of residential amenity for future occupants.
- 8.3.4. The proposed two-bedroom duplex units include first floor east-facing terraces that measure approximately 13 sq. metres each as such exceeding the minimum requirements (6 sq. m. per unit) of the Apartments Guidelines (2023).

⁸ Chapter 11, Section 5

- 8.3.5. In addition to the above the proposed development includes 130 m² of communal open space serving the proposed 4 no. apartments, which would exceed the minimum required communal open space (24 sq. m.) in accordance with the Apartment Guidelines (2023).
- 8.3.6. I would therefore consider that a good standard of open space provision is provided for the proposed development.

Minimum Floor Areas

- 8.3.7. The Apartments Guidelines (2023) recommends minimum floor areas in relation to apartment units. These Guidelines require minimum apartment floor areas for a 1-bedroom unit of 45 sq. metres and for a 2-bedroom (3-person) unit of 63 sq. metres.
- 8.3.8. The floor area of the proposed 1-bedroom units are c. 50 sq. m. and the floor area for the proposed 2-bedroom units are 83 sq. metres, therefore exceeding minimum the requirements of the Apartments Guidelines (2023). Therefore, the floor area sizes for the proposed apartments would provide a good standard of residential amenity.

8.3.9. Other Amenity Standards

- 8.3.10. Dual aspect orientations are proposed for all residential units which will ensure a good standard of residential amenity for future occupants. The proposed 2-bedroom units provide inadequate storage provision as recommended in the Guidelines (2023). However, given the floor area of the proposed two-bedroom units (c. 83 sq. metres) exceeds the minimum required floor area of (63 sq. m.) by c. 20 sq. metres I would be satisfied that there would be adequate provision for storage within the proposed two-bedroom units. The development provides adequate storage provision for the proposed 1-bed units.
- 8.3.11. I can confirm to the Board that all other standards including bedroom sizes and living floor areas are consistent with the minimum requirements of the Guidelines (2023).
- 8.3.12. Overall, I consider that the proposed development complies with standards for residential development included in the national planning guidelines and local policy context. I am therefore satisfied that the applicant has demonstrated that the proposed development will provide future residents with acceptable levels of amenity.

8.3.13. Impacts on Existing Residential Amenities

8.3.14. The observers at application stage raise concerns that the proposed development would have adverse impacts on established residential amenities in terms of visual impact, noise and impacts on residential amenities.

8.3.15. The impacts in terms of noise would be short term temporary during the construction phase of the development and would not be significant in terms of loss of residential amenity.

8.3.16. The proposed development is 3-storeys in height and set back a minimum of 60 – 70 metres from the existing properties facing onto Flowerhill Road. There are established residential developments situated within the rear gardens of properties on Flowerhill Road, similar to the proposed development, as such there is an established precedent for the proposed development. There are also permitted developments⁹ for residential developments situated within the rear garden of no. 69 Pollboy Street to the south. I would consider therefore that the proposed 3-storey height is not out of context with the pattern of development, both existing and permitted.

8.3.17. DM OBJ 19 of the MCDP, 2021 – 2027, and SPPR 1 of the Compact Settlement Guidelines (2024), requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses. The separation distances of opposing first floor windows from proposed residential development to the adjacent established residential development to the east (Flower Hill Grove) is in excess of the 16m recommended to be achieved. Flower Hill Grove is situated c. 28 metres from the first floor terrace, which is an adequate set back distance for this urban area. I would not consider that the proposed development, having regard to the pattern of development in the area would unduly impact on established residential amenities in terms of overlooking or visual impacts.

8.3.18. Conclusion

In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not

⁹ L.A. Ref. 22/545

injure the residential amenity of adjacent properties having regard to the adequate separation distances and the established pattern of development. I consider that future residents will be provided with residential accommodation of an acceptable standard and level of residential amenity, having regard to the provisions of the MCDP, as varied, and the Apartments Guidelines (2023).

8.4. Transportation Matters

8.4.1. Introduction

The vehicular access to serve the proposed residential development is an existing access lane situated to the side of no. 66 and no. 65 Flowerhill Road. The existing access lane is a shared access serving both properties, no. 66 and no. 65 Flowerhill Road, and the permitted development on the appeal site.

8.4.2. The access lane accesses onto the public road at the junction of the R-162 and the L-3409. The R-162 is a two-lane one-way system and is the main arterial route for traffic travelling north from Navan.

8.4.3. The PA's Transportation Department¹⁰ had concerns in relation to the proposed access and consider that the proposed development would lead to additional traffic and turning movements at the junction of the R-162 and the L-3409, creating a traffic hazard. The Transportation Department recommended refusal based on traffic hazard and inadequate car parking provision. However, the Planning Officer, in their report¹¹, considered that the access is acceptable having regard to the permitted development on the site and given the location of the development site within an urban setting, and this issue was not pursued at the further information stage.

8.4.4. Access

The width of the access lane varies from a maximum width of 3.2 metres adjoining the junction with Flowerhill Road, to a minimum width of 3 metres to the east of the laneway, and the length of the access lane is approximately 7 – 8 metres, as illustrated in the submitted site layout plan (drawing no. 2023/09/1).

¹⁰ Report dated 8th January 2024

¹¹ Report dated 10th January 2024

- 8.4.5. The gradient of the access lane slopes upwards from the public road (R-162) towards the appeal site. I note from the submitted drawings that the access lane rises in level by approximately 1.3 metres from the public road before entering the subject site to the rear of the existing 3-storey property.
- 8.4.6. In addition to concerns raised by the Transportation Department in relation to the access lane I also note that the submitted observations to the PA raised concerns in respect of the access lane. The observers consider the width of the access lane is narrow and will facilitate single traffic only to exit and enter the development.
- 8.4.7. The PA's second reason for refusal related to the installation of a lighting column along the access lane which would reduce the width of the access lane to 2.5m and therefore the PA was not satisfied that the development proposed would not endanger public safety by reason of traffic hazard. I note the applicants' amendments, submitted with the appeal submission, in relation to public lighting to address the PA refusal reason.
- 8.4.8. The first party appeal submission (dated 15th December 2024) includes a revision to public lighting plan to omit the lighting column on the access lane. The revision includes fixed lighting to the laneway approximately 5 metres above ground level on the gable elevation of the existing house. This amendment restores the width of the existing laneway to its original width. I would therefore consider that this amendment has addressed the PA's concerns in relation to the width of the access lane and therefore traffic safety.
- 8.4.9. In considering the suitability of the existing access lane for the proposed development I would acknowledge that there is an established planning permission (NA/190100) on the subject site for 3 no. apartments within the existing 3-storey property on the development site. The permitted development includes 4 no. car parking spaces located in the rear garden area to the immediate east of the existing shed. As such the permitted development includes internal access from the existing access lane to the proposed car parking area. The proposed development, before the Board, includes two additional car parking spaces immediately east of the permitted 4 no. parking spaces.
- 8.4.10. I would acknowledge that the proposed development, although modest in scale, would intensify the permitted development from 3 no. units to 7 no. units on the

development site, with a total car parking provision of 6 no. spaces. However, on the basis of my site assessment and having regard to the permitted development which has established a precedent for the use of the access lane to serve 4 no. permitted car parking spaces, also given the adequate width of the access lane for traffic movements, and the achievable sightlines at the junction with R-162 which are established, I would consider that the addition of 2 no. car parking spaces and the associated vehicular movements, would be acceptable in terms of traffic safety and convenience and would not endanger public safety by reason of a traffic hazard.

8.4.11. Parking Provision

The permitted development (3 no. apartments) provides for 4 no. car parking spaces and the proposed development (4 no. apartments) provides two additional car parking spaces, adjoining the permitted car park, as such a total of 6 no car parking spaces are provided within the development site. The proposed development also includes provision for bicycle parking.

8.4.12. The Transportation Department in their report indicated that the required car parking provision for the overall development (permitted and proposed) is 11 no. spaces. I would consider having regard to Table 11.2 'Car Parking' of the MCDP, as varied, that the maximum car parking spaces required at this accessible location is 10.5 spaces for the 7 no. apartments.

8.4.13. The appeal site, some 400 metres from the town centre, is defined as an '*accessible location*', in accordance with Table 11.2 'Car Parking' of the MCDP, as varied, and also having regard to the definition of an '*accessible location*' in the Compact Settlement Guidelines (2024)¹². The MCDP¹³ recommends that a maximum of 1.5 car parking spaces per dwelling /unit is provided in accessible locations, amounting to a maximum of 6 spaces for the proposed development before the Board.

8.4.14. I note that 1.5 spaces is a maximum standard and that the provisions of the MCDP, as varied, (Guidance Note – Table 11.2 Car Parking) advises that residential car parking can be reduced at the discretion of the Council, where development is proposed with good access to services and strong public transport links. The

¹² Table 3.8 of Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

¹³ Table 11.2 Car Parking

development is located within 400 metres of the town centre with access to public transportation.

- 8.4.15. Furthermore, I would note that the appeal submission refers to a neighbouring permitted development (L.A. Ref. 22/545) which relates to the grant of planning permission for 5 no. apartments without car parking. I have reviewed L.A. Ref. 22/545 and this application relates to no. 69 Pollyboy Street, which is situated two properties immediately south of the appeal site and involves the development of a block of 4 no. apartments to the rear of an existing property and an apartment unit within the existing building without car parking provision. In respect of this permitted development the PA's Planning Officer's report considered that the location of the proposed 5 no. apartments without car parking provision is acceptable having regard to the location of the subject site within a 6 minute walk of the town centre and the availability of public transportation services within the town centre.
- 8.4.16. I would note that variation no. 3 to the MCDP, 2021 – 2027, provided an update to the Plan to take account of the publication 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, which includes the approach and standards in respect of car parking provision. The Compact Settlement Guidelines (2024) advise that car parking should take account of proximity to urban centres and sustainable transport options, to promote more sustainable travel choices and car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated in locations that have good access to urban services and to public transport, and maximum car parking rates shall be justified.
- 8.4.17. Therefore, having regard to the maximum car parking provisions as required in the MCDP, 2021 – 2027, as varied, section 11.9.1 'parking standards' of the development plan which emphasis the need to promote a shift towards more sustainable forms of transport and the guidance note in Table 11.2 Car Parking of the Development Plan that allows for reduced residential car parking at the discretion of the PA I would not consider that a grant of permission for the provision of 2 no. car parking spaces for the proposed development where the maximum required car parking provision is 6 no. spaces, would materially contravene the MCDP, 2021 – 2017, as varied.

8.4.18. I would consider on balance given the location of the proposed development and its proximity to the town centre and transportation services, and having regard to national, regional and local policy objectives to achieve compact forms of development, the PA decision in L.A. Ref. 22/545, in respect of car parking provision. Further acknowledging that the PA had no objections to the reduced rate of car parking provision, and granted permission for a reduced car parking rate, and further that the MCDP, 2021 – 2027, as varied, recommends car parking rates for residential development are maximum rates and allows for reduced residential car parking at the discretion of the PA. In addition, I would note that both the Planning Officer's Report and the Transportation Department refer to 6 no. car parking spaces for the proposed 7 units on site. Therefore, having regard to the foregoing, I would consider that a reduced rate of 2 no. car parking spaces, or 6 no. spaces for the overall development, would be acceptable in this instance and consistent with the provisions of the MCDP, 2021 – 2027 (as varied).

8.4.19. Conclusion

I would therefore consider in respect of transportation matters that the subject access lane, having regard to the limited nature of the additional car parking provision and the associated vehicular movements would be suitable to cater for the traffic movements generated by the development on the site and would not endanger public safety by reason of a traffic hazard. I therefore would not support the PA's second reason for refusal.

8.5. **Other Matters**

- 8.5.1. I note that an issue is raised regarding the implementation of the permitted development (NA190100) and specifically conditions of this permission. The compliance of these conditions is an enforcement issue and in the first instance a matter for the local authority and is therefore outside the scope of this appeal before the Board.
- 8.5.2. The proposed development provides for external bin storage located adjacent to the existing shed and I would consider that the bin storage provision and location on the site is acceptable.

- 8.5.3. The PA's Housing Dept., in their internal report to the Planning Section, submitted that a Part V condition applies in the event of a grant of permission. The provisions of s. 97 (3) of the P&D Act, 2000 (as amended) requires that a person may apply for certificate stating that section 96 of the Act shall not apply in respect of development of 4 or fewer houses or on land of 0.1 ha or less. Although the planning application form indicates a site area of 0.0994 ha, I have estimated that the site measures c. 1.1 ha. Having regard to the internal submission by the PA's Housing Dept. I would recommend a Part V condition to the Board, should they be minded to grant permission.
- 8.5.4. Although not raised in any of the submissions to the application or the appeal I would note that the proposed development is located within the curtilage of a protected structure. However, having regard to the separation distance of the proposed development from the protected structure and the modest scale of the development proposal, the proposed development would not have any significant impacts on the character of the protected structure.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites River Boyne and River Blackwater SAC (Site Code 002299) and the River Blackwater SPA (Site Code 004232) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. (Refer to Appendix 3 – Screening for Appropriate Assessment).
- 9.2. This determination is based on:
- The nature of the development on a contained site within an established urban area.
 - The location of the development in a serviced urban area.

- The absence of any ecological pathway from the development site to the nearest European.

10.0 Recommendation

I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the nature of the proposed development, the existing access to the site, the proposed drainage measures, the zoning objectives of the site for residential development, the design and layout of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health, and would be in accordance with the provisions of the Meath County Development Plan 2021-2027, as varied, and the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 9th day of October 2024 and by An Bord Pleanála on the 18th day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Environment Flooding – Surface Water Section of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

3. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

4. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

5. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for 2 no. car parking spaces shall be provided within the site.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

8. Proposals for duplex/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and duplex/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

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

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

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

11. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping,

emergency response planning, site environmental policy, and project roles and responsibilities.

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

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each duplex and apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in

connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

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

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.

Kenneth Moloney
Senior Planning Inspector

16th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321503-24
Proposed Development Summary	Construction of two apartments and two duplex townhouses with all associated site
Development Address	66 Flowerhill, Navan, Co. Meath.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321503-24
Proposed Development Summary	Construction of two apartments and two duplex townhouses with all associated site
Development Address	66 Flowerhill, Navan, Co. Meath.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development consists of a development in Navan, Co. Meath, approximately 400 metres north of the town centre. The development site is a rear garden to an existing 3-storey building, which is a protected structure. The proposed development is a 3-storey building comprising of 4 no. residential units. There are established residential properties within the immediate context of the development site, including two-storey houses and 3-storey residential developments, comprising of apartments. The proposed has a floor area of c. 266 sq. metres. The proposal is not considered exceptional in the context of neighbouring properties. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition works. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to	Briefly comment on the location of the development, having regard to the criteria listed

<p>be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance. The development site is the curtilage of a protected structure and the proposed development, having regard to its separation distance from the protected structure and the scale of the development, will have no significant impacts on the character of the protected structure.</p> <p>The nearest designated European Site to the appeal site is the River Boyne and River Blackwater SAC (002299) located 80m south of the development site, and River Boyne and River Blackwater SPA (004232), both located approximately 130m south of the proposed development.</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the scale of the proposed development (i.e. a 3-storey residential development comprising of 4 no. residential units) and the limited nature of construction works associated with the development, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
<p style="text-align: center;">Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects</p>	<p>EIA is not required.</p>

on the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

**Screening for Appropriate Assessment
Test for likely significant effects**

Step 1: Description of the project and local site characteristics

Case file ABP-321503

Brief description of project	<p>Normal Planning Appeal</p> <p>4 no. apartments, Navan, Co. Meath</p> <p>See section 2 of Inspectors Report</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development is brownfield site within a mixed use / urban environment, surrounded primarily by residential uses. The development site is a rear garden of an existing protected structure. The garden area is currently overgrown and unused.</p> <p>The development includes construction of 3-storey apartment building, car parking and provision of public open space. The development will not involve demolition.</p> <p>Water and wastewater will be connected to local services. Surface water treatment system to comprise of on-site attenuation with surface water treatment comprising of oil petrol interceptor before discharge to local drainage system.</p> <p>The development site is surrounded by established development. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p> <p>The River Boyne and River Blackwater SAC is located 80m south of the development site, and the River Boyne and River Blackwater SPA is located 130m south of the development site.</p>
Screening report	<p>N</p> <p>Meath County Council screened out the need for AA.</p>
Natura Impact Statement	N
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
River Boyne and River Blackwater SAC (Site Code 002299)	Alkaline fens Alluvial forests River lamprey Salmon Otter <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/sac/002299	80m	No direct connection Weak indirect surface water Weak indirect wastewater connection.	Y
River Boyne and River Blackwater SPA (Site Code 004232)	Kingfisher <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/spa/004232	130m	No direct connection Weak indirect surface water Weak indirect wastewater connection.	Y

Further Commentary / discussion

Due to the enclosed nature of the development site (fully serviced) and the presence of established urban development areas between the development site and the River Boyne, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Boyne and River Blackwater SAC (Site Code 002299) Alkaline fens [7230]	Direct: None Indirect: Localized, temporary, low magnitude impacts from noise, dust and	The contained nature of the urban site (serviced, defined site boundaries, no direct ecological connections or pathways and distance to the receiving features connected to the SAC make it highly unlikely that the proposed development could generate

<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>construction related emissions to surface water during construction.</p> <p>Waste water connection and issues in relation to hydraulic overloading from the proposed development on the WWTP.</p>	<p>impacts of a magnitude that could affect habitat quality within the SAC or the SCI listed.</p> <p>The wastewater from the development site will be piped to public foul main and onto WWTP. I would note that an increase in PE associated with the proposed development would be negligible given the scale of the development and that Uisce Eireann, in their report to the PA, have no objections to the proposed development and concluded that the project is feasible without upgrade. I am satisfied that no significant impacts to the European Sites can arise from additional loading on the public infrastructure as a result of the proposed development.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 2:</p> <p>River Boyne and River Blackwater SPA (Site Code 004232).</p> <p>Kingfisher (<i>Alcedo atthis</i>) [A229]</p>	As above	<p>The contained nature of the urban site (serviced, defined site boundaries, no direct ecological connections or pathways and distance to the receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA or the SCI listed.</p> <p>The wastewater from the development site will be piped to public foul main and onto WWTP. I would note that an increase in PE associated with the proposed development would be negligible given the scale of the development and that Uisce Eireann, in their report to the PA, have no objections to the proposed development and concluded that the project is feasible</p>

		without upgrade. I am satisfied that no significant impacts to the European Sites can arise from additional loading on the public infrastructure as a result of the proposed development. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites River Boyne and River Blackwater SAC (Site Code 002299) and the River Blackwater SPA (Site Code 004232) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the development on a contained site within an established urban area.
- The location of the development in a serviced urban area.
- The absence of any ecological pathway from the development site to the nearest European.

